

Ship-source Oil Pollution Fund



The Administrator's 2017-2018 Annual Report
Incident Summaries

Canada 

Cover Image: "Chilcotin Princess" by Chris Harris

Published by the Administrator of the
Ship-source Oil Pollution Fund
Suite 830, 180 Kent Street
Ottawa, Ontario, Canada K1A 0N5

Tel.: (613) 991-1726
Fax: (613) 990-5423
<http://www.sopf.gc.ca>

Table of Contents

NEWFOUNDLAND AND LABRADOR.....	1
Baby Leeyn (2017).....	1
Baccalieu Endeavour (2017)	2
Baffin Sound (2015)	3
Floyd II (2017).....	5
François (2017).....	7
Jana (2014).....	8
Joyce’s Journey (2016).....	9
Lucas & Rebecca (2017).....	11
Matterhorn (2014).....	13
Norcon Galatea (2017).....	15
Rhonda (2016)	16
Sikuk (2017)	17
Stelie II (2016)	18
NOVA SCOTIA	19
Arca I (2017)	19
Australian Spirit (2014).....	21
Cormorant (2015)	22
EM-AN-L (2016).....	24
Farley Mowat (2017) (CCG)	25
Farley Mowat (2015) (CCG)	27
Farley Mowat (2015) (Town of Shelburne)	30
Lady Young (2016).....	32
Nordika Desgagnés (2018)	33
Ryan Atlantic II (formerly Cape Rouge) (2014)	34
Stephanie & Darrel (2007)	36

Table of Contents

NEW BRUNSWICK	37
SBI Carioca (2017)	37
QUEBEC.....	38
Bayliner (2013)	38
BBC Maple Lea (2015)	40
Chaulk Determination (2015) (Trois-Rivières Port Authority)	41
Chaulk Determination (CCG Claim) (2014)	43
Kathryn Spirit (2013)	45
Kavo Manali (2017)	46
Louis-Jolliet (2015)	47
Maccoa (2017)	48
MSC Monica (2016)	50
Mystery Spill, Port of Quebec (2016) (formerly the <i>Anastasia</i>)	51
Sarah Desgagnés (2015)	53
ONTARIO.....	54
Jiggs (2018)	54
Michipicoten (2015)	55
Navicula (2015)	57
Pitts Carillon (2017)	58
Warren L. II (tug) and Marlene Wright (barge) (2015)	59
Warren L. II (tug) and Marlene Wright (barge) (2015) (CCG)	61
MANITOBA.....	63
Barge 1526 (2017)	63
BRITISH COLUMBIA	64
Aquaculture Site, Echo Bay (2017)	64
Central Isle (2016)	65
Chilcotin Princess (2015)	66

Table of Contents

Command Performance (2016)	68
Crown Forest 84-6 (2014)	70
Dawn Marie (2016)	72
Elf (2014)	73
Elva M II (Port Authority Claim) (2016)	75
Elva M II (CCG Claim) (2016)	77
Feelin Free (2017)	79
King Arthur & SL 104 (2016)	80
Kokanee (2016)	81
Laurier II (2014)	82
Lightship LV76 (2017)	84
Marathassa (2015) (CCG)	85
Marathassa (2015) (Vancouver Fraser Port Authority)	87
Marathassa (2015) (City of Vancouver)	89
Maryjack (2014)	91
Miss Universe (2016)	93
Mistann (2011)	95
Mowitch (2017)	97
Mystery Spill, (City of Vernon Claim) (2016)	98
Mystery Spill, Port Edward (2016)	100
Nathan E. Stewart (2016)	101
No Name (Ship) (2017)	102
Ocean Eagle (2016)	103
Pacific Challenge (2013)	104
Pursepa (2015)	105
Sea C Strider (2015)	107
Seamee II (2017)	108
Silver King (2014)	109
Simushir (2014)	111

Table of Contents

South Wind (2015).....	112
Spudnik (2014)	113
Stellar Sea (2016).....	115
Tempest (2016)	116
Top Hatt (2016).....	117
Viki Lyne II (2012)	118
Viking I (2016)	120
Viking I (2016)	122
Windago (2014).....	123
Zidell Marine 277 & Jake Shearer (2017).....	124
ARCTIC WATERS.....	125
Clipper Adventurer (2010).....	125
Investigator (2016)	127
Sten Fjord (2016).....	128
2017-2018 INCIDENT INDEX	129

Newfoundland and Labrador

Baby Leeyn (2017)

Location: Cape St. Mary's, NL

Case number: 120-733-R

The incident

On November 26, 2017, after three years of being stranded in Newfoundland, the *Baby Leeyn* was heading to Romania. Twelve kilometres from land, near Cape St. Mary's, the vessel, which was carrying 250 tonnes of heavy propulsion fuel and 35 tonnes of marine diesel, experienced engine troubles and was set adrift. A tugboat was able to attach a line to the drifting vessel as it was within a nautical mile of the rocks at Cape St. Mary's Ecological Reserve.

Claim

No claim was filed with the Administrator.

No potential claimant is in sight since the Canadian Coast Guard (CCG), which rescued the vessel, got paid from the shipowner for the amount it asked for. CCG also confirmed that it would not file any claim for any further amounts.

Status

The file remains open.

Baccalieu Endeavour (2017)

Location: Musgrave Harbour, NL
Case number: 120-739-C1

The Incident

On April 4, 2017, the Canadian Coast Guard (CCG) was advised that the *Baccalieu Endeavour* (40.45 GRT), a fibreglass hull, 15.69 metre fishing vessel, was partly submerged and listing heavily to port at the wharf of Musgrave Harbour, Newfoundland. Two CCG personnel arrived on site the following day and met with the owner who was in the process of responding to the emergency.

On April 6, 2017, the CCG personnel returned to the site to monitor the owner led response. The vessel was raised and upright by the afternoon of April 6, 2017. The *Baccalieu Endeavour* held approximately 800 litres of diesel fuel and 300 litres of lube and hydraulic oils at the time of the occurrence; there was no observable release of pollution. The area supports an active commercial groundfish industry.

The Claim

On December 29, 2017, CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred to respond to the incident in the amount of \$5,146.31, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On February 7, 2018, after investigation and assessment of the claim, the Administrator made an Offer to DFO/CCG for the established amount of \$5,045.49, plus interest. DFO/CCG accepted the offer on February 13.

On February 14, the Administrator directed payment of \$5,179.44 (including \$133.95 in accrued interest) to DFO/CCG, as full and final payment of the claim.

Status

The file remains open.

Baffin Sound (2015)

Location: St. Anthony, Newfoundland
Case number: 120-685-C1

The Incident

On June 23, 2015, the Canadian Coast Guard (CCG) received a report from the local harbour authority that an oil sheen was originating from the fishing vessel *Baffin Sound*, which had been tied up at the town wharf in St. Anthony Harbour for the past seven to eight years. The vessel's main engine had been removed but the remaining quantity of hydrocarbons on board was unknown.

CCG environmental response (CCG ER) personnel were on scene and conducted an assessment of the vessel's condition, following which a Statement of Work (SOW) for removal of the pollutants from the *Baffin Sound* was developed. The SOW was subsequently sent to the vessel owner for action. Response was received from the owner on June 30 that he would be on-site to take the necessary measures.

The owner was on-site on July 3 and commenced the measures that were identified in the SOW. Pails and drums of oil and waste were collected. The hydraulic lines to deck machinery, the engine room generators, as well as the hydraulic and lube oil tanks were drained. CCG ER monitored the removal operations. Since the owner was not able to arrange for a vacuum truck to remove the fuel and bilge waste, CCG took the decision to hire one on July 7. Approximately 1,100 litres of fuel were removed from the vessel, and 8,340 litres of oily water from the bilges.

The Claim

On December 2, 2015, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred, pursuant to the *Marine Liability Act*, in the amount of \$22,185.86.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, an offer for the established amount of \$22,185.86, plus interest was made to DFO/CCG by the Administrator, on February 24, 2016, as full and final settlement. The offer was accepted on March 1, 2016.

On or about July 26, 2016, a payment of \$22,926.95 including interest was made to DFO/CCG.

Recovery Action

A professional locator service was engaged to complete a locate and asset search on the *Baffin Sound's* registered owner. In addition, in January 2017, the owner was served with a Statement of Claim. In February 2017, the counsel for the Ship-source Oil Pollution Fund secured a judgment from the Federal Court against the owner in the amount of \$22,926.25 plus pre and post judgment interest.

In total, judgments of \$331,000.00 have been registered against the *Baffin Sound*'s owner. In May 2017, St. Anthony Port Authority instructed the seizure and sale of the *Baffin Sound*. However, the auction, held in October 2017, did not yield any bids.

Status

The file remains open.

Related file

Stelie II (same owner)

Floyd II (2017)

Location: Happy Adventure, NL
Case number: 120-728-C1

The Incident

On August 2, 2017, the Canadian Coast Guard (CCG) was notified that the fishing vessel *Floyd II* had capsized close to Happy Adventure on the northern coast of Newfoundland. The crew had safely evacuated to shore in an open boat.

The vessel owner reported that the vessel contained 700 to 800 litres of diesel fuel and that there was insurance in place.

On August 3, three CCG representatives equipped with oil spill response equipment arrived at Happy Adventure to monitor the owner's response. The *Floyd II* was found afloat with its port side just above the waterline. The seas were calm with a light wind and there was a non-recoverable oil sheen along the shoreline. The CCG personnel met with the owner's contracted salvage crew and discussed measures to control the release of pollutants, and upright the *Floyd II*, and move it to the port.

At mid-day, a surveillance aircraft reported an oil sheen towards the inner shore to the north.

The vessel was uprighted and stabilized by the salvage crew and on August 4 the vessel was secured in the Happy Adventure harbour. At this point, CCG provided three bundles of absorbent boom for placement around the vessel. The owner hired a vacuum truck to empty the vessel of water; hydraulic oil and fuel oil was also removed by the vacuum truck.

The Claim

On November 3, 2017, the Administrator received a claim from CCG on behalf of the Department of Fisheries & Oceans (DFO/CCG) for costs and expenses in the amount of \$10,471.05, made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 12, 2017, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$10,471.05, plus interest, pursuant to section 105 of the Act. On December 14, 2017, the offer was accepted by DFO/CCG.

On December 20, 2017, the Administrator directed that the amount of \$10,598.42 (including \$127.37 in accrued interest) be paid to DFO/CCG as full and final payment of their claim.

Recovery Action

On February 27, 2018, Counsel for the Administrator sent a demand letter to the owner. On March 5, the owner engaged in settlement discussions involving his insurer as well. A settlement was eventually reached for the lump sum of \$5,250, which was received by the Administrator's office on March 22, 2018.

Status

As of March 31, 2018, the file was still open but was in the process of being closed.

The file remains open until the prescription period has expired.

François (2017)

Location: Clarenville, NL
Case number: 120-725-R

The Incident

On September 23, 2017, at Clarenville, Newfoundland, the fishing vessel *François* was dragging anchor. The Canadian Coast Guard (CCG) responded and contracted a tug to respond.

As of October 17, the owner of the *François* had reportedly made arrangements for Newco Recyclers to dismantle the vessel at Burry's Shipyard, Clarenville.

On November 30, 2017, the CCG was informed that the owner was participating in the resolution of the incident. A recycler was hired to take the vessel out of the water, although there were no docks in the vicinity of the recycler that would accept the vessel. The CCG was content to monitor while the owner proceeded with his plans.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Related Files

Sikuk (2017), file 120-712-R (same date and location, same type of incident, i.e. ship dragging anchor, same potential claimant).

Jana (2014)

Location: Mortimer Bay, NL
Case number: 120-662-R

The Incident

On September 21, 2014, the Administrator was informed about an incident involving the multi-purpose cargo ship *Jana*, which was at anchor in Mortimer Bay on the south coast of Newfoundland. The forecast called for hurricane force winds that day. The Canadian Coast Guard (CCG) engaged, at its expense, a tug to tow the ship to the nearby port of Argentia to prevent a risk of oil pollution should the ship drag its anchor and run aground.

Further information advised that on August 14, the ship had lost engine power shortly after embarking a pilot eight nautical miles off Argentia.

Measures taken by the Administrator

The Administrator conducted background research and ascertained through Ship Safety that the *Jana* had a Bunkers Convention Certificate, which was valid until February 20, 2015. The Administrator also instructed a research on the ship's ownership. Research results revealed that the *Jana* was registered in St. John's, Antigua and Barbuda and its registered owner was an entity located in Haren, Germany.

On September 30, 2014, upon receipt of the information from CCG to the effect that it intended to submit a claim to the shipowner's P&I Club, the Administrator instructed the counsel for the Ship-source Oil Pollution Fund (SOPF) to keep a watching brief on any claim that may be filed with the SOPF with regards to this incident.

The Claim

No claim has been received by the Administrator.

Status

The file remains open.

Joyce's Journey (2016)

Location: Bay of Islands, NFLD
Case number: 120-738-C1

The Incident

On December 18, 2016, the Canadian Coast Guard (CCG) was informed that the fishing vessel *Joyce's Journey* (46-foot length overall) was aground near the Bay of Islands, Newfoundland. The crew had safely abandoned the vessel.

The owner confirmed that there was approximately 500 gallons of diesel fuel onboard the vessel. Because of the sea state and high winds, salvage efforts were initially postponed. The owner was informed of his responsibility to take measures to prevent pollution damage and to present a response plan to the CCG before December 21, 1300 hrs.

The following day, two CCG personnel arrived in the vicinity of the grounding to monitor the owner's response; they had brought pollution equipment as a contingency.

On December 20, 2016, the CCG personnel met with the vessel's Captain and were advised the *Joyce's Journey* was holed from the bow to midship and the engine room was half full of water. An overflight was conducted by a CCG helicopter and no pollution was seen. The fuel tanks appeared to be intact and the vessel's engine was still running. The owner and insurance representative were developing a salvage plan to remove the fuel and salvage the craft when weather conditions improved.

On December 21, 2016, the insurance representative presented, verbally, a recovery plan to the CCG but it was deemed inappropriate. A revised plan was not provided on time consequently the CCG assumed command and control of the incident. During the late evening of December 21 the insurance representative confirmed that a contract had been made for removal of the wreck and the pollution. After reconsideration the CCG deemed this measure appropriate and thereafter resumed an oversight role while the owner and his contractors were to execute the manoeuvre.

On December 23, 2016, the weather was favourable enough to permit recovery of the fuel oil and hydraulic fluid from the wreck. A total of 622 gallons of fuel were removed. The *Joyce's Journey* remained grounded but no longer posed a pollution threat to the marine environment. The insurance representative advised the CCG personnel that operations to salvage the vessel would start the following week if weather conditions permitted.

The Claim

On January 3, 2018, the Administrator received a claim from the CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) for the costs and expenses in the amount of \$11,373.42, made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On January 31, 2018, after an investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$11,373.42, plus interest. On February 7, 2018, DFO/CCG accepted the offer.

On February 14, 2018, the Administrator directed that the amount of \$11,775.35 (including \$401.93 in accrued interest) be transferred to DFO\CCG as full and final payment of the claim.

Status

The file remains open.

Lucas & Rebecca (2017)

Location: Bay of Islands, NL
Case number: 120-727-C1

The Incident

On Saturday, July 1, 2017, the Canadian Coast Guard Environmental Response (CCG ER) Duty Officer in St. John's was informed that a 40-foot fishing vessel, *Lucas & Rebecca* was aground in the Bay of Islands, on the west coast of the province. The crew had safely abandoned the vessel. The vessel owner reported that there was approximately 200 litres of diesel fuel onboard along with some hydraulic oil, engine oil and steering fluid.

When the CCG ER officer in St. John's was informed about the incident, he contacted the CCG *Cape Fox* — a 47-foot SAR lifeboat based at Lark Harbour approximately 10 nautical miles from the scene of the incident. The coxswain of the *Cape Fox* reported that he had responded to the grounding and attempted to tow the fishing vessel off the rocks on the shores of Saddle Island, but the efforts were unsuccessful. There was no oil pollution sighted. The owner was, at the time, in the process of removing containers of engine oil, steering fluid and pails of hydraulic oil. The weather forecast was for severe winds, which did finally result in the destruction of the grounded vessel.

On July 3, the owner advised that the vessel he had arranged to remove the diesel fuel was unable to operate because of severe weather conditions. During the day, however, the ER crew used its response equipment to successfully remove all accessible oils from the wreck — that is, 850 litres of diesel, 20 litres of hydraulic oil and 20 litres of steering fluid, as well as a small amount of oil from the engine. The ER crew departed the area on July 4 and returned to St. John's.

On November 14, 2017 the Administrator was advised that the *Lucas & Rebecca* was a total loss.

The Claim

On November 3, 2017, the Administrator received a claim from the Coast Guard on behalf of the Minister of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$17,744.64, made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 13, 2017, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$17,744.64 plus interest as full and final settlement.

On December 19, 2017, the Administrator received a letter from DFO/CCG accepting the offer. A payment of \$18,301.77 (including \$557.13 in accrued interest) was directed to DFO/CCG on January 11, 2018.

Recovery Action

On February 27, 2018, Counsel for the Administrator sent a demand letter to the shipowner.

Status

The file remains open.

Matterhorn (2014)

Location: Mount Carmel, St. Mary's Bay, Newfoundland
Case number: 120-695-C1

The Incident

On August 10, 2014, the tug *Matterhorn*, a vessel fitted with 13 fuel oil tanks, sank while secured alongside another vessel at a marine facility at Mount Carmel, St. Mary's Bay, Newfoundland. The tug, which had been towed to Mount Carmel in 2011, was apparently awaiting repairs at Miller Shipping Facility when the incident occurred. At the time of sinking, the tug had 3,000 litres of diesel fuel in the fuel tanks, 1,000 litres of fuel in the day tanks and approximately 1,250 litres of lube oils. Pollution was observed and the Canadian Coast Guard (CCG) personnel attended the site for the response operation.

The owner's first response to the incident was inadequate, following which CCG advised him of the necessary measures to be taken. Booms and sorbents were subsequently put in place; however, over time, the owner refused to continue the response operation and ignored all notices issued by CCG, although oil was still present. On July 21, 2015, CCG assumed the role of On-Scene Commander.

In August 2015, a dive assessment and outside survey of the vessel was carried out. In addition, LOC Marine and Engineering Consultants were engaged to provide advice on possible actions to remove the pollutants. Three options were suggested and CCG made the decision to remove the pollutants from the vessel *in situ*. The work to remove the pollutants, which was done by Sea Force Diving, was completed on July 14, 2016. The tug was left on the bottom and no further pollution has been reported.

The Claim

On August 9, 2016, the Coast Guard, on behalf of the Department of Fisheries and Oceans (DFO/CCG), filed a claim with the Administrator for costs and expenses incurred in the amount of \$172,751.64, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer for the established amount of \$172,751.64 plus interest, as full and final settlement, to DFO/CCG. The offer was accepted on February 6, 2017, and a payment in the amount of \$181,208.40, including interest, was made to DFO/CCG on or about February 21, 2017.

Recovery Action

A professional locator service was hired to complete a locate and asset search on the *Matterhorn*'s owners and operators. In March 2017, instruction was given to the counsel for the Ship-source Oil Pollution Fund to commence recourse action against the vessel owners and operators.

A Statement of Claim was issued on August 8, 2017 but was difficult to serve. The Court had to be seized to have the service validated. On October 27, 2017, an Order was received from

the Court for alternative service and validating the service that was done. As of March 31, 2018, defences had been filed.

Status

The file remains open.

Norcon Galatea (2017)

Location: South Coast Newfoundland

Case number: 120-708-R

The Incident

On February 26, 2017, the *MV Norcon Galatea*, a 123-foot passenger vessel, experienced mechanical problems off the south coast of Newfoundland. The vessel was abandoned at anchor by the crew who were airlifted and the Canadian Coast Guard (CCG) considered it to be a potential pollution threat. The vessel owners were fully engaged in the salvage operation and no damage to the vessel was reported nor any release of pollutants.

CCG claimed monitoring costs from the vessel owners and the latter has paid 100% of CCG's claim.

Measures taken by the Administrator

The Administrator was informed of the incident by CCG on March 8, 2017.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Rhonda (2016)

Location: Embree, Newfoundland
Case number: 120-703-R

The Incident

On December 25, 2016, the fishing vessel *Rhonda* sank off a wharf in Embree, Newfoundland. The Canadian Coast Guard (CCG) was on scene for the response and placed a boom around the vessel. No pollution was reported at the incident location.

Measures taken by the Administrator

The Administrator was informed of the incident by CCG on January 10, 2017. However, no further information has been received.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Sikuk (2017)

Location: Clarenville, NL
Case number: 120-712-R

The Incident

On September 23, 2017, at Clarenville, Newfoundland, the fishing vessel *Sikuk* was dragging anchor. The Canadian Coast Guard (CCG) responded and contracted a tug to assist. The condition of the *Sikuk* was poor and the vessel was at risk of sinking.

As of October 17, 2017, the owner of the *Sikuk* had received recommendations and a plan from specialized consultants to have the vessel towed to another port where it would be dismantled. As of that date, the owner of the *Sikuk* is in non-compliance with the Direction Order issued under Section 180 of the *Canada Shipping Act, 2001*.

As of November 30, 2017, correspondence between CCG and the shipowner's legal representative was still ongoing but no acceptable plan for addressing the vessel had been provided.

The Claim

As of March 31, 2018, no claim had been filed with the Administrator.

Status

This file remains open.

Related Files

F/V *François* (2017), file 120-725-R (same date and location, same type of incident, i.e. ship dragging anchor, same potential claimant)

Stelie II (2016)

Location: Port Saunders, Newfoundland

Case number: 120-687-R

The Incident

On March 24, 2016, the *Stelie II*, a 90-foot wooden fishing vessel, built in 1963, broke free of its moorings at the Northern Boat Repair facility in the harbour of Port Saunders, Newfoundland and was causing damage to the dock. The vessel had a severe starboard list and was taking on water. There was diesel fuel, lubricating oils and other hydraulic oils on board, and oil on the ice around the wreck. On March 29, 2016, the Canadian Coast Guard (CCG) informed the Administrator of the incident and advised that the *Stelie II* was a potential oil pollution threat in the harbour of Port Saunders

The vessel owner was met by CCG, advised of his responsibility and issued a Direction Order, but did not respond to the incident as directed. Therefore, CCG took the necessary measures to control the incident. The response personnel, who boarded the vessel, found that the engine room was nearly full of water. The vessel was subsequently dewatered and removed from the water to prevent it from sinking altogether. When the wreck was placed on the wharf of the Northern Boat Repair Company, it was found to be damaged both on the bow and stern.

The Claim

No claim has been filed with the Administrator as yet.

CCG's claim is admissible until March 25, 2021 pursuant to the 5-year limitation period from the date of the occurrence since no discharge or spill occurred in the *Stelie II* incident.

Status

The file remains open.

Related file

Baffin Sound (file 120-685-C1): same owner.

Nova Scotia

Arca I (2017)

Location: Sydney Mines, N.S.

Case number: 120-702-C1

The Incident

On January 8, 2017, the small Panamanian registered bunkering tanker *Arca I* lost propulsion in heavy sea and swell conditions. The vessel was forced aground about six miles from the entrance to Sydney Harbour, Nova Scotia. The 53-metre double-hull tanker was in ballast with 15 tonnes of propulsion fuel aboard. Once aground, and considering the winter gale warning in effect, the Master decided to abandon ship; Search and Rescue efforts included a Department of National Defence Cormorant helicopter and the Canadian Coast Guard (CCG) ships *Spindrift* and *Earl Grey*. The crew of the *Arca I* were airlifted and transported ashore.

Shortly after the grounding, the owners contracted with their certified oil spill response contractor Eastern Canada Response Corporation Ltd. (ECRC) to provide the services to monitor the vessel and, if necessary, clean any resulting oil spill. The ECRC mobilized a response crew and equipment, while the owner also contracted McKeil Marine Ltd to deploy two tugboats from Sydney Harbour to salvage the vessel from its grounded location and tow it to a port of refuge.

Throughout the week, several attempts to refloat the vessel were made but were unsuccessful due to adverse weather conditions. Finally, on January 15 the *Arca I* was refloated and towed into Sydney Harbour. The hull of the vessel was undamaged and there was no fuel oil pollution other than the previously reported 3.4 litre hydraulic oil sheen observed by the Transport Canada surveillance aircraft.

Measures taken by the Administrator

The vessel was insured by an insurer which was not a P&I Club from the International Group. The Administrator instructed counsel to seek a security, failing which an action *in rem* would be introduced in the Federal Court and the vessel would be arrested, as provided under Section 102 of the *Marine Liability Act*. On February 28, counsel confirmed that the vessel had been arrested. On March 16, 2017, the Administrator accepted the issue of the Bail Bond as security and on March 27, 2017, the executed Bail Bond was filed with the Federal Court and the vessel was released.

The Claim

On March 28, 2017, the CCG on behalf of the Department of Fisheries & Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$100,649.50 (later reduced by CCG, after a re-evaluation, to \$94,933.65), pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On April 7, 2017, CCG's Assistant Commissioner for the Atlantic region advised the Administrator's Office that CCG would contact the owner/insurer to settle the claim, and the assessment was put in abeyance. However, on July 21, the CCG requested that the Administrator resume his assessment.

After investigation and assessment of the claim, the Administrator made an offer to the CCG on November 23, 2017. On December 7, 2017, this offer was withdrawn by the Administrator and deemed to be a draft offer open for comment.

On January 25, 2018 the Administrator made a new offer to the CCG for the established amount of \$54,998.13 plus interest. The difference between the claim and the established amount was due to various elements that were disallowed by the Administrator. These included among others, several non-consumable sundry items, as well as the salaries and overtime of certain personnel, which were found to be outside the mandate of the Fund – notably, the cost of communications personnel that provided external communications or internal briefing to the headquarters, was rejected.

The CCG accepted the offer on February 16, 2018, with the caveat that “this acceptance should not be construed as an admission of facts or an agreement with any argument and /or conclusions contained” in the letter of offer.

On or about February 27, 2018 , a payment of \$56,878.61 including interest (\$1,880.48) was made to DFO/CCG.

Recovery Action

Upon payment of CCG's claim, the Administrator instructed counsel to seek recovery of this amount with the insurer. On March 15, 2018, counsel advised that a settlement of \$57,000 had been reached with the insurer.

Status

On March 31, 2018, the file was still open but was at the closing stage.

Australian Spirit (2014)

Location: Halifax, Nova Scotia

Case number: 120-666 R

The Incident

On December 10, 2014, the Administrator was informed by the Canadian Coast Guard (CCG), that the Bahamian-registered crude oil tanker *Australian Spirit* was adrift about 40 nautical miles off the coast of Nova Scotia due to loss of steering. The offshore supply tug *Venture Sea* had arrived on scene and connected to tow the disabled crude carrier to Halifax. The Coast Guard vessel *Earl Grey* was deployed to escort the tow. Transport Canada selected Bedford Basin as a port of refuge, awaiting a sister tanker to arrive from New England, in order to offload the cargo of oil. Rudder repairs, if necessary, would be undertaken at the Halifax shipyard.

The Coast Guard indicated that there may not be a claim against the Ship-source Oil Pollution Fund (the Fund). All costs and expenses incurred by Coast Guard would be submitted to the shipowner's P&I Club.

On March 28, 2017, the Coast Guard confirmed to the Administrator that the vessel owner had paid the tug charges and that a claim would not be filed with the Fund.

The Claim

No claim has been received by the Administrator.

Status

The Administrator closed the file for inquiry purposes on March 28, 2017; however the file remains technically open until the prescription period is over.

Cormorant (2015)

Location: LaHave River, Bridgewater, Nova Scotia
Case number: 120-672-C1

The Incident

On March 18, 2015, the Canadian Coast Guard (CCG) was notified that the *Cormorant*, a former diving support ship in the Royal Canadian Navy that had been decommissioned and sold in 1997, was listing heavily at the dock in LaHave River, Bridgewater, Nova Scotia, and leaking oil. CCG provided the vessel owner with a Notice of Intent informing him of his responsibilities under the *Marine Liability Act* and a Direction Order to develop a salvage plan to refloat the vessel. The owner engaged a salvage company. CCG assumed the role of Federal Monitoring Officer. The local fire department assisted by using water pressure to blast the snow and ice off the partially sunken vessel, and a containment boom was deployed around the wreck.

On May 5, CCG took over the role of On-Scene Commander after having been informed by the salvage company representatives that the salvage operations would not be continued until the issue relating to the ownership of the vessel was settled. RMI Marine Limited (RMI) was engaged to take care of the salvage operations. With the help of divers, RMI removed 5,850 litres of waste oil from the engine-room bilge and 350 litres of hydraulic oil from several tanks.

On May 27, the *Cormorant* was refloated, and all the absorbent pads and containment boom were recovered.

Measures taken by the Administrator

When CCG took over the role of On-Scene Commander on May 5, 2015, the Administrator engaged a marine technical surveyor to attend the site and observe the measures being taken. The surveyor made visits to the site and reported on the progress of the salvage operations.

The Claim

On November 2, 2015, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$549,581.18, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Additional supporting information was requested for assessment purposes. After investigation and assessment of the claim, the daily rates claimed for some of the equipment were reduced to the rates specified in CCG document “EKME 3315540” Edition 1 that had been provided to the Ship-source Oil Pollution Fund (SOPF). Therefore, an offer for the established amount of \$515,267.25 was sent to DFO/CCG on March 29, 2016. The offer was accepted by DFO/CCG and, on or about August 19, 2016, a payment in the amount of \$534,340.76 including interest was made to DFO/CCG as full and final settlement.

Recovery Action

In June 2016, the Administrator engaged a professional locator service to complete a locate and asset search on the owner of the *Cormorant*.

Furthermore, the counsel for SOPF filed a Statement of Claim and an Affidavit to Lead Warrant with the Federal Court. The vessel has subsequently been arrested.

Status

The file remains open since the case is still pending in Federal Court under case management.

Related Files

Hannah Atlantic (2014), Case number: 120-652-C1 (same location of incident)

Ryan Atlantic II (formerly *Cape Rouge*) (2014), Case number: 120-653-C1 (same location of incident)

EM-AN-L (2016)

Location: Weymouth North, Nova Scotia

Case number: 120-699-C1

The Incident

On September 18, 2016, a 40-foot fishing vessel, the *EM-AN-L*, was reported to the Canadian Coast Guard (CCG) as sunk and causing pollution at the Irving Dock in Weymouth North Harbour, Nova Scotia. The vessel had struck a shoal while entering the harbour and was holed. An oil sheen was sighted in the area; however, the owner, who is unknown, did not respond to the incident.

CCG acted as both On-Scene Commander and responder. The vessel, which had a 60 degree list with the starboard quarter partially submerged, was boomed. Sorbents were used inside the vessel and pollutants were removed. A local fisherman assisted by plugging the hole in the stern of the vessel.

On September 20, the vessel was continuing to pollute and the pollution was threatening the lobster holding crates in the Sissiboo River. The soiled sorbents and the booms were subsequently recovered and replaced. On October 3, the soiled sorbent materials were removed and CCG confirmed that the vessel was no longer a pollution threat.

The Claim

On December 2, 2016, the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$4,808.25, pursuant to the *Marine Liability Act* (the Act).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Investigation and assessment of the claim were carried out, and an amount of \$202.31 was disallowed because no support documentation was provided. On January 25, 2017, an offer for the established amount of \$4,605.94 plus interest was made by the Administrator to DFO/CCG as full and final settlement. The offer was accepted on February 6, 2017 and a payment of \$4,663.38, including interest in the amount of \$57.44, was made on or about February 10, 2017.

Recovery Action

Since the current owner is unknown, a demand letter was sent to the vessel's registered owner in 2011 by the counsel for the SOPF, on or about March 24, 2017, in order to obtain from the former owner information on the identity of the current owner. The former owner's widow responded that her husband passed away two years ago and she did not know anything about the vessel.

Given the size of the claim, it was not deemed reasonable to further investigate on the change of ownership of the vessel.

Status

The file was closed on April 3, 2017.

Farley Mowat (2017) (CCG)

Location: Shelburne Harbour, N.S.

Case number: file 120-718-C1

The Incident

On June 7, 2017, the Canadian Coast Guard (CCG) advised the Fund that they were taking action with respect to a new pollution threat related to the vessel *Farley Mowat*, docked at Shelburne Harbour, Nova Scotia.

The vessel, which had been sitting along the wharf after it sunk, was refloated, and cleaned in 2015, had been partially deconstructed by its owner since then. The owner had removed the vessel's main and auxiliary engines and gearbox, which meant that the entire engine compartment was open and exposed to the elements - the superstructure above the boat deck had been removed previously. While removing the engine and machinery, a large volume of contaminated oily fluid was pumped out. Therefore, the remains of the engine room were open to the weather, so that during periods of rain or snow, water accumulated in the bilges and combined with oily residues. Consequently, the Town of Shelburne periodically had to engage the services of a pumper truck to empty the exposed bilges.

On June 27, the CCG awarded a contract for tow to a private contractor. Preparations for the tow were started and by July 24, an estimated 33,000 litres of oily bilge mixture had been removed from the vessel and 15 tonnes of ballast concrete loaded to improve stability. The *Farley Mowat* was towed to Liverpool, Nova Scotia on July 26, 2017 under escort, and subsequently dismantled.

Measures taken by the Administrator

When initially informed about the current incident, the Administrator requested of the CCG a copy of the Stability Assessment as well as the Final Assessment Report, both of which were received on June 9, 2017. The Administrator also contracted a marine expert to attend the wreck on July 11, 2017, for the purpose of overseeing - as an observer - the pre-tow preparation and tow to a scrapping facility at Liverpool, N.S.

The Claim

October 10, 2017, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$1,176,126.41, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 14, 2017, after investigation and assessment of the claim, the Administrator sent a draft offer to CCG/DFO. The original deadline for commenting on this draft offer was extended to March 16, 2018. On March 14, the CCG/DFO reverted to the Administrator with comments and with the request to revisit the assessment. As of March 31, 2018, the Offer had not been finalized yet.

Status

The file remains open.

Related files

Farley Mowat (2015) (Shelburne), file 120-679-C1-1 (same ship, previous incident).

Farley Mowat (2015) (CCG), file 120-679-C1 (same ship, same claimant, previous incident).

Ryan Atlantic II (Cape Rouge) (2014), file 120-653-C1 (same owner).

Hannah Atlantic (2014), file 120-652-C1 (same owner)

Farley Mowat (2015) (CCG)

Location: Shelburne harbour, N.S.

Case number: 120-679-C1

The incident

On June 24, 2015, the Canadian Coast Guard Environmental Response personnel (CCG ER) were notified that the M/V *Farley Mowat* was sinking at the wharf in Shelburne, Nova Scotia. The ship was well down by the stern and was thought to be touching the bottom off the Harbour Authority dock.

Coast Guard Environmental Response personnel attended the site on June 25 and found that the ship could not be boarded because it was unstable, and some 20 feet off the side of the dock. A 600 ft containment boom was then streamed around the ship. The harbour was patrolled to locate debris and oil drums that had floated off the deck when the vessel sank. Transport Canada Marine Safety and Environment Canada Enforcement personnel were on-site. The Transport Canada surveillance aircraft completed an over flight and reported 37 litres of oil in the harbour between the site and the shipyard. (Several media interviews were conducted on-site.) The firm of RMI was contracted to dive on the ship the following day. Coast Guard arranged to deploy its regional mobile command post and security was posted at the dock gate.

On June 26 sludge and an oil sheen were observed inside the containment boom and also extending 1000 feet off the dock outside the boom. An additional 200 feet of boom was deployed around the backside of the dock and absorbents were placed inside the booms. RMI divers assessed the condition of the vessel, the location of the hull leaks, and the amount of oil inside the structure. During the next several days, Coast Guard completed harbour patrol with two of its pollution response boats and inspected the local trout farm, but apparently the sheen had not reached the trout farm area. Transport Canada over flights reported 13 litres of oil sheen within the harbour itself.

On June 27 the sub-contractor, Atlantic Industrial Cleaners, arrived with a vacuum truck. The truck was used to remove oily waste that was free floating within four accommodation spaces. Oil was found in two separated holding tanks and removed by suction hose with the aid of the diving team. The total volume vacuumed out was 22,500 litres of oil mixture. It was estimated that 10 per cent of the total volume was fuel oil – that is, 2,250 litres. In the meantime, Coast Guard personnel recovered the last of the five oil drums that had floated away from the ship during the sinking. An additional 1000 lbs of oil soaked absorbents were recovered from the inside the containment boom for a total recovery of 2000 lbs of absorbent materials.

The contractors continued daily salvage operations from June 28 to August 2 when the wreck was raised and refloated alongside the pier. The sub-contractor Eagle Beach Construction fabricated steel pilings which were driven into the harbour seabed adjacent to the wharf in preparation for the ship's raising. These pilings were used as support for the ship as a counter-measure to its turning over during the raising process, where it was tethered and secured by steel ropes. Furthermore, a series of submersible pumps were used to pump out the sunken wreck in a controlled fashion once the vessel's hull was stabilized. During this extended salvage operation Coast Guard personnel continued to conduct daily harbour patrols with the CGE 319 pollution response boat and recovered stray oil pads found along the shoreline. Furthermore, it was necessary to attend to the containment booms that were still releasing an oil sheen. Oil soaked absorbent materials were collected. The air patrols were also conducted frequently. The overall monitoring of the contractor's salvage measures continued throughout.

On August 3, Atlantic Industrial Cleaners was again on-site with a vacuum truck and hot water pressure washer to clean the interior of the ship. RMI removed the pumps and hoses. The divers fabricated and installed plugs on the sea bays. Coast Guard removed the containment booms and demobilized the CGE 319 response boat.

On August 5, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, Shelburne Harbour Authority and the Coast Guard personnel. They agreed that all reasonable measures had been taken to remove contaminants from the ship. The owner was notified that Coast Guard was finished with its response. The *Farley Mowat* was secured alongside and personnel departed the site.

Measures taken by the Administrator

This incident was initially brought to the Administrator's attention at the outset on June 25, 2015, by counsel in Halifax. The Administrator, therefore, instructed counsel to engage a marine technical surveyor to attend the scene of the operation during salvage of the sunken ship. The surveyor for the Fund had discussions with the Coast Guard personnel about the measures planned for the recovery operations. As a result, the surveyor was able later to advise the Administrator about the measures being taken by the contractors during the re-floating operations.

The Claim

On January 18, 2016, the CCG, on behalf of the Department of Fisheries & Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$814,815.05 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On June 29, 2016, after investigation and assessment of the claim, the Administrator sent an offer DFO/CCG for the established amount of \$813,316.15, plus interest, as full and final payment.

The offer was accepted and a payment of \$839,863.02 (including \$26,546.87 in accrued interest) was made to DFO/CCG on or about August 23, 2016.

Recovery Action

The Administrator engaged a professional locator service to complete a locate and asset search of the registered owner of the vessel. No eligible assets were identified. The registered owner is however a repeat polluter, as claims paid by the Fund for the *Ryan Atlantic II*, the *Hannah Atlantic* and the *Farley Mowat* involve the same registered owner and total over one million dollars. The Administrator then commenced an action in the Federal Court seeking a default judgement against the registered owner of the vessel. The registered owner of the vessel filed a Defence with the Court. The case was heard on December 20, 2017. As of March 31, 2018, the CCG judgment had not yet been issued.

Status

The file remains open.

Related files

Farley Mowat (2015) (Shelburne), file 120-679-C1-1 (same incident, different claimant).

Farley Mowat (2017), file 120-718-C1 (same ship, same location, same claimant, different incident).

Ryan Atlantic II (2017), file 120-653-C1 (same owner).

Hannah Atlantic (2014), file 120-652-C1 (same owner).

Farley Mowat (2015) (Town of Shelburne)

Location: Shelburne Harbour, N.S.

Case number: 120-679-C1-1

The incident

On June 24, 2015, the Canadian Coast Guard Environmental Response personnel (CCG ER) were notified that the *Farley Mowat* was sinking at the wharf in Shelburne, Nova Scotia. The ship was well down by the stern and was thought to be touching the bottom off the Harbour Authority dock. The CCG and contractors responded to the pollution incident (response measures are described in the summary related to the claim filed by CCG, 120-679-C1).

On August 5, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, Shelburne Harbour Authority and the Coast Guard personnel. They agreed that all reasonable measures had been taken to remove contaminants from the ship. The owner was notified that Coast Guard was finished with its response. The *Farley Mowat* was secured alongside and personnel departed the site.

During May 2016, the owner's contractors removed the main engines from the vessel and left the main deck open and exposed to weather. Starting in October 2016 the town had to regularly pump out a significant volume of oily water to prevent further pollution of the harbour and the sinking of the vessel. On June 7, 2017 the Department of Fisheries and Oceans issued a Direction/Order to the vessel owner, demanding a response plan to eliminate the threat of pollution from the *Farley Mowat* by 1600 June 12, 2017. The Direction included the following note: "The *MV Farley Mowat* currently secured alongside the wharf in Shelburne, Nova Scotia, threatening to release pollutants into the marine environment".

The Claim

On June 23, 2017, the Town of Shelburne filed a claim in the amount of \$47,598.78 with the Administrator for costs and expenses incurred between June 25, 2015 through June 12, 2017.

The costs and expenses covered by the claim included:

- cost of security services required by the Coast Guard during their operation to raise the vessel;
- other charges;
- loss of berthage revenue for the period June 25 thru August 9, 2015 (period of 42 days) during the refloating of the *Farley Mowat* by the Canadian Coast Guard;
- removal costs of the debris left on the wharf by the owner when he started to deconstruct the vessel;
- costs of pumping oily water out the vessel at regular intervals to prevent further pollution.

The claim of the Town of Shelburne covered therefore two distinct incidents, one in 2015 (the sinking of the vessel), and the other in 2016, (caused by the partial deconstruction of the vessel by the owner), which created a new pollution risk.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On July 18, 2017, after investigation and assessment of the claim, the Administrator sent an offer to the Town of Shelburne for the established amount of \$43,641.94, plus interest, as full and final payment.

The disparity between the established amount and the claim was due to several factors, the most salient being loss of berthage revenue, which was disallowed, and minor costs related to debris removal and miscellaneous charges.

The offer was accepted and on or about November 6, 2017, payment was made to the Town of Shelburne.

Status

The file remains open.

Related files

Farley Mowat (2015) (CCG), file 120-679-C1-1 (same incident, different claimant)

Farley Mowat (2017), file 120-718-C1 (same incident, different claimant)

Ryan Atlantic II (2017), file 120-653-C1 (same owner)

Hannah Atlantic (2014), file 120-652-C1 (same owner)

Lady Young (2016)

Location: Deming's Island, Nova Scotia

Case number: 120-688-C1

The Incident

On April 14, 2016, the fishing vessel *Lady Young* grounded on Deming's Island, Nova Scotia, in a lobster fishing and holding area, while on a voyage from Liverpool, Nova Scotia to Jordan's Bay. The vessel had 300 gallons of diesel fuel as well as other pollutants on board. A sheen was observed in the water immediately surrounding the vessel, which was hard aground so that the Canadian Coast Guard (CCG) determined that it could not be salvaged. CCG responded by tasking the CCGS *Clarks Harbour* lifeboat to the scene. The crew with the exception of the skipper were offloaded.

The vessel owner was given a Notice by CCG, but he advised that he was not able to respond due to financial constraints and absence of insurance. Hence, CCG assumed the role of On-Scene Commander. Absorbent boom was utilized to protect the local lobster fishery, and the Argo ATV was deployed from Dartmouth to the site to provide transportation from the shore to the grounded vessel.

RMI Marine Services (RMI) was engaged to remove pollutants from the vessel. RMI removed the starboard fuel tank from the vessel and emptied other fuel tanks. Oil soaked debris and containers of oil and lube were also recovered. The work was completed on April 19 and the vessel hulk was left on the island.

The Claim

On August 9, 2016, CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), filed a claim with the Administrator for costs and expenses incurred in the amount of \$25,747.66 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administration rate claimed by CCG was reduced to the rate formerly agreed to between the Administrator and CCG. Therefore, the Administrator made an offer for the established amount of \$25,598.67 plus interest, as full and final settlement. DFO/CCG accepted the offer on December 14, 2016, and a payment of \$26,098.69 including interest was made to DFO/CCG on or about December 21, 2016.

Recovery Action

Confirmation was received from Transport Canada concerning the name of the *Lady Young*'s registered owner, who is also the registered owner of the *My4Boys*. On or about March 15, 2017, counsel for the Ship-source Oil Pollution Fund sent a demand letter to the vessel owner, but it was not picked up. In June 2017, the Administrator instructed to seize the *My4Boys*, and a warrant for arrest was issued on June 15. An attempt carried out to locate the *My4Boys* was unsuccessful. In February 2018, a professional firm was engaged to conduct a locate and asset search on the vessel owner.

Status

The file remains open.

Nordika Desgagnés (2018)

Location: Cape Breton, Nova Scotia
Case number: 120-746-R

The Incident

On March 13, 2018, the Canadian-registered bulk carrier *Nordika Desgagnés* began to drift in severe weather when she experienced a steering gear failure east of Cape Breton, Nova Scotia. She had been en route from Montreal to Sydney, Australia. The crippled vessel's owner submitted a response plan, which the Canadian Coast Guard (CCG) deemed reasonable and appropriate. The owner then made arrangements for a tug to tow the vessel to port. In addition, the CCGS *Sir Wilfred Grenfell* was dispatched to the scene to monitor the situation and assist if necessary.

First, the tug *Atlantic Larch* attempted to tow the stricken vessel, but the tow line failed, and the tug was forced to return to port. Later, the supply vessel *Atlantic Tern* was successful in taking the *Nordika Desgagnés* under tow on March 16, and the two vessels reached Port Hawkesbury in the early hours of March 17. Before the vessels reached port, the CCGS *Sir Wilfred Grenfell* was relieved by the CCGS *Louis S. St-Laurent*.

The *Nordika Desgagnés* reportedly received damage to her hull, caused by a loose crane. There is no indication that any pollution resulted from the incident.

Measures taken by the Administrator

On learning of the incident prior to its resolution, the Administrator instructed in-house counsel to follow up with the CCG. This was done on March 16.

The claim

The CCG has communicated that it may submit a claim, but none has been filed with the Administrator as yet.

Status

The file remains open.

Ryan Atlantic II (formerly Cape Rouge) (2014)

Location: Bridgewater, Nova Scotia
Case number: 120-653-C1

The Incident

On March 10, 2014, the Canadian Coast Guard (CCG) received a report that the *Cape Rouge*, a 120-foot old steel trawler, was sinking by the stern with a 30-degree list to starboard at the wharf in Bridgewater, Nova Scotia, and leaking oil. The river area has been recorded as a habitat for all stages of salmon, eel and whitefish development, and for ducks and bald eagles as well. The local fire department was on-site and placed an absorbent boom around the stern of the wreck. According to the owner, the vessel had approximately 1,000 gallons of diesel fuel and 40 gallons of lube oil. CCG gave the owner a verbal “Notice” of his legal responsibility to take measures to prevent further pollution damage from the *Cape Rouge*. The owner was to have an elderly gentleman on the dock pump the boat out, but this was refused by CCG who, judging the vessel unstable, did not allow anyone on board.

Due to the owner’s lack of response, CCG took control of the response and assumed the role of On-Scene Commander. On March 11, with the use of a boat from the local fire department, CCG deployed 1,000 feet of 18” containment boom around the wreck, which was still releasing an oil sheen. On March 12, CCG arrived on site with a mobile command post unit and a Pollution Response Vessel (*PRVI*). Environment Canada was also on site to collect oil samples.

Having determined that the situation was severe, CCG engaged RMI Marine Limited (RMI) to raise the partially sunken *Cape Rouge*. Professional divers and a vacuum truck were utilized to pump out the fuel tanks, from which some 10,900 litres of fuel/water mixture were pumped. Meanwhile, CCG personnel conducted river patrols with the *PRVI* to ensure that released oil did not escape the containment boom. A boom truck was hired to lift the hatches off the submerged wreck as part of the recovery plan, and another subcontractor was also engaged on two occasions to sand the ice-covered dock.

On March 25, RMI commenced pumping out the forepeak and the accommodation space of the vessel, with the approval of Environment Canada’s Environmental Emergencies personnel. By the end of the day, the *Cape Rouge* was floating with a five degree port list. When the vessel began to right itself, the divers identified two leaks of water entering the engine room, which were subsequently remediated with neoprene and clamps. On March 28, Transport Canada Marine Safety inspected the vessel and determined that it was at risk of sinking again. CCG finished the response operation on April 7.

The Claim

On June 26, 2014, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$362,575.38, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Additional information and documentation were requested for assessment purposes. However, CCG failed to respond to some requests, specifically those relating to the contractors’ invoices.

A technical marine surveyor was therefore engaged by the Administrator to review the invoices of the contractors' charges from an industry practices perspective. The consultant was also instructed to carry out an overall survey of the condition of the temporary repairs done on the *Cape Rouge* and found that all was in order with respect to the water tightness of the hull; but he recommended that a regular monitoring of the vessel's condition be implemented by the party responsible for the vessel and that any deterioration be reported to the authorities in a timely fashion.

After investigation and assessment, the amount claimed relating to the pollution countermeasures equipment was reduced to take into account the days during which the *PRVI* was placed on a standby mode due to winter storm conditions. Furthermore, the rate used for the administration charges was adjusted to the one that had been agreed to between CCG and the Administrator on January 30, 2012. On March 19, 2015, the Administrator made an offer for the established amount of \$358,117.79, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on April 29, 2015 and, on or about July 27, 2016, a payment in the amount of \$382,353.33 including interest was made to DFO/CCG.

Recovery Action

In July 2016, the Administrator tasked a professional locator service to investigate the assets of the *Cape Rouge*'s owner. No significant financial assets were identified. However, noting that the vessel owner was a repeat polluter, the Administrator decided to pursue recovery action and filed a Statement of Claim with the Federal Court on October 4, 2016.

The Motion for Summary Judgment was heard by teleconference on December 20, 2017. No judgment has been issued yet.

Status

The file remains open.

Related files

Hannah Atlantic (2014), Case number: 120-652-C1 (same owner and same location of incident)

Farley Mowat (2015), Case numbers: 120-679-C1 and 679-C1-1 (same owner)

Cormorant (2015), Case number: 120-672-C1 (same location of incident)

Stephanie & Darrel (2007)

Location: Shelburne, Nova Scotia

Case number: 120-530-C1

The Incident

On April 11, 2007, the Port Manager of the Shelburne Marine Terminal in Nova Scotia informed the Canadian Coast Guard (CCG) that a 45-foot fishing vessel secured to its wharf, had been abandoned by its owner. The *Stephanie & Darrel* contained approximately 3,500 litres of fuel plus hydraulic oils, and had been pumped out several times to prevent it from sinking alongside the terminal. On April 17, CCG representatives met with Environment Canada and Transport Canada personnel at the terminal to determine the action to be taken since no response had been received from the owner. All parties agreed that the pollutants should be removed.

Therefore, on June 1, RMI Marine Limited was engaged to remove all the oil and other contaminants on board the abandoned fishing vessel and to dispose of the waste oil. The clean-up operation was completed on June 8.

The Claim

On February 9, 2008, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), for costs and expenses in the amount of \$13,627.73, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$13,627.73 plus interest, as full and final settlement. DFO/CCG accepted the offer and a payment of \$14,505.11, including interest was sent to DFO/CCG on or about May 14, 2008.

Recovery Action

A recovery action was commenced by the Administrator in the Supreme Court of Nova Scotia on December 10, 2008, from which he obtained an encumbrance against any property the owner of the *Stephanie & Darrel* may have or acquire. A Certificate of Judgment was therefore registered in both the Land Registry and Personal Property Security Registry in Nova Scotia in December 2008. The registration in the Personal Property Security Registry has been extended until January 5, 2019.

Status

The file remains open.

SBI Carioca (2017)

Location: Port of Belledune, NB

Case number: 120-724-R

The Incident

On October 11, 2017, the Marshall Islands registered bulk carrier *SBI Carioca* (43 301 GT) grounded while entering the Port of Belledune, New Brunswick. The extent of the damage to the vessel's hull was uncertain but no pollution was reported. The vessel was carrying a cargo of petcoke at the time.

On October 25, 2017, the Canadian Coast Guard (CCG) obtained a Letter of Undertaking (LOU) from the P&I, with which the ship was entered.

Measures taken by the Administrator

The Administrator and the P&I have agreed that the LOU with the CCG will cover the Fund in the event that CCG files a claim with the Administrator.

The Claim

No claim has been received by the Administrator.

Status

The file remains open.

Bayliner (2013)

Location: Rivière-des Prairies, Montréal, QC

Case number: 120-675-C1

The Incident

During the afternoon of August 17, 2013, the 27-foot pleasure craft *Bayliner* ran aground in the “Rivière des Prairies, Rapides du Cheval Blanc” in the vicinity of Montreal, with its owner and two children on board. The Marine Rescue Centre in Quebec arranged for the local fire department to rescue the pleasure boaters. The owner attempted to recover the stranded boat. However, given the fact that the incident occurred in a very rocky part of the rapids with a strong river current, all the towing arrangements were unsuccessful.

With 250 litres of fuel oil on board and 10 litres of motor oil, the *Bayliner* constituted an oil pollution threat. Hence, the Canadian Coast Guard (CCG) took control of the response action. Urgence Marine Inc. was engaged to take the necessary measures to pump out the *Bayliner* and remove it from the rapids, but it was unable to respond due to the location of the incident. On August 23, CCG arranged for its hovercraft *Mamilossa* to proceed from its base at Trois-Rivières to the Montreal area. The hovercraft pumped out the *Bayliner*, which was refloated without an oil spill. The pleasure craft was subsequently towed clear of the rapids, removed from the water and placed ashore.

The Claim

On June 16, 2015, the Administrator received a claim in the amount of \$14,286.40 from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator concluded that the full amount was established. Therefore, on August 27, 2015, an offer was made to DFO/CCG for the amount of \$14,286.40, plus interest, as full and final settlement. The offer was accepted on October 16, 2015.

A payment of \$15,585.20 including interest was made to DFO/CCG on or about July 27, 2016, after the latter was advised by the Administrator that the decision of the Federal Court in the test case with regard to the Release and Subrogation issue would apply to its claim.

Recovery Action

On or about July 25, 2016, a demand letter in the amount of \$15,585.20 was sent by the Administrator to the *Bayliner*'s owner, who filed for bankruptcy on October 6, 2016. The Administrator has filed a completed claim form with the trustee in bankruptcy.

In September 2017, information was received from the trustee in bankruptcy that the discharge would be after September 29, 2018.

Status

The file remains open pending the bankruptcy discharge.

BBC Maple Lea (2015)

Location: Lake Saint-Louis, QC

Case number: 120-735-C1

The Incident

On December 17, 2015, the Canadian Coast Guard (CCG) was notified that the German flagged general cargo vessel *BBC Maple Lea* (9,611 GRT) had grounded on Lake Saint-Louis in the St-Lawrence Seaway and was leaking bunkers. The CCG responded promptly and the incident was closed two days later, when the ship was refloated and continued its voyage.

The Claim

On December 15, 2017, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$1,329.54 pursuant to section 103 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 19, 2017, after investigation and assessment of the claim, the Administrator made an offer to the CCG for the established amount of \$1,329.54, plus interest, pursuant to section 105 of the Act. Interest was deemed in the amount of \$91.68.

On January 8, 2018, the offer was accepted by DFO/CCG and on January 11, 2018, the Administrator directed payment of \$1,421.22 (which included \$91.68 in accrued interest) to DFO/CCG as full and final settlement

Recovery Action

The Administrator reverted to the shipowner's P&I Club for recovery and the P&I Club agreed to settle the claim for \$1,416.47.

Status

On March 31, 2018, the file was still open.

Chaulk Determination (2015) (Trois-Rivières Port Authority)

Location: Port of Trois-Rivières, Quebec
Case number: 120-700-C1

The Incident

The *Chaulk Determination* was an ocean-going tug of 566 gross tonnes owned by CAI Marine Inc. On December 26, 2014, the vessel sank at Section 1 of the Port of Trois-Rivières with 22 tonnes of pollutants on board. The owner was contacted and was unable to respond. Group Ocean was contracted by the Coast Guard to raise the vessel and on February 19, they commenced raising the vessel and completed the operation on February 21, 2015. Coast Guard took steps during the months of February/March 2015 to winterize the vessel and ensure that it was safe and secure at the port prior to turning the vessel over to the port authority. The port noted that the vessel was substantially contaminated with oil/residue at the time of turnover and that it presented a risk of pollution. These views were communicated to both Transport Canada and the Coast Guard.

In April of 2015, the vessel began to take on water. The Port of Trois-Rivières observed on April 16, 2015, that the refloated tug was listing and concluded after investigation that the vessel was again at risk of sinking and was a pollution threat. A marine surveyor was engaged by the port to provide a condition report on the state of the vessel when it was turned over to the port by Coast Guard. The local fire department evaluated the hazardous condition of the vessel and asked for the removal of all combustible and waste materials and noted the need for ongoing 24/7 monitoring. The port authority concluded that the tug presented an ongoing risk of pollution and that it was necessary to both remove and dismantle the vessel.

Contractors were engaged the following week to address the list problem, to dewater the vessel, to clean the internals of the vessel and to remove pollutants from the ship. Fuel tanks had been used as ballast tanks after the refloating of the tug, resulting in a significant amount of fuel residue mixed with ballast water. It was necessary to clean all ballast water tanks, fuel and lube oil tanks and accommodation spaces, and engine room spaces.

The Claim

On October 20, 2015, the port authority filed a claim with the Fund for costs and expenses incurred responding to the pollution threat of the tug, in the amount of \$71,909.71 made pursuant to articles 101 and 103 *Marine Liability Act*. The Administrator commenced an investigation and assessment of the claim and requested further documentation from the port in support of their claim. The port provided the amplifying information on January 13, 2016.

On February 2, 2017, the Administrator made an offer for the established amount of \$71,909.71 minus the amount of \$1,277.13 that the Port had received from the Federal Court. The offer was accepted by Counsel for the Port on February 7, 2017, and a payment of \$73,848.78 including interest was made to the Port.

Recovery Action

The Fund had filed a claim in the judicial sale of *Chaulk Lifter*, a sister ship, which had been arrested and sold by Verreault Navigation Inc. for unrelated debts. The Fund received \$45,184.44 as per the Federal Court decision issued on November 17, 2016 (2016 FC 1281).

Status

Considering the lack of assets and the amount of liabilities of the owners, the Administrator assessed that it would not be reasonable to dedicate additional resources to recovery action, and closed the file on March 31, 2017.

Related file

Chaulk Determination (2014) (CCG), case number 120-667 (same owner, same series of incidents)

Chaulk Determination (CCG Claim) (2014)

Location: Port of Trois-Rivières, Quebec
Case number: 120-667-C1

The Incident

On December 26, 2014, the tugboat *Chaulk Determination*, sank at the wharf of the Port of Trois-Rivières and was leaking fuel oil into the St. Lawrence River. At the time of the incident, the tug was reported as having 22 tons of diesel fuel on board, and the real amount of pollutants on board was unknown. The owner having declared that he had no money and insurance to respond to the incident, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander. The following organizations were involved in the response operation: Environment Canada, Transport Canada and local authorities.

After considering various options to deal with the pollution threat, while taking into account the sensitive ecosystem as well as the onset of winter, CCG decided to raise the vessel. Group Ocean was engaged for that purpose on January 12, 2015. The work started on January 22, 2015 with the removal of contaminated ice from within oil boom surrounding the tug. Vacuum trucks were used to recover oil and contaminated water from the boomed area. On February 10, all accessible pollutants were removed from the tug. A total of 50.315 tons of marine diesel was recovered, as well as significant amounts of other pollutants, including 10 tons of oily bilge water, 300,304 litres of water with traces of pollutants and 469,270 litres of ice with traces of pollutants. The tug was refloated on February 21. Once raised, it was winterized, cleaned, moored at Section 1 of the Port of Trois-Rivières and turned over to the port authority.

Measures taken by the Administrator

A technical marine surveyor was engaged to observe and report on the salvage operations.

On August 18, 2015, the Administrator filed an action *in rem* in the Federal Court (file T-1461-15) against the vessel in order to obtain a security as provided under section 102 of the *Marine Liability Act*. The vessel was subsequently deconstructed, however a sister ship, the *Chaulk Lifter*, was sold by the owners' creditors, the proceeds of the judicial sale being distributed by the Federal Court in the Court file T-272-15. File T-1461-15 involving the *Chaulk Determination* was put in abeyance and the Administrator became party to the file T-272-15 involving the *Chaulk Lifter*. On November 17, 2016, the Federal Court issued its decision, and allowed the Administrator to participate in the distribution of the proceeds of the judicial sale of the sister ship *Chaulk Lifter* on the basis of section 102 of the *Marine Liability Act*.

The Claim

On December 9, 2016, CCG filed a claim in the amount of \$4,585,963.68 with the Administrator, pursuant to the *Marine Liability Act*, for costs and expenses incurred responding to the pollution incident of the *Chaulk Determination*.

The Administrator determined that the claim was admissible under Part 7 of the *Marine Liability Act*.

Assessment and Offer

Further information in support of the claim was requested from CCG on February 3, 2017, and the documentation was received on March 30, 2017.

As of March 31 2018, the assessment of the claim was still in the process of being finalized.

Status

The file remains open.

Related file

Chaulk Determination (Port Authority claim), case number 120-700 (same incident).

Kathryn Spirit (2013)

Location: Beauharnois, QC
Case number: 120-642-R

The Incident

On September 19, 2013, the Canadian Coast Guard (CCG) informed the Administrator about a potential oil pollution incident involving the ship *Kathryn Spirit*, which was moored on the shores of Lake Saint-Louis, in Beauharnois since 2011.

On July 5, 2016, the CCG advised the Administrator that they had taken actions to install 2,000 feet of boom around the vessel. In addition, Groupe Océan was contracted to provide tugs to stabilize the vessel.

Dismantling operations of the *Kathryn Spirit* began in December 2017. In February 2018, it was reported that they were expected to be completed in the fall.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Kavo Manali (2017)

Location: Quebec City Harbour, QC
Case number: 120-734-R

The Incident

On December 3, 2017, the Marshall Islands registered vessel *Kavo Manali* (40 014 GT) released approximately 1000 litres of lubricating oil into the Quebec City Harbour. The Canadian Coast Guard (CCG) mobilized a team and set up a mobile command post on site. The ship's crew and managers undertook response operations from December 4, 2017. Sections 27 to 31 of the Port of Quebec were soiled, and several ships were unable to leave port, as they were too soiled by the pollutant. A large quantity of the oil was recovered during the evening and overnight on December 4 and the departure restriction was lifted on most ships.

Measures taken by the Administrator

On December 8, 2017, a Letter of Undertaking was received from the vessel owner's solicitors.

The Claim

As of March 31, 2018, no claim has been filed with the Administrator.

Status

The file remains open.

Louis-Jolliet (2015)

Location: St. Lawrence River, Quebec City
Case number: 120-684-R

The Incident

On November 8, 2015, the cruise vessel *Louis Jolliet* was reported to have leaked about 7,500 litres of diesel fuel into the St. Lawrence River, while docked in Quebec City. Service Urgence-Environnement and the Canadian Coast Guard (CCG) were on scene for the response operation, with the help of the vessel owner. Booms were deployed and the spill was quickly contained.

Measures taken by the Administrator

Upon request by the Administrator, the vessel owner provided a copy of his certificate of financial responsibility, as well as assurance that the company would deal with the clean-up and any future claims.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Maccoa (2017)

Location: Quebec City, QC
Case number: 120-719-C1

The Incident

On March 8, 2017, a shore personnel working on board the Cypriot register bulk carrier *Maccoa* (19,814 GT), berthed at the port of Quebec, noticed what appeared to be bunker oil in the water and on the ice between the vessel and the wharf. Local authorities were advised and oil samples were taken on board the vessel and from the water.

At the time, it was not clear whether the pollution was caused by the vessel, and the owner refused to take responsibility. Thereafter, the Quebec Port Authority hired various private contractors to undertake the clean-up operations and obtained a Letter of Undertaking from the ship's P&I Club (UK P&I).

On March 13, 2017, sorbent booms were seen to be stuck in the ice near the wharf and their removal was impossible without damaging them. However, disposal was necessary as another ship was due at the wharf the next day.

On April 6, 2017, after inspection, the wharf was considered acceptable and no new cleaning was scheduled.

The Claim

On June 16, 2017, a claim in the amount of \$43,806.19 was received from the Quebec Port Authority for costs and expenses related to the pollution incident made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On June 30, 2017, the Administrator, acting under her *Inquiries Act* powers (provided by para. 105(2) of the *Marine Liability Act*), contacted Transport Canada (TC), Environment Canada (EC) and the Canadian Coast Guard (CCG) requesting reports of samples taken from both the water and the vessel. The Administrator received these reports in July and August 2017.

On August 4, 2017, the Administrator's office requested additional information from the Quebec Port Authority to substantiate the claim. This information was received on August 31.

On September 15, 2017, after investigation and assessment of the claim, the Administrator made an offer to the Quebec Port Authority for the established amount of \$43,806.19, plus interest, pursuant to section 105 of the Act. Interest was deemed to be in the amount of \$612.31. The offer was accepted by the Quebec Port Authority on October 4, 2017.

On October 12, 2017, the Administrator directed payment of \$44,418.50 (which includes \$612.31 in accrued interest) to the Quebec Port Authority.

Recovery Action

The Administrator had advised Counsel for the P&I Club that a claim had been filed with the Fund and that the Administrator would revert to the owner/insurer of the *Maccoa* once the claim had been assessed and paid to the claimant. On September 28, 2017, counsel for the P&I Club informed the Administrator he will not advise to settle until he has access to the oil sample analysis. However, the Administrator could not share the information she received under the *Inquiries Act*, as this information was to be used as evidence by the Crown in support of Administrative Monetary Penalties (AMPs) against the shipowner with respect to the subject incident.

Counsel for the P&I Club advised in November 2017 that he was to file for a Transportation Appeal Tribunal of Canada (TATC) review of the AMPs and would therefore be able to access the relevant evidence.

Status

Settlement discussions will resume when the TATC issues its decision. As of March 31, the TATC hearing had still not taken place.

The file remains open.

MSC Monica (2016)

Location: Deschaillons-sur-Saint-Laurent, Quebec
Case number: 120-741-C1

The Incident

On January 22, 2016, the Panamanian registered container vessel *MSC Monica* (37 398 GT) grounded in the St. Lawrence River near Deschaillons-sur-Saint-Laurent, Quebec. The vessel was successfully refloated the next day at high tide, by the owner, with the assistance of three contracted tugs under light river ice conditions. Transport Canada, Environment Canada, the Canadian Coast Guard (CCG) and Quebec Government Ministries were involved in the planning and response to this incident. The vessel was carrying 673.2 cubic metres of heavier bunker and 173 cubic metres of diesel fuel. On January 24, the *MSC Monica* was secured alongside at the port of Quebec.

The grounding location was rocky and the vessel's speed at the time was about 10 knots. The extent of damage was only known once the vessel was refloated and inspected at the Port of Quebec but given the rocky bottom and vessel's speed, the possibility of severe negative consequences were viewed as high. As it turned out there was minor damage to the hull but major damage to the propeller blades. Although no pollution was reported during the incident, given the uncertain situation before the assessment of damage there was a perceived risk of potential pollution.

The Claim

On January 22, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$13,121.81, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

The Administrator noted that the ship was covered by P&I insurance and inquired as to whether the claim had already been brought to the attention of the P&I. CCG confirmed that they would do so, and the assessment was put in abeyance.

Status

As of March 31, 2018, the assessment was still in abeyance. The file remains open.

Mystery Spill, Port of Quebec (2016) (formerly the *Anastasia*)

Location: Port of Quebec, Quebec
Case number: 120-720-C1

The Incident

On November 24, 2016, a Quebec Port Authority's (QPA) patroller noticed an iridescence on the water by wharf 52. Although there was no vessel at the wharf at the time, it was believed that the oil came from the Marshall Islands registered bulk carrier *Anastasia* (50,697 GRT), which had departed that location a few hours earlier. The pollution corresponded specifically to the wharf where the *Anastasia* had been berthed and inspection of the other wharfs showed no other source of contamination. The inspection found bunker oil around wharf 52, the associated fenders and some product in the river.

Both the Canadian Coast Guard (CCG) and Transport Canada (TC) were advised of the incident. Transport Canada sent inspectors but they did not take any oil samples as the bulk carrier had already left the scene. The QPA hired a contractor for recovery and cleanup work. The contractor installed booms to prevent the spread of the bunker oil and cleanup progressed until high tide made it impossible to continue. The next morning, the wharf fenders were lifted, cleaned and then reinstalled.

At one point there was no longer any discernible oil left in the river or on the fenders, so the QPA concluded that the pollution threat to new vessels arriving at wharf 52 was low. They allowed the next vessel to berth, and would continue cleaning the next day, after its departure.

On November 26, 2016, cleaning continued and on November 27, the wharf was considered acceptably clean and the incident closed.

The Claim

On June 16, 2017, the QPA filed a claim with the Fund for costs and expenses incurred in the amount of \$12,298.09, pursuant to section 101 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On June 28, the Administrator sent a letter to the QPA requesting specifications on the dock face. A response was received on June 29.

On September 14, 2017, after further investigation and assessment of the claim, the Administrator made an offer to QPA for the established amount of \$12,298.09, plus interest, pursuant to section 105 of the Act. Interest was deemed to be in the amount of \$304.66.

On September 15, 2017, the offer was accepted by the QPA.

On October 12, 2017, the Administrator directed payment of the amount of \$12,298.09 (which includes interest in the amount of \$304.66) to the QPA.

Recovery action

As the available evidence did not allow to conclude that the *Anastasia* was the source of the spill, this was deemed to be a mystery spill and no recovery action was possible.

Status

The file was closed on December 12, 2017.

Sarah Desgagnés (2015)

Location: Salluit, QC
Case number: 120-683-R

The Incident

On October 13, 2015, the Administrator received a report from the Transportation Safety Board of Canada to the effect that about 2,500 litres of diesel fuel were spilled into the waters off Salluit, QC by the tanker *Sarah Desgagnés*. The incident occurred during the annual fuel delivery to the community of Salluit on October 7, 2015. Strong winds and snow forced the crew to stop the fuel transfer. However, during the disconnect process, the fuel line was severed by the vessel's propeller. The CCGS *Terry Fox* was on-site for the response operation.

The Claim

No claim has been received by the Administrator.

Status

The 2-year time bar having elapsed, the file was closed on October 17, 2017. However, it is to note that it could be reopened if a claimant takes action directly against the shipowner within the 3-year limitation period, in which case the Administrator becomes party by statute.

Jiggs (2018)

Location: Port Dover, Ontario

Case number: 120-747- R

The Incident

On March 14, 2018, the derelict tugboat *Jiggs* caught fire in the Harry Gamble Shipyard in Port Dover, Ontario. The 61 ft. long steel boat, with a 16 ft. beam, was launched in 1911 as the tug *Baltimore*. Firefighters were called around 3 pm. By the time they arrived, the vessel was fully involved.

The Claim

No claim has been received by the Administrator

Status

The file remains open.

Michipicoten (2015)

Location: Superior Terminal, Thunder Bay, Ontario
Case number: 120-723-C1

The Incident

On August 30, 2015, the Master of the bulk carrier *Michipicoten* (15,366 GRT), docked at the Superior Terminal at Thunder Bay, Ontario, reported that an internal fuel transfer had caused an overflow. Approximately 200 litres of heavy oil flowed onto the deck and down the port side of the vessel into the harbour.

The vessel's crew deployed an oil containment boom, which contained approximately two-thirds of the spill. The Master had contacted the local Response Organization (RO) to assist with the clean-up operations. The RO arrived on-site shortly afterwards and deployed containment booms and sorbent material. A vacuum truck was also contracted.

Once made aware of the spill, the Canadian Coast Guard (CCG) deployed an employee to Thunder Bay to assume the role of Federal Monitoring Officer. By the next day, the ship's hull had been cleaned by the crew and was deemed ready to load. The *Michipicoten* departed Thunder Bay on September 3, 2015.

After the vessel departed, any oil and residue remaining along the dock wall was removed. The Federal Monitoring Officer and the provincial environment representative conducted a final site visit on September 4, 2015, and did not observe any residual sheen on the water.

The Claim

On August 29, 2017, the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for monitoring costs in the amount of \$4,845.89, pursuant to section 103 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On October 25, 2017, after investigation and assessment of the claim, including requests for additional information and documentation, the Administrator made an offer to DFO/CCG for the established amount of \$4,745.46, plus interest, pursuant to section 105 of the Act. The elements of the claim were accepted in their entirety, with the exception of administration costs, which were accepted at the rate of 2.53% previously agreed upon by CCG and the Fund.

On December 13, 2017, the offer was accepted by CCG.

On December 20, 2017, the Administrator directed that the amount of \$5,076.99 (which includes \$331.53 in accrued interest) be transferred to DFO/CCG.

Recovery Action

On February 27, 2018, the Administrator's in-house counsel sent a demand letter to the shipowner. On March 13, 2018, a settlement was reached with the shipowner for the amount of the settled claim (\$4,745.46), without accrued interest.

Status

The file was still open as of March 31, 2018 pending reception of the settlement money.

Navicula (2015)

Location: Welland Canal, Ontario
Case number: 120-668-R

The Incident

On February 3, 2015, the Canadian Coast Guard informed the Administrator that a former Fisheries and Oceans Canada Research vessel, the *Navicula*, sank at a Welland Canal marina in Port Weller, Ontario and was half-encased in ice. All that was visible was the edge of a hull and rusty mast. ShipShape Marina, which was handling the vessel, believed that ice had frozen in one of the intakes, burst and filled the boat with water. While the *Navicula* contained no fuel, an oil sheen, apparently residual engine oil, was observed at the incident location. Absorbent pads were used to contain the oil.

A salvor was contracted by ShipShape Marina to develop a salvage plan, and the Seaway Authority, which assumed the lead role in the response operation, monitored the situation.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Pitts Carillon (2017)

Location: Picton Bay, Prince Edward County, Ontario
File number: 120-740-R

The Incident

On March 24, 2017, the Canadian Coast Guard (CCG) received a report of an empty barge, the *Pitts Carillon* (260 GT), taking on water at the Picton Terminal, Picton Bay, Ontario. CCG personnel were dispatched to the scene to make an initial assessment of the area. They remained on site to continue monitoring for any pollution damage.

The partially submerged barge was boomed off with pollution control equipment. Contracted divers reported that no pollution was coming from the barge although a slight sheen was present on the water and ice. This was attributed to residual oil from the barge, which was less than 30 litres, and was deemed non-recoverable.

On March 28, 2017, the CCG deployed additional staff and equipment to the site in advance of the recovery lift. That same day, a water emergency was declared as contaminants were approaching the water intake zone for Picton and Bloomfield water plants. Water processing was stopped at the Picton plant and processing was intermittent for the following few days. Bottled water was hauled in and a boil water advisory issued. The water emergency was rescinded on April 11.

On April 1, 2017, the barge was successfully refloated and all fuel (reportedly 1,200 litres) and hydraulic oil (100 litres) removed. After inspection by Transport Canada, the *Pitts Carillon* was towed out of Picton Bay on April 3, 2017, bound for Toronto.

The Claim

As of March 31, 2018, two claims were expected (one from the County and one from CCG) but no claim had yet been filed with the Administrator.

Status

The file remains open. This file will be continued in 2018-2019 as (a) claim file(s), under file number 120-740-C1.

Related files

Warren II and Marlene Wright (2015), files 120-722-C1 (Municipality) and 120-722-C1-1 (CCG): same type of incident (spill from barge in fresh water and impact on the municipality water intake), same region (Ontario)

Warren L. II (tug) and Marlene Wright (barge) (2015)
(Municipality of Killarney)

Location: Killarney Channel, Ontario
Case number: 120-722-C1

The Incident

On December 7, 2015, the Canadian Coast Guard (CCG) was advised that a large earth-moving truck had fallen off the barge *Marlene Wright* while under tow by the tug *Warren L. II*. The incident occurred in Killarney Channel, which separates the town of Killarney and George Island on Georgian Bay, Ontario.

The truck, which contained approximately 400 litres of diesel fuel as well as unspecified amounts of lube and hydraulic oils, came to rest on its side at a depth of 18-feet. The location of the incident was in the vicinity of the water intake for the municipality of Killarney. The CCG advised the municipality of the incident the same day; the water intake was closed shortly thereafter. The next day salvage plans and equipment were already being prepared.

By December 9, 2015, containment booms and equipment had been deployed and vacuum boats and a truck were recuperating wastewater. Divers were also on scene and once underwater they plugged a leak on a diesel fuel hose among other mitigation activities.

On December 10, 2015, a salvor was appointed and by December 11, no further pollution was observed. Salvage efforts were hindered for a few days due to bad weather and then on December 17, the truck was salvaged from the channel bottom and placed onto the deck of a barge. The next day the truck was landed ashore.

The municipality's water intake was reopened on December 23, 2015.

Measures taken by the Administrator

The Administrator appointed a counsel to represent the Fund and protect its interests in the Federal Court proceedings launched by the tug and barge owners against each other. On February 26, 2018, Counsel filed a Notice of Claim for the Fund in action T-1191-17, based on section 102 of the *Marine Liability Act* - which provides for the issuance of a financial security by the shipowner or its insurer even before a claim has been paid by the Administrator.

The Claim

On August 21, 2017, the Administrator received a claim from the Municipality of Killarney for costs and expenses in the principal amount of \$208,716.21 made pursuant to section 103 of the *Marine Liability Act*. Legal fees were also added to this claim, bringing the total amount to \$270,286.31.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 7, 2017, after investigation and assessment of the claim, the Administrator made a draft offer to the Municipality of Killarney inviting for comments. The deadline for comments was extended to January 16, 2018, at which date the municipality provided additional

comments and submissions. The claim raises novel issues related to costs and expenses incurred by a municipality who closed its municipal water intake before it could be contaminated, and purchased fresh water for its residents. As of March 31, 2018, the assessment was still under advisement.

Status

The file remains open.

Related files

Warren L. II (tug) and *Marlene Wright* (barge) (2015) (CCG), file 120-722-C1-1 (same incident, different claimant).

Pitts Carillon (2017), file 120-740-R (similar type of incident involving a barge incident in Ontario and its impact on municipal water intake).

Warren L. II (tug) and Marlene Wright (barge) (2015) (CCG)

Location: Killarney Channel, Ontario
Case number: 120-722-C1-1

The Incident

On December 7, 2015, the Canadian Coast Guard (CCG) was advised that a large earth moving truck had fallen off the barge *Marlene Wright* while under tow by the tug *Warren L. II*. The incident occurred in Killarney Channel, which separates the town of Killarney and George Island on Georgian Bay, Ontario.

The truck, which contained approximately 400 litres of diesel fuel as well as unspecified amounts of lube and hydraulic oils, came to rest on its side at a depth of 18-feet. The location of the incident was in the vicinity of the water intake for the municipality of Killarney. The CCG advised the municipality of the incident the same day; the water intake was closed shortly thereafter. The next day salvage plans and equipment were already being prepared.

By December 9, 2015, containment booms and equipment had been deployed and vacuum boats and a truck were recuperating wastewater. Divers were also on scene and once underwater they plugged a leak on a diesel fuel hose among other mitigation activities.

On December 10, 2015, a salvor was appointed and by December 11, no further pollution was observed. Salvage efforts were hindered for a few days due to bad weather and then on December 17, the truck was salvaged from the channel bottom and placed onto the deck of a barge. The next day the truck was landed ashore.

Measures taken by the Administrator

The Administrator appointed a counsel to represent the Fund and protect its interests in the Federal Court proceedings launched by the tug and barge owners against each other. On February 26, 2018, Counsel filed a Notice of Claim for the Fund in action T-1191-17, based on section 102 of the *Marine Liability Act* - which provides for the issuance of a financial security by the shipowner or its insurer even before a claim has been paid by the Administrator.

The Claim

On December 4, 2017, the Administrator received a claim from the Canadian Coast Guard acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$30,999.97 made pursuant to section 103 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On March 21, 2018, after investigation (including several requests for additional information) and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$28,059.11 plus interest.

The differences between the amount claimed and the amount assessed was due to reductions to the amount allowed for personnel, for the use of vehicle, and for miscellaneous costs.

On March 26, 2018, CCG accepted the offer, with the express statement that this acceptance should not be construed as an admission of facts or an agreement with any argument and/or conclusions contained in the offer letter of March 21, 2018.

On March 28, 2018, the Administrator directed payment of \$30,014.79 (which included \$1,955.68 in accrued interest), to DFO/CCG.

Status

The file remains open.

Related files

Warren L. II (tug) and *Marlene Wright* (barge) (2015) (Municipality of Killarney), file 120-722-C1 (same incident, different claimant).

Pitts Carillon (2017), file 120-740-R (similar type of incident involving a barge incident in Ontario and its impact on municipal water intake).

Barge 1526 (2017)

Location: Hudson Bay
Case number: 120-726-R

The Incident

On October 12, 2017, the Tug *Keewatin* was towing two barges, the *1526* and the *1801*, in Hudson Bay, approximately 175 nautical miles east of Churchill, Manitoba. The tow wire of *Barge 1526* payed out to the end and released; the barge was then adrift from the tug.

On October 24, 2017, the tug crew successfully recovered *Barge 1526* and continued the voyage with the barge in tow. No pollution was observed.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

British Columbia

Aquaculture Site, Echo Bay (2017)

Location: Echo Bay, British Columbia

Case number: 120-711-R

The Incident

On March 5, 2017, the Canadian Coast Guard (CCG) received a report about a spill from a fuel tank at an Atlantic salmon aquaculture site in Echo Bay, B.C., about 70 kilometers east of Port Hardy. Up to 1,500 litres of bio diesel spilled into the water when a fuel pump was left on overnight. The spill constituted a threat to about 50 clam beaches in the area of Burdwood Group of islands.

Staff at the fish farm put out absorbent pads to soak up the fuel, and most of the spill was contained in the fish pens. CCG and B.C. Ministry of Environment personnel, as well as a marine clean-up company were on scene to respond to the spill. Sensitive shoreline areas were mapped for priority protection, and a barge was used for secure temporary storage of the waste materials being generated during the response operations.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Central Isle (2016)

Location: French Creek, BC

Case number: 120-744-C1

The Incident

On June 1, 2016, the Canadian Coast Guard (CCG) was informed that the 35-foot ex-fishing vessel, *Central Isle*, was taking on water and in danger of sinking in French Creek, Vancouver Island. The CCG duty officer was initially unable to locate the owner of the vessel. Consequently, the CCG Environmental Response (ER) personnel assumed the role of On-Scene Commander. The CCG ER personnel tasked the French Creek lifeboat crew to assess the situation. Upon arrival on-site, the derelict vessel was found to be in immediate danger of sinking with the potential to discharge pollutants. Two pumps were deployed which successfully kept the vessel afloat. There was, however, no pollution at that time.

During the initial response, the owner eventually informed the CCG that he had no means to pay for repairs on deconstruction of the vessel. As a result, CCG decided to have the vessel removed from the marine environment to fully mitigate any potential discharge of pollutants. Meanwhile, the pumps remained operational aboard the derelict at all times to help ensure that the vessel would not sink.

On June 4, the vessel was towed by Saltair Marine Services some 40 miles north to its yard facilities in Ladysmith, where it was hauled out of the water for safety and stability.

On June 9, CCG engaged a consultant to attend on board the *Central Isle* while it lay on the blocks in the yard at Saltair Marine Services. The purpose of the survey was to determine if the vessel could be efficiently repaired and safely put back into the water, and to advise as to the residual value if the vessel was deconstructed. The surveyor concluded, among other views, that because of the poor condition of the wood planks and the open seams if placed back into the water it would require constant pumping by automatic bilge pumps to stay afloat. Without a complete rebuilding, the surveyor found that the vessel remained a risk to the environment and navigable waters if placed in the water. The wooden hull had deteriorated to the point where the vessel could not be economically rebuilt to a seaworthy standard. Moreover, he concluded that there was no residual value in the complete hull, structure and equipment, nor was there any residual value in salvage of the electronics, machinery, and rigging of the derelict as all of these were in poor condition or very antiquated. On June 10, CCG instructed Saltair Marine Services to proceed with the deconstruction of the derelict vessel. The work was completed on June 22.

The Claim

On February 20, 2018, the Administrator received a claim from Coast Guard on behalf of the Minister of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$25,035.02, made pursuant to the *Marine Liability Act*.

The Administrator determine that the claim was admissible under Part 7 of the Act.

Status

The file remains open.

Chilcotin Princess (2015)

Location: Namu, British Columbia

Case number: 120-669-C1

The Incident

On January 30, 2015, the *Chilcotin Princess*, a 51-metre old steel vessel which had been moored alongside the old dock of the abandoned Namu cannery for more than 10 years, was listing at its berth at Namu, British Columbia. A portion of the dock collapsed, and the vessel was at risk of capsizing and causing oil pollution. The vessel owner was contacted by the Canadian Coast Guard (CCG) Environmental Response personnel and issued a “Notice” requesting a plan to address the situation; however, no action was taken.

CCG assumed the role of On-Scene Commander and, on February 11, engaged a marine surveyor to examine the vessel. An imminent threat to the marine environment was noted due to the deteriorated condition of the hull. Therefore, having concluded that towing the vessel to a properly equipped oil removal facility would be unsafe, the surveyor recommended that oil on board be removed at the vessel’s location. The oil removal operation lasted five days and involved CCG crews and equipment, the CCGS *Bartlett* and a support platform from Wainwright Marine Services.

Measures taken by the Administrator

The Administrator hired a marine expert to review the survey report submitted by the marine surveyor engaged by CCG in February 2015. The expert agreed with CCG surveyor’s recommendation to remove pollutants from the vessel.

Furthermore, on July 27, 2015, upon receipt of the information from CCG that the *Chilcotin Princess* was being deconstructed by Wainwright Marine Services in Prince Rupert, with the Province of British Columbia (Province) as lead, the Administrator engaged a marine technical surveyor to attend the shipyard and monitor the deconstruction. The deconstruction process was halted by the finding of asbestos material on board. After the asbestos issue was resolved, a scrap contractor was engaged to proceed with the final demolition. The *Chilcotin Princess* was deconstructed in November 2015.

The Claim

On September 19, 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, in the amount of \$137,680.88.

The Administrator determined that the claim was admissible under part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, on November 2, 2016, the Administrator made an offer to DFO/CCG for the established amount of \$137,680.88 plus interest, as full and final settlement. The offer was accepted on November 14, 2016 and a payment of \$144,794.66 including interest was made to DFO/CCG on or about November 16, 2016.

Recovery Action

In December 2016, the Administrator tasked a professional locator service to complete a locate and asset search on the vessel owner. Additionally, a demand letter was sent to the owner, but no response was received. However, it appeared that the registered owner, Intercoast Towing Ltd., a provincially incorporated company, had been dissolved prior to the incident, as a result of not filing corporate reports in the prior two years.

On February 1, 2017, it was decided that a recourse action would be taken against the Province since it had become owner of the *Chilcotin Princess*, further to the dissolution of its registered owner. A demand letter was sent to the Province, to which a response denying liability for the claim was received on March 7.

The court was to decide on the issue of retroactivity in the reinstatement of Intercoast Towing Ltd. On March 31, 2018, the case was pending before the court.

Status

The file remains open.

Command Performance (2016)

Location: Ahousat, B.C.

Case number: 120-710- C1

The Incident

On July 10, 2016, the Canadian Coast Guard (CCG) received a report that the *Command Performance*, an old fishing vessel, was sinking at the dock in Ahousat, BC and discharging oil into the marine environment. A containment boom was deployed by CCG Environment Response personnel to prevent spreading of the oil; however, oil continued to upwell from the sunken wreck. Attempts to locate the vessel owner were unsuccessful. Therefore, CCG assumed the role of On- Scene Commander.

A local diving company was engaged to plug the vessel's fuel vents, and another contractor was hired to refloat the vessel. The salvage operations were completed on July 12, 2016. Due to the lack of facilities around Ahousat, the refloated vessel was towed by Wichita Marine Services to a shipyard facility in Ladysmith on the east coast of Vancouver Island, where a technical marine surveyor inspected it, while it was being dry-docked, in order to establish its general conditions. Inspection results indicated that it would be very costly to make the vessel seaworthy. Since all further attempts to locate the vessel owner were unsuccessful, it was decided to deconstruct the vessel and dispose of the debris.

The Claim

On March 21, 2017, the Administrator received a claim from CCG, on behalf of the Minister of Fisheries and Oceans (DFO/CCG), for costs and expenses incurred in the amount of \$116,433.70, made pursuant to the *Marine Liability Act* (the Act).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Investigation and assessment of the claim were carried out. A part of the amount claimed for the Damage Survey and Condition Assessment Report of the vessel was disallowed because the purpose of the report, which was to establish the requirements to return the vessel to a seaworthy condition, is not directly linked to pollution prevention or pollution damage. GST claimed on travel allowances for meals and incidentals was also rejected pursuant to the Treasury Board guidelines.

On June 7, 2017, an offer for the established amount of \$114,047.53 was made by the Administrator to DFO/CCG as full and final settlement. The offer was accepted by DFO/CCG on June 28, 2017 and on or about July 5, 2017, a payment of \$116,867.46, which includes interest in the amount of \$2,819.93, was made.

Recovery Action

On or about August 3, 2017, a corporate search was carried out by the counsel for the SOPF to find more about Ahousat Freight Services Ltd., which is recorded as the Authorized Representative of the *Command Performance* with holdings of 64 shares in the Transport Canada Vessel Registration Query System. Searches revealed that the company was dissolved on January 7, 2013 for failing to file corporate returns.

A locate and asset search on Ahousat Freight Services Ltd.'s owners was subsequently requested by the Administrator, but no exigible assets were identified. Besides, according to the investigation report, one of the owner of this company passed away in October 2011, and the other one is an 86-year old widow with no assets.

Status

The file remains open.

Crown Forest 84-6 (2014)

Location: Zeballos Inlet, British Columbia
Case number: 120-663-C1

The Incident

On September 25, 2014, the *Crown Forest 84-6*, a 39-metre camp barge, was sinking and polluting in Zeballos Inlet on the west side of Vancouver Island. The barge was partially submerged and hung up on the rocks, subject to tidal action, in a sensitive herring and salmon spawning ground. A light non-recoverable oil sheen was observed. A person who presented himself as the barge owner, but who was not in fact registered as such in the vessel registry, advised the Canadian Coast Guard (CCG) that he was not able to respond to the incident. The identity of the registered owner of the barge was later identified, but the latter claimed that he had already sold the barge.

CCG assumed the role of On-Scene Commander. The barge had various trailers and mechanical equipment on deck containing oils. Vacuum pumps were used by CCG personnel to remove 600 litres of diesel fuel from a tank on deck, and a local contractor having heavy equipment was hired to remove the remaining pollutants. On October 14, CCG deemed any ongoing pollution risk from the barge and its equipment to be minimal, so they stopped the response operation.

Measures taken by the Administrator

When informed about the incident by CCG, the Administrator engaged a marine technical surveyor to attend the incident location and investigate the situation. The surveyor met with the CCG Environment Response supervisor and the provincial government personnel who were involved. He was also informed that the provincial Ministry of Forests, Lands and Natural Resource Operations was working on a plan to pull the barge ashore and deconstruct it.

The Claim

On September 19, 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, in the amount of \$67,348.81 for costs and expenses incurred in the response to the *Crown Forest 84-6* incident.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, on November 24, 2016, the Administrator made an offer for the established amount of \$67,348.81 plus interest, as full and final settlement. The offer was accepted on December 14, 2016 and a payment of \$71,698.27 including interest was made to DFO/CCG on or about December 21, 2016.

Recovery Action

A demand letter was sent to the registered owner of the vessel, on February 2, 2017, but no response was received. Hence, a Statement of Claim was filed with the Federal Court on February 21.

On March 13, a response to the demand letter was received from the counsel of the registered owner denying any liability for the claims.

As of March 31, 2018, the case is pending before the court.

Status

The file remains open.

Dawn Marie (2016)

Location: Strait of Georgia, B.C.
Case number: 120-730-C1

The Incident

On January 8, 2016, the Canadian Coast Guard (CCG) was notified that the *Dawn Marie*, a 32-foot crab fishing vessel containing approximately 400 litres of diesel fuel, was taking on water in the Strait of Georgia between Mayne Island and Tsawwassen, British Columbia.

In order to minimize further oil pollution damage, the CCG hired salvage contractors to stabilize the water ingress and tow the vessel to a port of refuge.

The Claim

On November 21, 2017, the Administrator received a claim from CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG). This claim was in the amount of \$11,372.23 and was made pursuant to section 103 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 7, 2017, after investigation and assessment of the claim, the Administrator made a final offer to DFO/CCG for the established amount of \$11,372.33, plus interest, pursuant to section 105 of the Act. Interest on the claim was established in the amount of \$672.07.

On December 13, 2017, the Offer was accepted by DFO/CCG.

On December 20, 2017, the Administrator directed payment of \$12,044.30 (including \$672.07 in accrued interest) to DFO/CCG.

Recovery Action

A demand letter was sent to the owner, but he has not replied.

Status

The file remains open.

Elf (2014)

Location: Squamish Harbour, British Columbia

Case number: 120-646-C1

The Incident

On January 14, 2014, the District of Squamish reported to the Canadian Coast Guard (CCG) that the *Elf*, a 74-foot wooden hull tug built in 1902, sank near the government wharf in Squamish Harbour. A significant amount of oil was upwelling from the wreck. In view of the environmental sensitivities of the incident location, the CCG Environmental Response (CCG ER) personnel from the Richmond depot proceeded to the area with pollution counter-measures equipment. They then met with municipal officials, the RCMP, concerned citizens, and an individual who presented himself as the owner of the vessel but who could not provide proof of ownership. After verification with Transport Canada Ship Safety, it was found that the *Elf* was not registered; however, later, it was ascertained that the person who was operating the vessel was in fact the owner's representative. The latter was subsequently advised about the owner's responsibility to respond and his liability if he chose not to. He replied that the owner did not have insurance and was unable to contain and clean up the oil spill.

Therefore, CCG assumed the role of On-Scene Commander. Oil containment boom and sorbent materials were deployed to contain the spill and upwelling from the sunken vessel. At the same time, a local oil spill clean-up contractor was hired by the District Authority to boom off an area upstream where there are endangered species of red-legged frogs. As 90% of the Mamquam Blind Channel was covered with a rainbow of sheen and other dull coloured oil, Environment Canada was requested to provide sensitivity mapping as well as a trajectory model for the spill.

An emergency response contractor, Quantum Marine, was hired by CCG to clean up oil that had made its way in and around the marina and docks within the channel. Divers from Hydra Marina Services Inc. were also engaged to plug the vents, but this did not stop the leak of fuel oil completely. Given the level of environmental risk, CCG engaged a contractor, Vancouver Pile Driving Ltd., to raise the wreck, which operation commenced on January 16. The *Elf* was slowly brought to the surface and dewatered as much as possible. CCG then hired a marine surveyor to inspect the condition and seaworthiness of the vessel. The surveyor reported a significant wood deterioration to the hull and advised that the vessel should be raised so the hull below the waterline could be inspected. Arrangements were made to have the vessel towed from Squamish to English Bay and then transferred to another tug to tow it up the Fraser River to Shelter Island Marine, where it would be hauled out of the water.

On January 17, shortly after the *Elf* was transferred to another tug company, it started to sink. CCG returned to Squamish and continued with containment and recovery of oil pollution that lingered throughout the Mamquam Blind Channel. On January 20, the response operation was discontinued and the *Elf* was left at the bottom.

Measures taken by the Administrator

When the Administrator was informed by CCG about the incident and the eventual significant costs associated to the response, a marine technical surveyor was engaged to attend the scene of the incident during the salvage of the sunken vessel. The surveyor had discussions with the CCG ER personnel about the measures planned for the recovery and he was also invited to the operational meetings. He reported to the Administrator that the measures taken by the contractors during the refloating operations and preparing the *Elf* for tow to the Fraser River

for storage were sufficient to eliminate the threat of further oil pollution, other than light unrecoverable sheening.

The Claim

On August 12, 2014, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, for costs and expenses in the amount of \$82,512.70.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Investigation and assessment of the claim were carried out. Additional documentation was requested and provided without delay. On December 18, 2014, the Administrator made an offer to DFO/CCG for the established amount of \$82,512.70, plus interest, as full and final settlement. DFO/CCG accepted the offer on February 13, 2015 and, on or about August 4, 2016, a payment in the amount of \$88,702.92 including interest was made to DFO/CCG.

Recovery Action

On September 30, 2016, a demand letter was sent to the vessel owner. Having received no response, a Statement of Claim was filed with the Federal Court on October 7. The court case was later joined with another Federal Court case further to the Statement of Defence and Counterclaim filed by the vessel owner on October 26, 2016, pursuant to which the latter sued DFO/CCG for damages caused to the *Elf* and to which several third parties were involved, such as the Administrator, Squamish Marine Services Ltd. and Valley Towing Ltd.

The trial took place on December 20, 2017 and the Administrator won. The vessel owner was ordered to pay back the Ship-source Oil Pollution Fund, plus interests and costs – a supplementary order allowed \$15,000 in costs.

Status

The file remains open.

Elva M II (Port Authority Claim) (2016)

Location: Steveston Harbour, British Columbia
Case number: 120-704-C1

The Incident

On the night of November 4/5, 2016, the fishing vessel *Elva M II*, a wooden vessel built in 1927, sunk while alongside in Steveston Harbour, British Columbia. The local Harbour Authority attended the scene along with the Canadian Coast Guard (CCG) to respond to the incident. They deployed booms and equipment to deal with the pollution. Diving services and local contractors were hired to raise the sunken vessel. The recovery operation took place the same day, and in the evening, the *Elva M II* was removed from the water. Once raised, the vessel was hauled ashore and deconstructed.

The Claim

On February 9, 2017, the Steveston Harbour Authority filed a claim with the Administrator for costs and expenses in the amount of \$7,649.63, pursuant to the *Marine Liability Act* (MLA).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer to the Steveston Harbour Authority for the established amount of \$7,649.63 plus interest on February 22, 2017, as full and final settlement. The offer was accepted on March 6, 2017, with a Release and Subrogation Agreement duly executed by the Steveston Harbour Authority and, on March 21, a payment in the amount of \$7,736.30 including interest was sent to Steveston Harbour Authority.

Recovery Action

On May 31, 2017, a demand letter was sent to the vessel owner, to which a response was received. On June 27, counsel for the Ship-source Oil pollution Fund (SOPF) informed the vessel owner of the strict liability provisions of the MLA and advised him that action would be commenced by the SOPF in seven days, unless a satisfactory settlement offer was received. In addition, on June 29, a proposal was sent by counsel to the vessel owner. However, the latter replied that he was unable to pay.

In July 2017, a locator service was engaged to complete an asset search on the vessel owner, and in October 2017, a Statement of Claim was filed. As no Statement of Defence was received, a Motion for Default Judgment was filed with the court, following which a judgment against the vessel owner was received. The Examination in Aid of Execution was held on December 22, 2017.

Status

The file remains open.

Related file

Elva M II (CCG claim), case number 120-704-C1-1 (same incident).

Elva M II (CCG Claim) (2016)

Location: Steveston Harbour, British Columbia
Case number: 120-704-C1-1

The Incident

On the night of November 4/5, 2016, the fishing vessel *Elva M II*, a wooden vessel built in 1927, sunk while alongside in Steveston Harbour, British Columbia. The Canadian Coast Guard (CCG) attended the scene along with the local Harbour Authority. The vessel owner advised CCG that he was not financially able to respond to the incident. Hence, CCG assumed the role of On-Scene Commander and advised the owner that he would be liable for the costs and expenses incurred.

CCG and the Harbour Authority deployed booms and equipment to deal with the pollution. Diving services and local contractors were hired to raise the sunken vessel. The recovery operation took place the same day, and in the evening, the *Elva M II* was removed from the water. Once raised, the vessel was hauled ashore and deconstructed.

The Claim

CCG's request for payment for costs and expenses incurred having been declined by the vessel owner, it then filed a claim pursuant to the *Marine Liability Act* (MLA), with the Administrator on February 28, 2017 in the amount of \$46,351.57.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$46,351.57 plus interest on March 30, 2017, as full and final settlement. The offer was accepted on April 24, 2017, and on May 15, a payment in the amount of \$46,967.15 including interest was sent to CCG.

Recovery Action

On May 31, 2017, a demand letter was sent to the vessel owner, to which a response was received. On June 27, counsel for the Ship-source Oil pollution Fund (SOPF) informed the vessel owner of the strict liability provisions of the MLA, and advised him that action would be commenced by the SOPF in seven days, unless a satisfactory settlement offer was received. In addition, on June 29 a proposal was sent by counsel to the vessel owner. However, the latter replied that he was unable to pay.

In July 2017, a locator service was engaged to complete an asset search on the vessel owner, and in October 2017, a Statement of Claim was filed. As no Statement of Defence was received, a Motion for Default Judgment was filed with the court, following which a judgment against the vessel owner was received. The Examination in Aid of Execution was held on December 22, 2017.

Status

The file remains open.

Related file

Elva M II (Port Authority claim), case number 120-704-C1 (same incident).

Feelin Free (2017)

Location: Port Neville, BC

Case number: 120-717-R

The Incident

On or about January 30, 2017, the *Feelin Free*, a 36-foot fishing vessel caught fire with approximately 4,000 litres of diesel fuel on board. On April 24, 2017, the Administrator received correspondence from the Pacific Coast Fishermen's Mutual Insurance Co., concerning a claim filed with them by the CCG about the noted incident. The company made an offer to CCG to settle but received no response.

The Claim

A claim was expected from CCG in the fall of 2017. As yet, no claim has been filed with the Administrator.

Status

The file remains open.

King Arthur & SL 104 (2016)

Location: Mamquam Blind Channel, Squamish, British Columbia
Case number: 120-689-R

The Incident

On April 14, 2016, the Administrator was informed by the Canadian Coast Guard (CCG) of an incident, that occurred on April 10, 2016, involving two barges, the *S.L. 104*, which was listing, and the *King Arthur* in the Mamquam Blind Channel, BC. The incident constituted a threat of pollution. The owner of the barges being no longer able to control the situation, CCG took control of the response. Booms were deployed to contain any potential release of pollution. Environment and Climate Change Canada provided sensitivity mapping products for the area around the barges.

Transport Canada Marine Safety was on scene. CCG hired AMIX Marine Services to evaluate the stability of the *King Arthur*, and an additional independent surveyor to oversee the assessment. Western Canada Marine Response Corporation was also contracted to provide additional resources on standby. On April 15, the *King Arthur* was moved away from the Squamish shoreline and secured to a local spud barge to prevent grounding and the possibility of hull damage at low tide.

An important quantity of solid waste was removed and approximately 135,700 litres of oily liquids were pumped from the *King Arthur*. All of the waste was transferred onto another barge for sampling.

On July 27, 2016, CCG confirmed that the *King Arthur* had been deconstructed.

Measures taken by the Administrator

On June 7, 2016, the Administrator engaged a firm to complete a locate and asset search on the *King Arthur's* owner.

The Claim

No claim had been received by the Administrator as of March 31, 2018.

Status

The file remains open.

Kokanee (2016)

Location: Port Hardy, B.C.
Case number: 120-715-C1

The Incident

On March 22, 2016, the Canadian Coast Guard (CCG) was informed that the fishing vessel *Kokanee* (35 feet length overall) was sinking at the Port Hardy dock, British Columbia and that oil was being discharged into the marine environment. The port authority deployed absorbent pads and a containment boom around the vessel to help mitigate oil pollution damage.

The CCG deployed local personnel to assess the situation and respond as necessary. The vessel owner advised that he did not have the ability nor funds to remove the *Kokanee* from the water. Consequently, the CCG assumed the On-Scene Commander role and hired a local contractor to tow the wooden hull to a vessel storage yard at Port Hardy.

When the vessel was lifted out of the water, the CCG engaged a marine surveyor to attend and conduct a survey for condition and salvage value of the wreck. The CCG subsequently contracted for the deconstruction of the vessel.

The Claim

On April 20, 2017, the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$4,109.75, made pursuant to the MLA.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On June 7, 2017, after investigation and assessment of the claim, the Administrator made a final offer to DFO/CCG for the established amount of \$2,501.35, plus interest.

The salient difference between the claim and the amount established by the Administrator was due to the dismissal of costs related to the survey performed, post-recovery, while the vessel was on the blocks in storage. A survey of this nature is not directly linked to pollution prevention or pollution damage and as such not admissible for a claim under the Act.

On June 28, 2017, the offer was accepted by the CCG.

On July 5, 2017, the Administrator directed payment of the amount of \$2,592.33 (which includes interest in the amount of \$90.98) to DFO/CCG.

Recovery Action

During the months of July and August 2017, the Administrator carried out numerous attempts to reach the vessel owner, but these attempts were unsuccessful.

Status

On August 30, 2017, the Administrator closed the file.

Laurier II (2014)

Location: Deep Bay, B.C.
Case number: 120-742-C1

The Incident

On July 14, 2014, the Canadian Coast Guard (CCG) was informed by the Deep Bay Harbour Authority, B.C., that the *Laurier II* (201 GT), at anchor in the port, was likely abandoned and that the vessel had the potential for causing oil pollution. On July 31, 2014, CCG mailed a Notice to the presumed owner informing him of his responsibilities. This person responded, declaring that he was only a representative of the company. He informed the CCG that the vessel was being monitored and that the owner planned to repair the vessel.

Throughout the next two years, the CCG periodically checked the *Laurier II*. The area where the vessel was moored included a sensitive ecosystem and a multi-million dollar shellfish industry. On occasion, CCG pumped out of the hull the rainwater and the slow ingress of sea water.

On June 23, 2016, the CCG contracted a consultant to conduct an internal and external vessel condition survey and to determine the location, extent and quantities of fuels and oils aboard in and assess the risk to the environment. Two CCG response specialists also attended the survey.

The survey report indicated the vessel, of riveted and steel construction, was in poor condition. There were significant amounts of diesel and lubricating oils in the fuel tanks, fuel lines, engines, and engine beds. The surveyor recommended an imminent dry-docking of the vessel in order to ensure its integrity and reduce the risks of potential pollution.

On August 30, 2016, the CCG was contacted by the Deep Bay Harbour Authority advising that the *Laurier II* was now low in the water and likely to sink. CCG personnel stationed nearby were tasked to pump out the water and deploy pollution counter-measures equipment if necessary. Successful dewatering raised the bow of the vessel; the CCG personnel identified a baseball size hole in the starboard bow about a foot below the waterline where the seawater was entering. A temporary internal wooden patch was applied and the water ingress was stopped.

On September 1, 2016, a Direction Order was sent to the owner's representative to take measures to prevent pollution damage from the vessel. A response was required by September 7. On September 2, the owner's representative replied that a crew would be on site September 6 to effect interim repairs.

On September 6, 2016, the CCG observed that the crew working on the *Laurier II* appeared to be removing items from the vessel instead of making the expected repairs. The CCG, now convinced that the *Laurier II* presented an imminent threat to pollute, decided to have the vessel towed out of Deep Bay to a location where it could be properly and closely monitored. The owner's representative was informed that the owner would be liable for the costs incurred.

On September 6, 2016, a contractor hired by the CCG towed the *Laurier II* to Ladysmith Harbour, approximately 60 miles south of Deep Bay.

On September 12, 2016, another survey of the *Laurier II* was undertaken and Transport Canada Marine Safety (TCMS) conducted its own inspection; the vessel was found unfit for sea. TCMS found large quantities of various grades of oil that would eventually pollute the marine environment due to the state of the vessel. The independent survey indicates that the vessel was at high risk of foundering due to the possibility of underwater hull breaches suddenly and spontaneously occurring at any time.

A final Direction Order was issued on October 24, 2016, asking the owner's representative to immediately address the ongoing pollution issues by having the vessel removed from the marine environment. With no timely response, the CCG contracted to have the vessel removed and deconstructed. Deconstruction of the *Laurier II* began on November 7, 2016 and was completed on January 31, 2017.

The Claim

On January 22, 2018, CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$384,365.01, made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

As of March 31, 2018, assessment was still in progress.

Status

The file remains open.

Lightship LV76 (2017)

Location: Fraser River, Mission, British Columbia

Case number: 120-713-R

The Incident

On March 24, 2017, the former USCG Lightship *LV76* sunk in the Fraser River, British Columbia, and was leaking oil. The location of the incident was at a former sawmill, at which site other decommissioned and derelict vessels were also secured. The Canadian Coast Guard (CCG) Environmental Response (CCGER) and the Western Canada Marine Response Corporation (WCMRC) attended the site for the oil pollution response. Containment boom was deployed around the vessel and the area of upwelling, and sorbent materials were utilized within the contained area. The *LV76* was not considered to be a hazard to navigation in its position; however, since oil had continued to emerge from it and the volume of hydrocarbons on board had not been confirmed, CCG issued tenders to raise it.

On April 30, divers commenced work to prepare the vessel for refloating, but the raising and refloating operation encountered numerous difficulties. WCMRC was in attendance throughout the operation to deploy and maintain sorbent booms and materials in an effort to recover the oil that was upwelling from the *LV76* whenever it was moved.

On May 12, 2017, the bow of the vessel was hoisted whilst the stern still laid on the bottom. Due to the heavy weight of the *LV76*, the heavy lift crane *Arctic Tuk* was not able to hoist the entire vessel off the bottom. While approximately 50% of the vessel's main deck was above the water surface, divers continued efforts to plug submerged openings in the hull and pumps were deployed to dewater the hull. Despite efforts to seal the hull with additional pumps, the vessel did not rise any further.

However, throughout the operation, CCG recovered oil leaking from various ports and hatches and while the vessel was partially raised, was able to gain access to the fuel tank fill and vent and to pump out any remaining oil. CCG no longer considering the vessel to be a threat to cause significant pollution, the refloating operation was discontinued and the *LV76* was lowered to the bottom and marked with a buoy.

Measures taken by the Administrator

The Administrator engaged a marine expert to attend the site of the incident and to monitor the raising and refloating operation.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Marathassa (2015) (CCG)

Location: Vancouver Harbour, B.C.
Case number: 120-673-C1

The Incident

On April 8, 2015, the Canadian Coast Guard (CCG) was informed that there was an oil spill in English Bay near the entrance to Vancouver Harbour, B.C. The Cypriot registered bulk carrier *Marathassa* (43,229 GRT), which was at anchorage number 12 in English Bay, was identified as the probable source of the pollution. The vessel's Master initially denied any responsibility for the oil spill. Transport Canada Marine Safety (TCMS) inspectors later traced the source of the spill to a mechanical defect aboard the *Marathassa* which allowed bunker oil into the bilge.

Later that day, the CCG contracted the Western Canada Marine Response Corporation (WCMRC), a Transport Canada Certified Response Organization. The CCG took command of the operation as the lead agency and the WCMRC began collecting fuel oil and skimming operations. The *Marathassa* was boomed in the early morning on April 9, 2015, by WCMRC. This delay had a significant impact on the spread of the recoverable pollution.

The cleanup work executed by the WCMRC and the various subcontractors engaged by the CCG lasted 16 days, concluding on April 23, 2015. The *Marathassa* was released on April 24, 2015 and departed English Bay the next day.

A review of the incident found that the volume of the oil spill was approximately 2,800 litres of IFO 380, a ship's bunker product. It was estimated that about 600 litres, or more, could have impacted the shoreline. The coastal area surrounding English Bay contains several parks with popular beaches accessible from the downtown Vancouver area. The beaches are major tourist attractions and frequented by the local population all year long. English Bay and Burrard Inlet are important wintering areas for numerous marine birds and waterfowl, and have been designated by Birdlife International as important bird areas based on bird population and habitat thresholds.

Measures taken by the Administrator

A Letter of Undertaking (LOU) was received from the ship's insurer and the Administrator was advised that claims were being dealt with by counsel for the insurers.

The Claim

On April 3, 2017, while still pursuing settlement discussions with the insurer, the CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$2,431,746.57 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

At the request of the claimant, the Administrator kept the assessment on hold pending on-going settlement discussions between the claimant and the insurer. On June 16, 2017, CCG asked the

Administrator to proceed with the assessment and advised that they would inform the shipowner's representative of their decision.

During the assessment, the Administrator's office made several requests to CCG for additional information, which was provided. Under her investigative powers pursuant to the *Inquiries Act*, the Administrator also requested from Transport Canada Marine Safety a copy of their investigative report on the *Marathassa*.

Three different claims concerning the *Marathassa* incident of April 8-24, 2015 were eventually submitted. The measures and activities linked to the Incident Command System (ICS) identified in the individual claims (and their respective documentation) overlapped/intersected and therefore had to be assessed as an integrated package by the Administrator to ensure that the measures were part of the integrated plan and that measures had not been duplicated; i.e. although each claim had to be assessed for itself, it had to be understood in the light of the global operation that took place and that involved efforts from other parties. The understanding of this global picture was necessary to make a determination as to the reasonableness of measures and activities and the reasonableness of the costs of the individual elements of each claim.

On January 17, 2018, the Administrator sent a draft letter of offer to DFO/CCG, for comments. On February 22, 2018, the Administrator received comments from DFO/CCG. On March 29, 2018, the Administrator made an offer for the established amount of \$1,855,627.75 plus interest, as full and final settlement. The salient reductions from the CCG claim were due to some duplication of effort with other parties to the ICS, some ineligible communications costs, costs incurred when there was no longer any pollution risk, and a number of charges paid to subcontractors that were found to be unreasonable.

Status

The file remains open.

Related Files

120-673-C1-1 (VFPA): same incident, claim from the Vancouver Fraser Port Authority

120-673-C1-2 (City of Vancouver): same incident, claim from the City of Vancouver

Marathassa (2015) (Vancouver Fraser Port Authority)

Location: Vancouver Harbour, B.C.

Case number: 120-673-C1-1

The Incident

On April 8, 2015, the Canadian Coast Guard (CCG) was informed that there was an oil spill in English Bay near the entrance to Vancouver Harbour, B.C. The Cypriot registered bulk carrier *Marathassa* (43,229 GRT), which was at anchorage number 12 in English Bay, was identified as the probable source of the pollution. The vessel's Master initially denied any responsibility for the oil spill. Transport Canada Marine Safety (TCMS) inspectors later traced the source of the spill to a mechanical defect aboard the *Marathassa* which allowed bunker oil into the bilge.

Later that day, the CCG contracted the Western Canada Marine Response Corporation (WCMRC), a Transport Canada Certified Response Organization. The CCG took command of the operation as the lead agency and the WCMRC began collecting fuel oil and skimming operations. The *Marathassa* was boomed in the early morning on April 9, 2015, by WCMRC. This delay had a significant impact on the spread of the recoverable pollution.

The cleanup work executed by the WCMRC and the various subcontractors engaged by the CCG lasted 16 days, concluding on April 23, 2015. The *Marathassa* was released on April 24, 2015 and departed English Bay the next day.

A review of the incident found that the volume of the oil spill was approximately 2,800 litres of IFO 380, a ship's bunker product. It was estimated that about 600 litres, or more, could have impacted the shoreline. The coastal area surrounding English Bay contains several parks with popular beaches accessible from the downtown Vancouver area. The beaches are major tourist attractions and frequented by the local population all year long. English Bay and Burrard Inlet are important wintering areas for numerous marine birds and waterfowl and have been designated by Birdlife International as important bird areas based on bird population and habitat thresholds.

Measures taken by the Administrator

A Letter of Undertaking (LOU) was received from the ship's insurer and the Administrator was advised that claims were being dealt with by counsel for the insurers.

The Claim

On April 5, 2017, while still pursuing settlement discussions with the insurer, the Vancouver Fraser Port Authority (VFPA) filed a claim with the Administrator in the amount of \$198,947.22 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

At the request of the claimant, the Administrator kept the assessment on hold pending on-going settlement discussions between the claimant and the insurer. Assessment resumed at the end of June 2017. Additional information was requested from the claimant and was provided.

Three different claims concerning the *Marathassa* incident of April 8-24, 2015 were eventually submitted. The measures and activities linked to the Incident Command System (ICS) identified in the individual claims (and their respective documentation) overlapped/intersected and therefore had to be assessed as an integrated package by the Administrator to ensure that the measures were part of the integrated plan and that measures had not been duplicated; i.e. although each claim had to be assessed for itself, it had to be understood in the light of the global operation that took place and that involved efforts from other parties. The understanding of this global picture was necessary to make a determination as to the reasonableness of measures and activities and the reasonableness of the costs of the individual elements of each claim.

On January 15, 2018, after investigation and assessment of the claim, the Administrator sent a draft letter of offer to VFPA, for comments. On February 14, 2018, VFPA requested that the final offer be issued, and the Administrator made an offer for the established amount of \$158,800.49, plus interest, as full and final settlement. The salient reductions from the VFPA claim were due to some duplication of effort with other parties to the ICS, as well as some ineligible meal expenses and hospitality costs.

On February 20, 2018, VFPA accepted the offer and on March 1, 2018 the Administrator directed payment of \$172,674.87 (including \$13,874.38 in accrued interest) to VFPA.

Recovery action

On March 6, 2018, Counsel for the Administrator sent a demand letter to the insurer's counsel. On March 21, 2018, a payment of \$172,935.87 was received by the Administrator, as final settlement of her subrogated claim.

Status

As of March 31, 2018, the file was still open.

Related Files

120-673-C1 (CCG): same incident, claim from the Canadian Coast Guard

120-673-C1-2 (City of Vancouver): same incident, claim from the City of Vancouver

Marathassa (2015) (City of Vancouver)

Location: Vancouver Harbour, B.C.
Case number: 120-673-C1-2

The Incident

On April 8, 2015, the Canadian Coast Guard (CCG) was informed that there was an oil spill in English Bay near the entrance to Vancouver Harbour, B.C. The Cypriot registered bulk carrier *Marathassa* (43,229 GRT), which was at anchorage number 12 in English Bay, was identified as the probable source of the pollution. The vessel's Master initially denied any responsibility for the oil spill. Transport Canada Marine Safety (TCMS) inspectors later traced the source of the spill to a mechanical defect aboard the *Marathassa*, which allowed bunker oil into the bilge.

Later that day, the CCG contracted the Western Canada Marine Response Corporation (WCMRC), a Transport Canada Certified Response Organization. The CCG took command of the operation as the lead agency and the WCMRC began collecting fuel oil and skimming operations. The *Marathassa* was boomed in the early morning on April 9, 2015, by WCMRC. This delay had a significant impact on the spread of the recoverable pollution.

The cleanup work executed by the WCMRC and the various subcontractors engaged by the CCG lasted 16 days, concluding on April 23, 2015. The *Marathassa* was released on April 24, 2015 and departed English Bay the next day.

A review of the incident found that the volume of the oil spill was approximately 2,800 litres of IFO 380, a ship's bunker product. It was estimated that about 600 litres, or more, could have impacted the shoreline. The coastal area surrounding English Bay contains several parks with popular beaches accessible from the downtown Vancouver area. The beaches are major tourist attractions and frequented by the local population all year long. English Bay and Burrard Inlet are important wintering areas for numerous marine birds and waterfowl and have been designated by Birdlife International as important bird areas based on bird population and habitat thresholds.

Measures taken by the Administrator

A Letter of Undertaking (LOU) was received from the ship's insurer and the Administrator was advised that claims were being dealt with by counsel for the insurers.

The Claim

On February 21, 2017, the City of Vancouver submitted a \$569,053.13 claim to the ship insurer's counsel, with copy to the Administrator's counsel, for damages incurred in relation to the *Marathassa* incident. The City of Vancouver advised that should no settlement be reached before March 21, 2017, they would seek payment from the Administrator directly.

On April 10, 2017, the City of Vancouver confirmed to the Administrator that their February 21, 2017 claim in the amount of \$569,053.13 was now submitted to the Administrator.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

At the request of the claimant, the Administrator kept assessment on hold pending on-going settlement discussions between the claimant and the insurer. Assessment resumed in July 2017. Additional information was requested from the claimant.

Three different claims concerning the *Marathassa* incident of April 8-24, 2015 were eventually submitted. The measures and activities linked to the Incident Command System (ICS) identified in the individual claims (and their respective documentation) overlapped/intersected and therefore had to be assessed as an integrated package by the Administrator to ensure that the measures were part of the integrated plan and that measures had not been duplicated; i.e. although each claim had to be assessed for itself, it had to be understood in the light of the global operation that took place and that involved efforts from other parties. The understanding of this global picture was necessary to make a determination as to the reasonableness of measures and activities and the reasonableness of the costs of the individual elements of each claim.

On January 17, 2018, after investigation and assessment of the claim, the Administrator sent a draft letter of offer to the City of Vancouver, for comments. On February 22, 2018, Counsel for the City of Vancouver reverted to the Administrator with comments and submissions on this draft letter of offer. As of March 31, 2018, the Administrator had not yet sent her letter of offer to the City of Vancouver.

Status

The file remains open

Related Files

120-673-C1 (CCG): same incident, claim from the Canadian Coast Guard

120-673-C1-1 (VFPA): same incident, claim from the Vancouver Fraser Port Authority

Maryjack (2014)

Location: Sibell Bay, Vancouver Island, BC
Case number: 120-657-C1

The Incident

On May 31, 2014, the *Maryjack*, a 60-foot wooden hull ex-fishing vessel built in 1927 sank at anchor in Sibell Bay, near Ladysmith on Vancouver Island, BC, which is the home territory of the Stz'uminus First Nation and site of a shellfish aquaculture industry. As a result, oil pollutants were discharged into the marine environment.

The same day, the incident was reported to the Canadian Coast Guard (CCG) and the CCG Environmental Response (CCG-ER) personnel assumed the role of On-Scene Commander. A containment boom and absorbent pads were deployed in order to recover the pollutants. On June 1, further to the finding that the wreck was still discharging fuel and lubricating oil as well as hydraulic fluid, the CCG-ER hired local divers to try and restrict the flow of oil by plugging vents; however, oil continued to escape. The day after, CCG team continued recovering the oiled sorbents from within the containment boom.

The registered owner was contacted and a formal "Notice to Owner" outlining the owner's responsibility in the first place to take measures to remedy or minimize pollution damage was sent to him by CCG, but he was unable to respond financially to the situation.

On June 4, a contractor, Saltair Marine Services, was hired through Public Works and Government Services Canada to raise, deconstruct and dispose of the *Maryjack*. The vessel was brought to the surface, dewatered and towed to the contractor's facility at Ladysmith. An independent technical marine surveyor evaluated its condition and recommended its deconstruction since it was unfit for any service. All the hydrocarbons were removed and the *Maryjack* was dismantled by the contractor.

The Claim

On July 10, 2015, the CCG on behalf of the Minister of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$94,689.51, pursuant to the *Marine Liability Act* (the Act).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Further information was requested for the assessment. Some of the claimed costs and expenses incurred were disallowed, such as the overtime, which was not considered necessary, the additional insurance charges, and the new charge-out rates, which were not yet in force at the time of the incident.

On November 13, 2015, the Administrator made a final offer to CCG for the established amount of \$86,228.70 plus interest, as full and final settlement. The offer was accepted by CCG on December 18, 2015. However, the payment was withheld due to the Release and Subrogation issue.

This incident having been selected as the test case for such issue, on October 7, 2016, the counsel for the SOPF served and filed a Notice of Application. The hearing took place in April 2017, and the Federal Court issued their decision on May 31, 2017 to the effect that the Administrator does not have the right to require a claimant to execute the Release and Subrogation Agreement as a condition precedent to payment of their claim under the Act.

A payment of \$93,812.48, which includes interest in the amount of \$7,583.78, was made to CCG on or about June 8, 2017.

Recovery Action

Due to the shipowner's lack of financial means at the date of the incident, as well as the impossibility to trace back this shipowner after the incident, the Administrator was not able to commence a recourse action.

Status

The file was closed on July 5, 2017.

Miss Universe (2016)

Location: Port Edward Harbour Authority, B.C.
Case number: 120-721-C1

The Incident

On December 10, 2016, the Port Edward Harbour Authority (PEHA) was made aware of a sunken vessel in waters under their jurisdiction. Upon investigation the vessel was identified as the *Miss Universe* (12.45 GRT), a disaffected fishing vessel; it was determined that there was a high risk for both safety and pollution so the Canadian Coast Guard (CCG) was contacted by the PEHA.

A thick grey substance was observed on the water; oil absorbent pads were laid down and a boom was deployed around the vessel to mitigate pollution damage to the environment. The absorbent pads were replaced the following day. Since the vessel and contaminants were unknown and pollution leaking from vessel was of a substantial volume, not to mention the port authority was without the capability of safely containing the contaminants, the decision was taken to salvage and then demolish the wreck.

The PEHA continued to monitor the vessel and change the absorbent pads until December 15, 2016, when the sunken vessel was salvaged by a private contractor and brought to a safe location for demolition.

The Claim

On July 12, 2017, the Port Edward Harbour Authority (PEHA) filed a claim with the Administrator for costs and expenses incurred in the amount of \$19,911.85, pursuant to section 103 of the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On August 31, 2017, after investigation (including requests for extra documents, timesheets and invoices) and assessment of the claim, the Administrator made an offer to the PEHA for the established amount of \$18,711.85, plus interest, pursuant to section 105 of the Act.

The salient reductions from the PEHA claim were on account of punt rental fees deemed excessive compared to competitive rates.

On September 15, 2017, the letter of acceptance was received from the PEHA.

On October 12, 2017, the Administrator directed that the amount of \$19,113.80 (including \$401.95 in accrued interest) be paid to the Port Edward Harbour Authority.

Recovery Action

The Administrator continues to gather information to support potential recovery action.

Status

The file remains open.

Related file

The Administrator eventually realized that the *Miss Universe* incident was the same incident as the one initially reported as a mystery spill incident (see report file *Mystery Spill*, Port Edward (2016), 120-701-R). The Port Edward Harbour Authority later confirmed that this was indeed the case.

Mistann (2011)

Location: Prince Rupert, BC
Case number: 120-608-C1

The Incident

On October 14, 2011, the 37-foot fibreglass fishing vessel, *Mistann*, sank at the Yacht Club in Prince Rupert with approximately 1200 litres of diesel fuel and an unknown quantity of lube oil on board. The owner was informed of his responsibilities, but he replied that he could not respond since he had no insurance. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander. The CCG Environmental Response (CCG ER) personnel, judging that the vessel was a risk to the marine environment, deployed boom to contain the spill.

A local contractor, Wainwright Marine Services, was engaged to assess the vessel and mitigate the pollution. Divers assessed the vessel and noted that it was sitting upright with vents plugged. Meanwhile, the vessel was still polluting and it was difficult to determine the amount of pollutants still on board. A decision was subsequently taken to raise the vessel to remove the remaining hydrocarbons. The work was hindered by strong gusting winds, the tidal currents and the local Yacht Club traffic. Late on October 17, the vessel was finally raised to surface, dewatered, refloated and taken to the Wainwright Marine shipyard for further assessment. Repairs were made to the vessel engines.

On December 9, 2011, a Notice of Intent to put the vessel up for sale was sent by CCG to the vessel owner. However, it was returned to CCG as undeliverable. In January 2012, the *Mistann* was sold by CCG for \$1,200.

The Claim

On April 26, 2012, the Administrator received a claim, made pursuant to the *Marine Liability Act* (MLA), in the amount of \$113,787.48 from CCG, on behalf of the Minister of Fisheries and Oceans (DFO/CCG).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Investigation and assessment of the claim were carried out. A part of the Contract Services portion of the claim was disallowed since the vessel salvage operation over the weekend, which incurred premium costs, was not considered necessary. The costs relating to the repairs of the vessel engines were not accepted as reasonable either. Besides, the rate for the calculation of administration charges was adjusted.

On September 12, 2012, an offer for the established amount of \$100,462.51 plus interest was made by the Administrator to DFO/CCG as full and final settlement. DFO/CCG accepted the offer and, on or about September 27, 2012, a payment of \$103,428.74, inclusive of interest, was made.

Recovery Action

On or about October 16, 2012, the counsel for the Ship-source Oil Pollution Fund (SOPF) sent a letter to the registered owner of the *Mistann* requesting payment of the amount paid by the

SOPF to CCG. The letter was returned to the sender, marked with “moved/unknown”. In order to try to locate the registered owner and identify assets that may be available for recovery purposes, a professional locator firm was engaged by the Administrator.

On September 20, 2013, the counsel for the SOPF served a Statement of Claim on the vessel owner at Port Edward near Prince Rupert. No Statement of Defence was filed. On January 29, 2014, a default judgment against the defendant was issued by the Prothonotary of the Federal Court in Vancouver.

In 2016, the Administrator learned that the owner of the *Mistann* also owned two other vessels. A legal action was subsequently taken to seize those assets. In February 2017, three vessels, generator sets and one vehicle belonging to the vessel owner were seized and sold, from which sale the SOPF recovered \$18,080.42, after costs.

Status

The file remains open.

Mowitch (2017)

Location: Okanagan Lake, British Columbia
Case number: 120-705-R

The Incident

During the evening of January 30, 2017, the tugboat *Mowitch* sank off the east shore of Okanagan Lake, leaving the operator dead. The Transportation Safety Board of Canada carried out an investigation. No pollution has been reported.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Mystery Spill, (City of Vernon Claim) (2016)

Location: Paddlewheel Park, Vernon, B.C.
Case number: 120-709-C1

The Incident

A small pleasure craft at the boat launching ramp in Paddlewheel Park, Vernon, B.C., apparently abandoned and sinking, was the source of an oil spill. The RCMP reported the incident to Vernon Fire Rescue Services on September 25, 2016. A small oil slick was visible emanating from the partially submerged fibreglass pleasure craft.

Vernon Fire Rescue Services dispatched an employee to install a sock at the base of the launching ramp and an absorbent boom to contain the slick, which covered an area approximately 600 square metres. After inspecting the site, the Public Works Coordinator for the City of Vernon contacted appropriate authorities including the Canadian Coast Guard (CCG). On September 26, 2016, the CCG provided a Direction Order to the City of Vernon to proceed removing all hydrocarbon and chemical pollutants from the boat or to remove the vessel from the water.

On September 27, 2016, the City of Vernon Public Works staff removed the boat from the water and transported it to the town's local disposal facility. Vernon Fire Rescue Services recovered the oil boom and other materials for appropriate cleaning and disposal.

The Claim

On April 3, 2017, the Administrator received a claim in the amount of \$2,011.56 submitted by the Corporation of the City of Vernon (City of Vernon) pursuant to section 101 of the *Marine Liability Act*, for costs incurred in removing the pleasure craft and pollution clean-up work.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On June 19, 2017, after investigation and assessment of the claim, the Administrator made an offer to the City of Vernon for the established amount of \$1,586.62, plus interest, pursuant to section 105 of the Act. Interest was deemed to be in the amount of \$39.61.

The offer's reduced amount versus the claim was mainly due to the following:

- Charges related to overhead salary costs (47%) and administrative fees, at rates that were not found to be reasonable. These charges were accepted at a reduced amount.
- A 5% GST charge was applied to the total amount of the claim and invoiced to the Fund, as though the Fund had bought taxable services provided by the City. This GST charge was disallowed.

July 10, 2017, the offer was accepted by the City of Vernon.

On July 19, 2017, the Administrator directed that the amount of \$1,626.23 (which included \$39.61 in accrued interest) be paid to the City of Vernon.

Status

The file was closed on August 2, 2017.

Mystery Spill, Port Edward (2016)

Location: Port Edward, B.C.

Case number: 120-701-R

The Incident

The Port Edward Harbour Authority advised the Administrator on December 14, 2016, that they would be submitting a claim for a vessel that sunk at their dock. The vessel was not identified. The Administrator requested further information from the Harbour Authority and provided a copy of the Claims Manual, for reference.

Status

No claim has been submitted for this mystery spill, and as of March 31, 2018, the file remained open.

Related file

Miss Universe (2016), file 120-721-C1 (same location)

The Administrator eventually realized that this mystery spill incident was the same incident as the one reported later as the *Miss Universe* (see claim file *Miss Universe* (2016), 120-721-C). The Port Edward Harbour Authority later confirmed that this was indeed the case.

Nathan E. Stewart (2016)

Location: Bella Bella, BC

Case number: 120-697-R

The Incident

On October 13, 2016, the tug *Nathan E. Stewart* ran aground, sunk and was leaking fuel at the entrance to Seaforth Channel, near Bella Bella, BC, whilst pushing barge *DBL 55*. The tug contained approximately 59,924 gallons of diesel fuel and up to 2,700 gallons of oil when the incident occurred. Hot tapping operations were carried out to remove hydrocarbons from the tug. In addition, the sunk tug was boomed and sorbent materials were used to recover hydrocarbons from within the boomed off areas. The oil recovery operations were impaired by inclement weather conditions.

The barge, which was empty of cargo at the time of the incident, separated from the tug and was moved to a safe anchorage. No oil was escaping from the barge.

A Unified Command and Incident Management Team was stood up at Heiltsuk Nation tribal Council Chambers to respond to the incident.

On December 2017, a report issued by the Transportation Safety Board of Canada indicated that the probable cause of the grounding was the second mate falling asleep while on watch, and contributing to the grounding was the ineffective implementation of the company's safety procedures for watchkeeping.

Measures taken by the Administrator

On October 15, 2016, the Administrator was advised by the Canadian Coast Guard about the incident and retained a local marine expert to enquire about it and to help evaluate the amount of security that the Administrator was to require from the shipowner.

On December 16, 2016, the Administrator received an executed LOU as a security for the shipowner's liability.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

No Name (Ship) (2017)

Location: Wellington Point Park, Ladner River, B.C.
Case number: 120-729-C1

The Incident

On January 14, 2017, an unnamed vessel, apparently sinking at Wellington Point Park, Ladner River, British Columbia, came to the attention of the Canadian Coast Guard (CCG) from a concerned citizen. The CCG responded and the vessel was pumped out and determined to be safe to leave in the water. The boat was secured to a log boom in the vicinity, and the rescue crews departed the scene. The next day, the vessel became the subject of a pollution report.

The owner proved difficult to contact so the CCG took the initiative to have the vessel removed from the water. On January 16, 2017, the CCG contracted a salvage company and the same day the salvor was on scene with a barge and crew. The vessel was raised and beached in order to effect repairs prior to being towed on January 17, to a nearby marina where it was removed from the water with a marine travelift.

The Claim

On November 10, 2017, a claim was filed with the Administrator by the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$7,650.03 made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On November 28, 2017, after investigation and assessment of the claim, the Administrator made an offer to the CCG for the established amount of \$7,650.03, plus interest, pursuant to section 105 of the Act.

On December 13, 2017, the offer was accepted by CCG. Once accepted, interest on the claim was deemed to be in the amount of \$218.81.

On December 20, 2017, the Administrator directed payment of the amount of \$7,868.84 (which included \$218.81 in accrued interests) to DFO/CCG.

Status:

As of March 31, 2018, the file remained open.

Ocean Eagle (2016)

Location: Johnstone Strait, Vancouver Island, B.C.

Case number: 120-745-C1

The Incident

On March 15, 2016, the Canadian Coast Guard (CCG) was advised that the US flagged, 102-foot, 337 GT tug *Ocean Eagle*, towing the US flagged, 335 foot barge ZB335 had grounded at Rock Point (Chatham Point), Johnstone Strait on the NE coast of Vancouver Island.

Johnstone Strait and Discovery Passage form part of the “Inside Passage” extending from southeast Alaska, through British Columbia to Washington State. The route is heavily travelled by cruise ships, coastal freighters, fishing vessels and tugs with barges. The average 8-foot tidal range and 1 knot current has created a highly diverse marine ecosystem that supports local eco-tourism (whale watching) fishing and forest industry.

Given the reported 80,000 gallons of diesel aboard the ZB 335 as well as an unknown quantity of dangerous goods, although no spill had occurred, CCG immediately deployed efforts to respond to the incident and contracted the West Coast Marine Response Corporation (WCMRC) to provide pollution prevention assistance. Upon completion of a damage assessment of both the barge and tug by the crew, both vessels sailed towards the shelter of Menzies Bay under escort by CCG and an assist tug, where they anchored on March 15.

Late in the day of March 17, both TC and the US Coast Guard cleared the tug to sail from Menzies Bay for a shipyard in Seattle Washington.

After temporary repairs, the barge was allowed to sail from Menzies Bay, and on March 31, it departed Menzies Bay under tow for Ketchikan, Alaska.

Measures taken by the Administrator

Upon receipt of the claim, the Administrator appointed counsel to contact the insurers of the tug and the barge to require a security pursuant to section 102 of the *Marine Liability Act*. As of March 31, 2018, this security had not yet been obtained.

The Claim

On March 13, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$156,632.65 pursuant to the *Marine Liability Act*.

Assessment and Offer

As of March 31, 2018, assessment of the claim was ongoing and no offer had been issued yet.

Status

The file remains open.

Pacific Challenge (2013)

Location: Pender Harbour, British Columbia

Case number: 120-635-R

The Incident

On June 27, 2013, the Canadian Coast Guard (CCG) informed the Administrator that the ex-tug *Pacific Challenge* was in danger of sinking at its anchorage off Pender Harbour, British Columbia. The vessel had approximately 25,000 litres of a mixture of diesel oil and seawater in its fuel tanks, some 400 litres of hydraulic oil, and a quantity of oily waste in the bilges.

The owner reported that hull deterioration was the cause for the slow ingress of water; however, he was unable to respond appropriately to the incident. CCG attended the vessel and removed the accessible hydrocarbons to ensure that should the *Pacific Challenge* sink, there would be no oil pollution damage to the marine environment.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Pursepa (2015)

Location: Campbell River, BC
Case number: 120-707-C1

The Incident

On March 2, 2015, the *Pursepa*, a 50-foot vessel built in 1928 as a fisheries patrol boat, but which in recent years had been converted to a live-aboard boat, was aground on Tyee Spit and discharging oil pollutants into the Campbell River Estuary. Canadian Coast Guard (CCG) personnel contacted the vessel owner and informed him of his responsibilities. The owner advised that he would take necessary measures to mitigate the threat of pollution by refloating his vessel at high tide. His attempts were unsuccessful due apparently to lack of funds.

On March 4, CCG took over the response. CCG personnel from Victoria were deployed to assess the situation and assumed the role of On-Scene Commander. It was determined necessary to remove the wreck in order to prevent further oil pollution. At the outset, personnel at the Campbell River Lifeboat Station surrounded the wreck with a containment boom in case of a release of hydrocarbons.

On March 16, a local contractor from Campbell River was engaged to salvage and dispose of the abandoned vessel. Approximately 100 gallons of diesel fuel were removed from the vessel's tanks. The engine, the fuel tanks and other contaminants were also removed. During the lift process the stern of the vessel separated from the hull. After several failed attempts to remove the wreckage, it was decided to leave the shell of the vessel on the Tyee Spit.

The Claim

On February 28, 2017, the Administrator received a claim from CCG on behalf of the Minister of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$24,504.93 made pursuant to the *Marine Liability Act* (the Act).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

Further to the investigation and assessment of the claim, an offer for the established amount of \$24,473.92 plus interest was made to DFO/CCG by the Administrator as full and final settlement on March 31, 2017. The offer was accepted by DFO/CCG on April 24, 2017.

A payment of \$26,007.70, including interest in the amount of \$1,533.78, was made to DFO/CCG on or around May 12, 2017.

Recovery Action

On or about June 12, 2017, a demand letter was sent by the counsel for SOPF to the shipowner, to which the owner's trustee in bankruptcy responded that the SOPF claim was likely to be barred.

After review of the information received from the owner's trustee in bankruptcy, no other further recovery action was deemed to be reasonable by the counsel for SOPF.

Status

The file was closed on August 1, 2017.

Sea C Strider (2015)

Location: Gorge Waterway, Victoria, BC
Case number: 120-731-C1

The Incident

On December 27, 2015, the Canadian Coast Guard (CCG) was notified of a sunken vessel, the *Sea C Strider*, causing oil pollution damage in the Gorge Waterway, Victoria, B.C.

Due to the continued release of pollutants, the unknown amount of diesel fuel and lube oils aboard, and the fact that the deteriorated wooden vessel was, in and of itself, an oil pollution source, the CCG had the vessel removed from the water.

The Claim

On November 21, 2017, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$35,972.56 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On December 7, 2017, after investigation and assessment of the claim, the Administrator made an offer to CCG for the entirely established amount of \$35,972.56, plus interest, pursuant to section 105 of the Act. The Administrator found that the *Sea C Strider* was a severely deteriorated wooden vessel in which both oil and water were impregnated, and that permanently removing the vessel from the marine environment constituted the most reasonable course of action to prevent further oil pollution damage.

On December 15, 2017, the offer was accepted by CCG. On December 20, 2017, the Administrator directed payment of \$38,133.87 (which includes \$2,161.31 in accrued interest) to DFO/CCG.

Recovery Action

The Office of the Administrator is searching for the owner.

Status

The file remains open.

Seamee II (2017)

Location: Cattermole Slough, Squamish, B.C.
Case number: 120-737-C1

The Incident

On March 4, 2017, the Canadian Coast Guard (CCG) became aware that the *Seamee II*, an 11-metre wooden hull pleasure craft in the vicinity of the Squamish Cattermole Slough, was partially submerged and discharging pollution. It was estimated that diesel fuel and lube oil was leaking at a rate of 0.1 litres per hour. Absorbent pads had been placed inside the boat where most of the pollutants were contained.

On March 7, 2017, CCG personnel arrived on site with a Pollution Response Vessel, which was launched and proceeded to the sunken *Seamee II*. After the assessment, considering the oil soaked flotsam and contaminated timbers, it was decided that the most appropriate action was to raise the boat and remove it from the marine environment.

A tugboat operator working in the area was contracted to salvage the *Seamee II*, bring it to a port of refuge and deconstruct the wreck. Meanwhile, to prevent further leakage of oil, the CCG personnel placed a containment boom around the boat and put more absorbent pads inside.

On March 10, 2017, the salvage operation was initiated by the contractor. The recovery and removal of the sunken boat by a crane-equipped barge was completed in about three hours. Later that day, the salvage tug departed the area with the *Seamee II* on its barge and proceeded to a port of refuge to permit deconstruction of the vessel.

The Claim

On January 2, 2018, the Administrator received a claim from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$10,184.69, made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On January 25, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$10,184.69 plus interest, pursuant to section 105 of the Act.

On January 29, 2018, the offer was accepted by CCG. On January 31, 2018, the Administrator directed that the amount of \$10,469.30 (which includes interest in the amount of \$284.61) be drawn from the Fund to the credit of DFO/CCG.

Status

The file remains open.

Silver King (2014)

Location: Deep Bay, Vancouver Island, B.C.

Case number: 120-660-C1

The Incident

On June 23, 2014, the Canadian Coast Guard (CCG), Western Region, informed the Administrator that it was aware of an abandoned derelict tug near a sensitive fishing area in Deep Bay on the east coast of Vancouver Island. The CCG was hiring a surveyor of McAllister Marine Survey and Design Ltd. to inspect the old tug and offer an opinion as to whether there existed a significant or imminent oil pollution threat to the environment.

Upon receiving the report, the Administrator arranged through counsel – without prejudice to his obligations under the *Marine Liability Act* (MLA) – for a technical surveyor to jointly survey the vessel along with the Coast Guard contractor. The surveyors reported that the vessel contained approximately 2,323 litres of oil and 4,586 litres of oily water in accessible areas. These amounts did not include oils in other areas, such as double bottom fuel tanks. In addition, it was determined that the hull was in a precarious condition and in danger of sinking. It was the opinion of both surveyors that the *Silver King* posed a significant and imminent threat to the environment, due to its deteriorated condition in a sensitive area. Consequently, it was recommended that in order to remove the hydrocarbons, the old tug – built in Baltimore, Maryland, in 1945 for service in the United States Navy – should be moved to a nearby suitable dock as soon as possible. The action would avoid the additional costs of utilizing a tug and barge as a working platform and then transferring the hydrocarbons and equipment ashore.

Later, the CCG provided the Administrator a copy of its own surveyor's report, which recommended the deconstruction of the *Silver King*. The surveyor engaged by counsel, however, recommended that before carrying out the demolition, alternative quotes should be obtained for cleaning the vessel to a reasonable standard that would not cause damage to the environment should the old tug sink. On December 16, 2014, Coast Guard advised the Administrator that quotes were solicited from several hazardous waste service providers for the option of *in situ* cleaning. In addition, Public Works and Government Services were engaged to administer the process of soliciting bids for the removal of the vessel. In June 2015, Coast Guard reported that there was no further update at that time.

On April 6, 2016, CCG personnel returned to the *Silver King* in the company of a marine surveyor; water ingress was observed and pumping operations were undertaken. The CCG decided to have the vessel towed to Ladysmith, B.C., for scrapping.

By April 10, 2016, the CCG had awarded the salvage and deconstruction of the *Silver King* to Saltair who moved the vessel to Ladysmith on that day. Deconstruction work concluded June 15, 2016. On July 26, 2016, the CCG informed the Administrator that the *Silver King* had been dismantled and that they were preparing a claim for this incident.

Measures taken by the Administrator

As reported above, upon receiving the initial incident report from the CCG, the Administrator retained counsel and arranged through counsel – without prejudice to his obligations under the *Marine Liability Act* (MLA) – for a technical surveyor to jointly survey the vessel along with the Coast Guard contractor.

On December 5, 2016, a review of the incident file confirmed that all pollutants remained on board the vessel and did not enter the surrounding environment.

The Claim

On October 31, 2017, the Administrator received a claim from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$338,379.18, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act. Since no spill had occurred, the five-year limitation applied.

Status

On March 31, 2018, the letter of offer was being finalized by the Administrator and was about to be sent. An investigation of the owner had been carried out.

The file remains open.

Simushir (2014)

Location: Island Haida Gwaii, B.C.

Case number: 120-624-R

The Incident

On October 16, 2014, the CCG received a report that the Russian Federation general cargo ship *Simushir* was adrift 19 nautical miles west of the island Haida Gwaii, British Columbia. The ship had a main engine failure and was experiencing 7-metre seas with winds in excess of 90 kilometres per hour. On board, there were 472 metric tonnes of bunker fuel oil and 59 tonnes of diesel fuel. All the fuel oils were in immediate danger of being released should the vessel drift aground on Haida Gwaii (Queen Charlotte Islands).

Measures taken by the Administrator

The Administrator retained Counsel to obtain a security from the ship insurer and received a Letter of Undertaking covering potential claims.

The Claims

No claim has been filed with the Administrator. Insurers have paid directly all claims caused by the incident.

Status

The file remains open until the prescription period has expired.

South Wind (2015)

Location: Porpoise Bay, Sechelt, British Columbia

Case number: 120-714-C1

The Incident

On August 31, 2015 the Canadian Coast Guard (CCG) received a report that the *South Wind*, a wooden-hull fishing vessel of approximately 36 feet in length, was mostly submerged near the marina at Sechelt Inlet, British Columbia. Oil was leaking from the vessel. CCG Environmental Response personnel were deployed on site with response equipment and a pollution response vessel. Oil sorbent boom was utilized around the oil sheen.

CCG contacted the vessel owner on September 2, but the latter's attempt to salvage the vessel was unsuccessful. Therefore, a local contractor was hired by CCG to raise the vessel. On September 12, the *South Wind* was refloated and removed from the marine environment.

The Claim

On March 30, 2017, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), for costs and expenses incurred in the amount of \$14,300.21, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer for the established amount of \$14,300.21 plus interest, as full and final settlement, to DFO/CCG on May 4, 2017. The offer was accepted on May 15, 2017 and a payment in the amount of \$15,028.16 including interest was made to DFO/CCG on or about June 8, 2017.

Recovery Action

The counsel for the Ship-source Oil Pollution Fund has tried to reach the vessel owner in an effort to recover the amount paid, but all efforts have been unsuccessful.

Status

All reasonable measures to recover the amount from the owner having been taken, the Administrator concluded that recovery of funds is not likely. Hence, the file was closed on August 30, 2017.

Spudnik (2014)

Location: Howe Sound, British Columbia
Case number: 120-665-C1

The Incident

On November 12, 2014, the *Spudnik*, an ex-US Navy landing ship built in 1945, broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Seaspan tugs were hired to tow the *Spudnik* to the AMIX facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on November 20 and was completed on December 4. A total of 120,000 litres of oil water were removed from the vessel, in addition to 600 litres of solvents/paints. At the completion of the hydrocarbon removal, all double bottom tanks were opened and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

The Claim

On April 28, 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, for costs and expenses incurred in the cleaning of the *Spudnik* in the amount of \$149,043.60.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the costs associated with moorage from December 22, 2014 through March 31, 2016 in the amount of \$17,979.15 were disallowed since, all work related to hydrocarbon removal having been completed by December 9, 2014, the daily moorage costs were only accepted from November 12 through December 21, 2014. Therefore, on July 26, 2016, the Administrator made a final offer to CCG for the established amount of \$131,064.45 plus interest, as full and final settlement. The offer was accepted by DFO/CCG on September 8, 2016 and a payment in the amount of \$137,747.51 including interest was sent to DFO/CCG on or about September 13, 2016.

Recovery Action

A locator service was tasked to complete a locate and asset search on the *Spudnik*'s owners. Also, in December 2016, demand letters were sent to the vessel owners, but were returned as unclaimed.

On March 27, 2017, a Statement of Claim was filed with the Federal Court against both owners. Since no defence was received from any defendants, a Motion for Default Judgment was delivered to the Court on August 30, 2017, following which a Default Judgment was received.

The Examination in Aid of Execution of one of the owners was held in November 2017.

Status

The file remains open.

Related file

King Arthur and *S.L.M.104* (file 120-689-C1): same owner

Stellar Sea (2016)

Location: Tofino, B.C.
File: 120-743-R

The Incident

On October 1, 2016, while on a wildlife sightseeing expedition, the small passenger vessel *Stellar Sea* (27.89 GRT) grounded on a charted rock near Warn Bay, Vancouver Island, B.C. Within about an hour, the passengers and crew were evacuated by other sightseeing boats and brought to safety.

On October 2, 2016, the Canadian Coast Guard (CCG) arrived on scene and secured an oil pollution boom around the vessel; they confirmed that there was no pollution at the time. On October 3, the owner's company technicians made temporary repairs to the hull of the *Stellar Sea* and refloated the vessel, which was then towed to a nearby port of refuge for further inspection and repairs.

Status

The file remains open.

Tempest (2016)

Location: Ford Cove Marina, Hornby Island, B.C.
Case number: 120-736-C1

The Incident

On January 7, 2016, the Canadian Coast Guard (CCG) received a report that the vessel *Tempest*, a 36-foot pleasure craft, had sunk alongside the wharf at the Ford Cove Marina, Hornby Island B.C. There was a large diesel oil slick surrounding the partially submerged boat. A sorbent boom had been placed around the oil spill and the CCG had contacted the owner, who explained that he was unable to arrange salvage or clean-up activities.

The CCG employed a private contractor to refloat the vessel and remove it from the water. On January 8, 2016, the *Tempest* was refloated and taken out of the water. A contractor trailered the craft to a facility approximately 20 miles away, in Comox, where the owner planned to repair the damage.

The Claim

On January 2, 2018, the Administrator received a claim from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$15,136.08, pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On February 1, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$14,252.58, plus interest, pursuant to section 105 of the Act. The only cost the Administrator had not found to be established was for an invoice in the amount of \$883.50, for trailering the *Tempest* to a different location for repairs, once the pollution occurrence was dealt with. The cost of these services was disallowed as such services were not directly or consequently related to oil pollution damage, or its prevention.

On February 7, 2018, the offer was accepted by CCG.

On February 14, 2018, the Administrator directed that the amount of \$15,160.47 (which includes \$907.89 in accrued interest) be transferred to DFO/CCG.

Recovery Action

On March 15, 2018, a demand letter was sent to the owner.

Status

The file remains open.

Top Hatt (2016)

Location: Fraser Pacific Marine Services' boat shed, Richmond, British Columbia
Case number: 120-690-R

The Incident

On February 18, 2016, a yacht stored in one of Fraser Pacific Marine Services' (FPMS) boat sheds sank and was leaking oil. FPMS was under contract by the vessel owner to lengthen the vessel when the incident occurred. The Canadian Coast Guard (CCG) was on scene and, together with FPMS staff, took actions to prevent pollution damages. The quantity of oil on board the vessel was unknown. The vessel was raised and the contamination was cleaned. However, FPMS still continued to maintain and monitor the vessel in order to avoid any further pollution.

The vessel owner was contacted but has never taken responsibility for the pollution.

The Claim

Pads and booms were supplied by CCG for the response to this incident; however, they advised that they were not planning on filing a claim.

On May 6, 2016, the Administrator received an email from FPMS requesting the payment of an invoice in the amount of \$92,829.45 for costs and expenses incurred in the incident response. The Administrator replied that the invoice did not constitute a claim and provided FPMS with a copy of the *Claims Manual* should they wish to file a claim.

No claim has been received by the Administrator as yet.

Status

The file remains open.

Viki Lyne II (2012)

Location: Ladysmith, B.C.
Case number: 120-619-C1

The Incident

On June 21, 2012, the Canadian Coast Guard (CCG) informed the Administrator that an old steel-hulled fishing vessel, *Viki Lyne II*, was abandoned in Ladysmith Harbour, British Columbia, and was likely to discharge a pollutant. The CCG conducted an initial assessment and found the vessel in a deteriorated condition with substantial amounts of oil aboard. In consequence, the CCG contracted McAllister Marine Survey & Design Ltd. to have a technical surveyor examine the vessel and offer an opinion as to whether an imminent threat of pollution did exist.

On August 31, 2012, McAllister Marine Survey and Design Ltd. presented its technical survey report. The surveyor concluded that due to the overall condition of *Viki Lyne II*, it posed a significant, imminent and ever-increasing threat to the environment. The report recommended that the only certain way of removing the oils aboard contained in piping and machinery was to disassemble and scrap the vessel as soon as possible. The Coast Guard later advised that it was working with Public Works and Government Services Canada (PWGSC) to develop contract specification for the process of tendering. On July 9, 2013, counsel for the Administrator was informed by Coast Guard that an environmental response employee had attended the vessel in late June, and there was no evidence that the owner had removed any oil, or other pollutants. Therefore, the Coast Guard was assessing available options and would welcome an opportunity to discuss with the Administrator the reasonableness of each option.

On July 30, 2013, counsel replied and reminded Coast Guard of the earlier opinion of the independent technical surveyor appointed by the Administrator – notably, that the removal of the pollutants could be done at a lesser cost than deconstruction of the vessel. The surveyor had also recommended that quotations be obtained for both alternatives. Counsel confirmed to Coast Guard that the Administrator cannot prejudge the measures taken prior to the submission of the claim.

On March 31, 2014, Coast Guard reported in its year-end claims status report that the vessel had been identified as a potential hazard and that preventive measures would soon be taken, following which a claim would be submitted to the SOPF.

On March 17, 2016, the Coast Guard informed the Administrator that a contractor was hired in 2014 to remove approximately 23,000 litres of oil and oily water from the vessel. Furthermore, Coast Guard advised that a survey completed in February 2016, indicated that there were approximately 18,000 litres of oil/oily pollutants remaining in the vessel. Coast Guard was now planning to remove the remaining oil and oily pollutants in early 2016.

On July 26, 2016, the Fund was advised by Coast Guard that they had published a Request for Proposals for the deconstruction of the vessel.

Measures taken by the Administrator

When notified about the incident in 2012, the Administrator retained counsel and instructed him to engage a marine surveyor to represent the Fund and to arrange with CCG to have the surveyor attend the inspection of the vessel on behalf of the Fund. The technical surveyor

engaged on behalf of the Fund confirmed that McAllister's report accurately reflected the condition of the fishing vessel, and the amount of hydrocarbons on board. However, the surveyor from the Fund had offered an opinion that the removal and cleaning of hydrocarbons from the *Viki Lyne II*, rather than demolition would have been the least cost option to minimize the threat of hydrocarbon pollution. CCG was informed of this independent opinion.

In March of 2017, in anticipation to the upcoming claim, the Administrator engaged a locator service to trace the location of the registered owner and identify assets that may be available for recovery purposes.

The Claim

On June 15, 2017, the Administrator received a claim from the CCG on behalf of the Department of Fisheries & Oceans (DFO/CCG) for costs and expenses in the amount of \$1,267,926.71 made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act. Since no spill had occurred, the five-year limitation applied.

Assessment and Offer

The investigation gave rise to requests to CCG for additional information. On October 30, 2017, the Administrator sent a letter to CCG requesting additional submissions on the issue of wreck removal in this file. On December 20, 2017, the Administrator sent CCG a draft letter of offer for additional comments and submissions. On January 9, 2018, the CCG requested an extension for providing comments, following which the comment period on this draft letter of offer was extended to March 16, 2018.

Status

As of March 31, 2018, the final letter of offer was being finalized but had not been sent yet.

The file remains open.

Viking I (2016)

Location: Mark Bay, B.C.
Case number: 120-716-C1

The Incident

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GRT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, B.C. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800-gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge was set up at the boat launch facility and the *Viking I* was brought to an upright position to dewater the vessel.

On August 19, 2016, the hull was lifted into a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

The Claim

On May 3, 2017, the Administrator received a claim from the NPA for costs and expenses in the amount of \$31,458.19 made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

On May 24, further information was requested from the Port Authority in support of their claim. Several reminders were sent over the following months. On August 30, 2017, after investigation and assessment of the claim, the Administrator made an offer to the NPA for the established amount of \$29,432.92, plus interest, pursuant to section 105 of the Act.

On October 3, 2017, the offer was accepted by the NPA.

On October 12, 2017, the Administrator directed that the amount of \$30,484.30 (including \$1,051.38 in interest) be drawn from the Fund to the credit of the Nanaimo Port Authority.

Recovery Action

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*. However, the Administrator decided to assess the claim of the CCG in the same incident before moving to recovery action against the owner.

Status

The file remains open.

Related file

File 120-716-C1-1: same incident, different claimant (CCG's claim).

Viking I (2016)

Location: Mark Bay, B.C.
Case number: 120-716-C1-1

The Incident

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GRT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, B.C. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed by the NPA. The CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800-gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface by the use of additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge was set up at the boat launch facility and the *Viking I* was brought to an upright position in order to dewater the vessel.

On August 19, 2016, the hull was lifted into a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

The Claim

On February 20, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses in the amount of \$128,246.91 made pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

As of March 31, 2018, the assessment of the claim was still in the process of being finalized.

Status

The file remains open.

Related Files

Viking I (Nanaimo Port Authority Claim), case number 120-716-C1 (same incident, different claimant).

Windago (2014)

Location: Kitsilano Beach, B.C.
Case number: 120-659-C1

The Incident

On June 11, 2014, the 53-foot ferro-cement sailing vessel *Windago*, which had more than 400 litres of diesel on board and various unknown quantities of lube oils, dragged anchor and ran aground off Kitsilano Beach, Vancouver. The vessel was holed and oil was leaking. The Canadian Coast Guard (CCG) took steps to minimize the oil pollution damage. A sensitivity map of the area impacted was requested from Environment Canada.

The owner had advised his inability to salvage the vessel and to mitigate the threat of additional pollution damage. CCG Environmental Response group assumed the roles of On-Scene Commander and responder. Western Canada Marine Response Corporation was engaged by CCG to boom the area around the grounded vessel. At the same time, CCG responders used absorbents and Vac pumps to recover and control the spread of pollution, and removed oil and pollutants into containment cubes.

An initial survey of the holed vessel enabled to determine that the hull could not be patched. Hence, a decision was taken to remove and dispose of the vessel, in order to prevent further pollution. Vancouver Pile and Dredge was hired on an emergency basis to remove the wrecked vessel. The dismantling and removal operations were finished at the end of the day on June 12, 2014.

During the removal process, a significant amount of flotsam and oil found its way onto the beach, covering a strip approximately one metre wide and 100 metres in length. The beach was cleaned by CCG and personnel from Vancouver Pile and Dredge during the morning of June 13, 2014.

The Claim

On February 17, 2016, the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$41,506.93, pursuant to the *Marine Liability Act* (the Act).

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administrator made an offer to DFO/CCG, on June 1, 2016, for the established amount of \$41,506.93 plus interest, as full and final settlement. The offer was accepted by DFO/CCG on June 20, 2016, and a payment of \$44,035.16, which included interest in the amount of \$2,528.23, was made.

Recovery Action

On February 16, 2017, a demand letter was sent to the shipowner, but no response was received. A location and asset search on the shipowner was subsequently conducted; however, all attempts were unsuccessful.

Status

The file was closed on June 7, 2017.

Zidell Marine 277 & Jake Shearer (2017)

Location: Goose Island, B.C.

Case number: 120-732-R

The Incident

On November 26, 2017, the US registered tug *Jake Shearer* (497 GT) was pushing the fuel barge *Zidell Marine 277* in Queen Charlotte Sound, southwest of Bella Bella, British Columbia, when the barge became separated from the tug and went adrift in rough weather conditions. The barge was loaded with 468,000 litres of gasoline and 3.5 million litres of diesel. Crewmembers from the tug were able to board the barge and drop its anchor near Goose Island.

Canadian Coast Guard (CCG) environmental emergency response resources were dispatched and another tug, the *Gulf Cajun*, was able to connect to the barge the next day and continue the voyage.

Measures taken by the Administrator

When advised of this incident, the Administrator instructed the in-house counsel to inquire about the potential claimants and potential amount of their claims and appointed an external counsel to obtain a security from the shipowners/insurers, as provided under section 102 of the *Marine Liability Act*.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open.

Arctic Waters

Clipper Adventurer (2010)

Location: Coronation Gulf, Nunavut

Case number: 120-580-C1

The Incident

On August 27, 2010, the Bahamian-registered cruise ship, *Clipper Adventurer*, with 128 passengers and 69 crew on board, grounded on a shoal in the Coronation Gulf, Nunavut, in the Canadian Arctic. No pollution was reported. After several failed attempts to refloat the vessel, the captain ordered an evacuation of all passengers and non-essential crew on board. The evacuated people were transported to Kugluktuk (formerly Coppermine) by the Canadian Coast Guard (CCG) icebreaker *Amundsen*, which was tasked with the rescue mission.

The cruise ship reported sustaining considerable damage to its double bottom fuel tanks. However, there was no leakage of oil and no risk of sinking. Several days following the grounding, a light sheen was visible but it dissipated quickly. Upon the shipowner's request, the vessel's classification society developed a salvage plan, for which a Transport Canada Marine Safety inspector provided oversight. Transport Canada, Environment Canada and CCG maintained a monitoring role throughout the salvage operation to ensure an appropriate response. The CCG ship *Sir Wilfrid Laurier* was deployed to function as the local command centre.

On September 14, the *Clipper Adventurer* was successfully refloated and towed by tug to Cambridge Bay, Nunavut, for damage assessment and preliminary repairs in preparation for departure from the Arctic. On September 23, Transport Canada and the vessel's classification society granted clearance for the vessel to transit from Cambridge Bay to Nuuk, Greenland. The *Clipper Adventurer* departed Nuuk, Greenland, on October 28, 2010, and proceeded to the port of Gdansk, Poland, where permanent repairs were made from November 11, 2010, to December 31, 2010.

Measures taken by the Administrator

The Administrator instructed counsel to investigate the response operation and ascertain that the vessel had a Bunker Convention insurance certificate.

A Letter of Undertaking signed on September 23, 2010 and covering both the Administrator and the CCG, was received.

Administrator as Party by Statute

Two actions were launched with regard to the incident, with the Ship-source Oil Pollution Fund (SOPF) being a party by statute to both actions. The first lawsuit was brought against the Crown by the shipowner, Adventurer Owner Ltd., alleging negligence on the part of the Crown (CCG and the Canadian Hydrographic Service), in failing to properly notify shipowners of the shoal on which the *Clipper Adventurer* had grounded. The amount claimed was about \$15 million. About one year later, the Crown launched its own action against the shipowner in the amount of \$468,801.72 for costs and expenses it incurred arising out of the incident. The Crown

contended that the existence of the shoal had been properly publicized to mariners in a Notice to Shipping.

The two actions have been joined as one action under case management by the Federal Court. A mediation was held by the Federal Court on February 10, 2016, but no agreement was reached by the parties. The case went to trial in November 2016. Judgment was rendered in January 2017, dismissing Adventurer Owner Ltd.'s action and awarding the Crown a principal amount of \$445,361.64 plus interest at 5%.

On February 24, 2017, a notice of appeal was filed by Adventurer Owner Ltd. with the Federal Court. One of the plaintiff's request was the application of the interest provision provided at section 116 of the *Marine Liability Act* (MLA) to all claims against a shipowner by virtue of section 109 of the MLA, instead of the Admiralty interest, which was awarded to the Crown at trial. The counsel for SOPF sent a notice to the Federal Court to the effect that the SOPF would not appear nor be seeking to be involved.

On February 7, 2018, the Federal Court of Appeal upheld the Federal Court's judgment, which was in favour of the Crown. In addition, while elaborating on the SOPF's jurisdiction, namely the scope of the interest provision, it decided that section 116 of the MLA was inapplicable in this case since the claimant sued a shipowner directly. The shipowner has since applied for a leave to appeal before the Supreme Court of Canada.

The Claim

On October 17, 2011, the Administrator received a claim in the amount of \$468,801.72 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) to cover the monitoring costs and expenses incurred in respect of the incident pursuant to the MLA. However, the Administrator has kept assessment in abeyance pending the outcome of the litigation.

Status

The file remains open.

Investigator (2016)

Location: Toker Point, Northwest Territories
Case number: 120-696-R

The Incident

On September 2, 2016, the double-hulled barge *Investigator* ran aground near Toker Point, about 15 km north of Tuktoyaktuk, with 50,000 litres of diesel fuel on board and remained stranded. Refloating attempt having been unsuccessful, the barge overwintered in the Arctic.

Measures taken by the Administrator

The Administrator was informed of the incident by the Canadian Coast Guard (CCG) on October 11, 2016. On October 18, the Administrator, on the advice of the counsel for the Ship-source Oil Pollution Fund (SOPF), decided to maintain a watching brief on the situation and take no further action for the moment.

On July 6, 2017, updates were received from CCG to the effect that the barge still remained aground and the refloating attempt had been delayed until August. CCG also advised the Administrator that most of the oil had been removed by Fathom Marine Inc., the Canadian bareboat charterer of the barge, with helicopters and baskets, during the winter, pursuant to CCG's order. CCG had taken care of pumping the remaining oil. During August 2017, a small tug and a work barge were sent by Fathom Marine Inc. to free the *Investigator*; however, they ended up on the shore next to the barge. The small tug and the work barge were recovered and another attempt was planned during the first week of September.

On October 5, 2017, the counsel for the SOPF was informed that the *Investigator* would be leaving Toker Point and towed to Vancouver. Whilst the Administrator was getting ready to arrest the barge, negotiations about a Letter of Undertaking (LOU) that would cover potential claims took place between counsels on October 11, 2017. Warrants to arrest the tug *Fathom Wave* and the barge *Investigator* were to be issued on November 2, 2017 unless a security in a form satisfactory to the Administrator was given.

On November 2, 2017, the counsel for the SOPF was informed that, on its way to Vancouver, the *Investigator* started drifting and was not expected to be in Vancouver in the coming weeks.

An action was commenced by the SOPF on November 3, 2017, and on November 28, 2017, the Administrator received a LOU covering all three claims. The SOPF filed a Notice of discontinuance and the action is stayed.

The Claim

No claim has been filed with the Administrator.

The owner and its insurer will address directly the claims of the claimants.

Status

The file remains open.

Sten Fjord (2016)

Location: Rankin Inlet, Hudson Bay

Case number: 120-694-R

The Incident

In the evening of July 13, 2016, while the tanker *M/V Sten Fjord* was unloading gasoline in the northern community fuel tanks at Rankin Inlet, a small boat ran into its fuel hose, rupturing the line and causing a spill. About 500 litres of fuel were estimated to have leaked into Hudson Bay. The polluter took care of the response operations. As soon as the fuel line ruptured, the ship's crew managed to shut off the flow and deployed booms and absorbent pads to the area. The next morning, the hose line was repaired and refueling recommenced.

The Claim

No claim has been filed with the Administrator. Furthermore, the Canadian Coast Guard advised that they would not be seeking any cost recovery with the Fund.

Status

The file remains open.

2017-2018 Incident Index

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Newfoundland and Labrador											
Baby Leeyn (formerly Jana) Cape St. Mary's, NL	2017	Cargo									
Baccalieu Endeavour Musgrave Harbour, NL	2017	Fishing vessel				DFO/CCG 2018-01-03	5,146.31	2018-02-07	5,045.49 98.4%		Open
Baffin Sound St Anthony, Nfld	2015	Fishing vessel (derelict)				DFO/CCG 2015-12-09	22,185.86	2016-02-25	22,185.86 100%		Open
Floyd II Happy Adventure, NL	2017	Fishing vessel	√			DFO/CCG 2017-11-03	10,471.05	2017-12-12	10,471.05 100%	5,250.00	Open
François Clareville Harbour, NL	2017	Fishing vessel									
Jana Marystown, Mortimer Bay, NL	2014										
Joyce's Journey Bay of Islands, NL	2016	Fishing vessel				DFO/CCG 2018-01-03	11,373.42	2018-01-31	11,373.42 100%		Open

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Lucas & Rebecca Bay of Islands, NL	2017	Fishing vessel				DFO/CCG 2017-11-03	17,744.64	2017-12-13	17,744.64 100%		Open
Matterhorn Mount Carmel, NL	2014	Tug - abandoned	√	Diesel & waste oil		DFO/CCG 2016-08-09	172,751.64	2016-12-19	172,751.64 100%		Open
Norcon Galatea South Coast of Newfoundland	2017	Passenger style vessel abandoned									
Rhonda Embree, Nfld	2016	Fishing vessel									
Sikuk Clareville Harbour, NL	2017	Fishing vessel									
Stelie II Port Saunders, NL	2016	Fishing vessel									
Nova Scotia											
Arca Sydney Mines, NS	2017	Bunkering tanker	√	Bunker Oil		DFO/CCG 2017-04-04	100,649.50	2018-01-25	54,998.13 54.64%	57,000.00	Open
Australian Spirit Halifax, NS	2014	Crude oil tanker									
Cormorant Bridgewater, NS	2015	Derelict – wreck	√			DFO/CCG 2015-11-02	549,581.18	2016-03-29	515,267.25 93.76%		Open
EM-AN-L	2016	Fishing vessel	√			DFO/CCG 2016-12-02	4,808.25	2017-01-25	4,605.94 95.79%		Closed

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Weymouth North, NS											
Farley Mowat Shelburne, NS	2017	Research vessel (wreck)	√	Oily liquids		DFO/CCG 2017-10-10	1,176,126.41				In progress
Farley Mowat Shelburne Harbour, NS	2015	Motor vessel (derelict)	√			DFO/CCG 2016-01-18	814,815.05	2016-06-29	813,316.15 99.82%		Open
Farley Mowat Shelburne Harbour, NS	2015	Motor vessel (derelict)	√			Town of Shelburne 2017-06-23	47,598.78	2017-07-18	43,641.94 91.69%		Open
Lady Young Deming's Island, NS	2016	Pleasure craft	√	Diesel		DFO/CCG 2016-08-09	25,747.66	2016-11-23	25,598.67 99.42%		Open
Nordika Desgagnés Cape Breton, NS	2018	Cargo ship									
Ryan Atlantic II (formerly Cape Rouge)	2014	Pleasure craft – derelict	√			DFO/CCG 2014-06-30	362,575.38	2015-03-19	358,117.79 98.77%		Open
Stephanie & Darrel Shelburne, NS	2007	Fishing vessel - abandoned	√	Fuel and hydraulics		DFO/CCG 2008-02-09	13,627.73	2008-05-13	13,627.73 100%		Open
New Brunswick											
SBI Carioca Belledune, N.B.	2017	Bulk carrier			√						Open

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Quebec											
Bayliner 2655 Rivière des Prairies, QC (Rapide du Cheval Blanc)	2013	Pleasure boat	√	Fuel and motor oil		DFO/CCG 2015-06-16	14,286.40	2015-08-27	14,286.40 100%		Open
BBC Maple Lea Lac St-Louis, QC	2015	Cargo ship	√	Bunker		DFO/CCG 2017-12-15	1,329.54	2017-12-19	1,329.54 100%		Open
Chaulk Determination Trois-Rivières QC	2015	Tug	√	Diesel		Trois-Rivières Port Authority 2015-10-20	71,909.71	2017-02-02	70,632.58 98.22%		Closed
Chaulk Determination Trois-Rivières QC	2014	Tug	√	Diesel		DFO/CCG 2016-12-09	4,585,963.68				In progress
Kathryn Spirit Beauharnois area, St. Lawrence River (Lac St. Louis area), QC	2013	Wreck									Open
Kavo Manali Québec Harbour, QC	2017		√	Lube oil	√						
Louis Jolliet	2015	Cruise ship	√	Diesel							

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Quebec, QC – St -Lawrence River											
Maccoa Quebec Port Authority	2017	Bulk carrier	√			Québec Port Authority 2017-06-16	43,806.19	2017-09-15	43,806.19 100%		Open
MSC Monica Deschaillons-sur-Saint-Laurent, QC	2016	Container ship	√	Heavy Bunker and Diesel		DFO/CCG 2018-01-22	13,121.81				In progress
Mystery Spill Québec Port Authority	2016	Bulk carrier	√			Québec Port Authority 2017-06-16	12,298.09	2017-09-14	12,298.09 100%		Closed
Sarah Desgagnés Salluit, QC	2015	Tanker	√	Diesel oil (Ultra low sulphur)							
Ontario											
Jiggs Port Dover, Ont.	2018	Derelict									
Michipicoten Thunder Bay, Ontario - Lake Superior - Superior Terminals	2015	Motor vessel (wreck)	√			DFO/CCG 2017-08-29	4,845.89	2017-10-25	4,745.46 97.93%	4,745.46	Open
Navicula Welland Canal, ON	2015	Former Research Vessel									
Pitts Carillon	2017	Barge	√	Residual oil							

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Pictou Bay, Prince Edward County, ON											
Warren L II Killarney Channel, Ontario	2015	Tug and barge	√	Fuel Oil		Municipality of Killarney 2017-08-21	208,716.21				In progress
Warren L II Killarney Channel, Ontario	2015	Tug and barge	√	Fuel Oil		DFO/CCG 2017-12-04	30,999.97	2018-03-21	28,059.11 90.51%		Open
Manitoba											
Barge 1526 Hudson Bay	2017	Barge									
British Columbia											
Aquaculture Site Echo Bay, B.C.	2017		√	Diesel fuel							
Central Isle French Creek, B.C.	2016	Ex-fishing vessel				DFO/CCG 2018-02-20	25,035.02				In progress
Chilcotin Princess Prince Rupert, BC	2015	Motor vessel	√			DFO/CCG 2016-09-19	137,680.88	2016-11-02	137,680.88 100%		Open
Command Performance Ahousat, BC	2016	Fishing vessel	√			DFO/CCG 2017-03-21	116,433.70	2017-06-07	114,047.53 97.95%		Open

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Crown Forest 84-6 Zeballos, BC	2014	Barge	√			DFO/CCG 2016-09-19	67,348.81	2016-11-25	67,348.81 100%		Open
Dawn Marie North End of Mayne Island, BC	2016	Fishing vessel	√	Diesel		DFO/CCG 2017-11-21	11,372.23	2017-12-07	11,372.23 100%		Open
Elf Squamish Harbour, BC; Point Atkinson, West Vancouver, BC	2014	Tug – Derelict	√	Diesel, hydraulic & lube oil		DFO/CCG 2014-08-12	82,512.70	2014-12-18	82,512.70 100%		Open
Elva M II Steveston Harbour, Richmond, BC	2016	Fishing vessel	√			Steveston Harbour Authority 2017-02-09	7,649.63	2017-02-22	7,649.63 100%		Open
Elva M II Steveston Harbour, Richmond, BC	2016	Fishing vessel	√			DFO/CCG 2017-02-28	46,351.57	2017-03-31	46,351.57 100%		Open
Feelin Free Port Neville, BC	2017	Fishing vessel									
Barges King Arthur & SL 104 Mamquam Blind Channel, BC	2016	Barges									Open
Kokanee Port Hardy Harbour Authority, BC	2016	Fishing vessel	√	Oil/Diesel		DFO/CCG 2017-04-20	4,109.75	2017-06-07	2,501.35 60.86%		Closed

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Laurier II Deep Bay, B.C.	2014	Motor Vessel				DFO/CCG 2018-01-22	384,365.01				In progress
Lightship LV76 (Queen of East Vancouver) Mission, B.C. (Fraser River)	2017	Derelict – sunken ship									Open
Marathassa English Bay, Vancouver, BC	2015	Bulk carrier Korea	√	Fuel Oil IFO 380	√	DFO/CCG 2017-04-03	2,431,746.57	2018-03-29	1,855,627.75 76.31%		Open
Marathassa English Bay, Vancouver, BC	2015	Bulk carrier Korea	√	Fuel Oil IFO 380	√	Vancouver Fraser Port Authority 2017-04-05	198,947.22	2018-02-14	158,800.49 79.82%	172,935.87	Open
Marathassa English Bay, Vancouver, BC	2015	Bulk carrier Korea	√	Fuel Oil IFO 380	√	City of Vancouver 2017-04-10	569,053.13				Open
Maryjack Sibell Bay, Vancouver Island, BC	2014	Wood ex-fishing vessel - wreck	√	Hydrocarbons		DFO/CCG 2015-07-10	94,689.51	2015-11-13	86,228.70 91.06%		Closed
Miss Universe South Gillnet Floats Port Edward Harbour Auth., BC	2016	Fishing vessel	√			Port Edward Harbour Authority 2017-07-12	19,911.85	2017-08-31	18,711.85 93.97%		Open
Mistann Prince Rupert, BC	2011	Fishing vessel	√	Diesel		DFO/CCG 2012-04-26	113,787.48	2012-09-12	100,462.51 88.29%	18,080.42	Open
Mowitch	2017	Tug									

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Okanagan Lake, BC											
Mystery Spill Paddle Wheel Park, Vernon, BC	2016	Pleasure	√			City of Vernon, BC 2017-04-03	2,011.56	2017-06-19	1,586.62 78.88%		Closed
Mystery Spill Port Edward, BC	2016										
Nathan E. Stewart Seaforth Channel, Bella Bella, BC	2016	Tug	√	Diesel fuel and lube oils	√						
No Name (Ship) Wellington Point, Ladner River, BC	2017	Wooden tug	√			DFO/CCG 2017-11-21	7,650.03	2017-11-30	7,650.03 100%		Open
Ocean Eagle Menzies Bay, BC	2016	Tug				DFO/CCG 2018-03-13	156,632.65				In progress
Pacific Challenge Pender Harbour Sunshine Coast, BC	2013										Open
Pursepa Campbell River, BC	2015	Motor vessel	√			DFO/CCG 2017-02-28	24,504.93	2017-03-31	24,473.92 99.87%		Closed
Sea C Strider Gorge, BC	2015	Fishing vessel	√			DFO/CCG 2017-11-21	35,972.56	2017-12-07	35,972.56 100%		Open

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
		(wreck)									
Seamee II Cattermole Slough, Squamish, BC	2017	Wreck removal				DFO/CCG 2018-01-02	10,184.69	2018-01-25	10,184.69 100%		Open
Silver King Deep Bay, BC	2014	Tug - wreck				DFO/CCG 2017-10-31	338,379.18	2018-04-11	107,941.32 31.90%		Open
Simushir Queen Charlotte Islands, BC	2014	Motor vessel			√						Open
South Wind Porpoise Bay, Sechelt, BC	2015	Motor vessel	√	Fuel		DFO/CCG 2017-03-30	14,300.21	2017-05-05	14,300.21 100%		Closed
Spudnik Howe Sound (Squamish), BC	2014	Derelict vessel	√			DFO/CCG 2016-04-28	149,043.60	2016-07-26	131,064.45 87.94%		Open
Stellar Sea Tofino, B.C.	2016										
Tempest Ford Cove Hornby Island, BC	2016	Pleasure craft (wreck)	√			DFO/CCG 2018-01-02	15,136.08	2018-02-01	14,252.58 94.16%		Open
Top Hatt (Fraser Pacific Marine Services Ltd) Richmond, BC	2016	Yacht	√	Diesel							
Viki Lyne II (ex Admiral Hardy & Aberdeen) Ladysmith, BC	2012	Motor vessel (wreck)				DFO/CCG 2017-06-15	1,267,926.71				In Progress

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2018-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Viking I Nanaimo, BC	2016	Fishing vessel	√	Oil & Potential Fuel		Nanaimo Port Authority 2017-05-03	31,458.19	2017-08-30	29,432.92 93.56%		Open
Viking I Nanaimo, BC	2016	Fishing vessel	√	Oil & Potential Fuel		DFO/CCG 2018-02-20	128,246.91				In progress
Windago Kitsilano (Kits) Beach, BC	2014	Sailing vessel	√			DFO/CCG 2016-02-17	41,506.93	2016-06-01	41,506.93 100%		Closed
Zidell Marine 277 & Jake Shearer Goose Island, B.C.	2017	Barge									
Arctic Waters											
Clipper Adventurer Coronation Gulf, Western Arctic, Nunavut	2010	Cruise ship	√		√	DFO/CCG 2011-10-17	468,801.72				On hold
Investigator Toker Point, NWT	2016	Barge	√	Fuel oil	√						
Sten Fjord Rankin Inlet, Hudson Bay	2016	Tanker	√	Gasoline							