

Ship-source Oil Pollution Fund



The Administrator's *30th* Annual Report
2018-2019 Incident Summaries

Canada 

Cover Image: "Oil Sheen on Ocean" by David Nunuk

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Newfoundland and Labrador

Baby Leeyn (formerly Jana) (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 tug boat 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 was closed on April 1, 2018.

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.

Recovery Action

The Office of the Administrator contacted the owner of the ship and informed him the Administrator would take all reasonable measures to recover from him the amount of the payment made to DFO/CCG.

On January 15, 2019, the Administrator received a cheque of \$5,345.75 including accrued interest from the shipowner as full and final settlement of the claim. On January 21, 2019, the Administrator sent a Release from Liability letter to the shipowner.

Status

The file was closed on January 25, 2019.

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 9, 2015, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG) in the amount of \$22,185.86 for costs and expenses incurred, 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, 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.

In May 2018, the legal counsel for the Administrator contacted the port authority legal counsel. There was no progress to report.

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

The file was closed on April 12, 2018.

Françoise (2017)

Location: Clarenville, NL

Case number: 120-725-R

The Incident

On September 23, 2017, the fishing vessel *Françoise* was reported as dragging anchor in Clarenville Harbour, NL. The Canadian Coast Guard (CCG) responded, contracting a tug to tow the vessel to safety.

As of October 2017, the owner of the *Françoise* had reportedly made arrangements for the vessel to be dismantled at Clarenville. On November 30, CCG informed the Office of the Administrator that the owner of the vessel was having difficulty making arrangements to remove the vessel from the water for dismantlement. CCG stood by at this time in a monitoring role.

In February 2019, CCG advised the Office of the Administrator that the bulk of pollutants had been removed from the vessel and that it had subsequently been towed to Glovertown, NL, where it was to be removed from the water and dismantled. CCG also advised that the local shipyard had made a written commitment to dismantle the vessel as soon as possible. Finally, the owner of the vessel had undertaken to pay the costs of towing and dismantlement.

Measures taken by the Administrator

In September 2018, the Office of the Administrator contacted CCG seeking information on the ownership of the vessel, which was provided. In September 2018, a professional locator service was engaged to complete a locate and asset search on the owner. Exigible assets have been identified.

In November 2018, the Administrator engaged a professional marine surveyor to assess the status of the vessel and any pollution threat it posed. The survey report was received in December 2018.

The Claim

As of March 31, 2019, no claim has been filed with the Administrator. CCG has informed the Office of the Administrator that it will submit a claim in April 2019.

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 (the Fund) to keep a watching brief on any claim that may be filed with the SOPF with regard to this incident.

The Claim

No claim has been received by the Administrator. Given that three years have elapsed since the damage occurred, the Fund cannot be held liable for any damages arising from the incident. The in-house counsel recommended the file be closed, accordingly.

Status

The file was closed on April 1, 2018.

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.

Recovery Action

Upon payment of CCG's claim, the Administrator instructed counsel to seek recovery of this amount with the insurer. On June 28, 2018, counsel accepted a settlement of \$9,000 with the insurer. On July 5, 2018, the payment of \$9,000 was received.

On July 10, 2018, a letter of release was sent to the insurer.

Status

The file was closed on July 12, 2018.

Lucas & Rebecca (2017)

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

The Incident

On 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 *Lucas & Rebecca* 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 finally resulted in the destruction of the grounded vessel.

On July 3, 2017, 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 oil from the wreck: 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. CCG ER personnel 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 CCG 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, in-house counsel to the Administrator sent a demand letter to the owner of the *Lucas & Rebecca*. The owner responded in April 2018 and advised that he had been aware of neither the CCG claim nor his own liability. He added that he had no means to pay at the time, but understood his obligations. He asked for some time to get his things in order, at which time he should be in a position to offer payment. Counsel made further attempts to contact the shipowner without success.

In December 2018, the Administrator tasked a professional locator service to investigate the assets of the *Lucas & Rebecca*'s owner. No significant financial assets were identified.

In January 2019, external counsel was engaged. Two further demand letters were sent: the first to the known owner and a second to the estate of the deceased registered owner. Counsel heard back from the former and is in the process of negotiating a settlement. A representative of the estate of the registered owner contacted counsel and produced satisfactory proof that title to the vessel had been transferred prior to its grounding.

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 535-tonne 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. In March 2018, defences had been filed. In May 2018, replies to Defences were filed, and in June 2018, parties agreed to mediation, which was held in Halifax in November 2018.

Parties, including Counsel for the Administrator, held a Case Management Conference in March 2019. As of March 31, 2019, parties were still trying to agree on a settlement wording and on a consent judgment.

Status

The file remains open.

Ronda (2016)

Location: Embree, Newfoundland

Case number: 120-703-R

The Incident

On December 24, 2016, the Canadian Coast Guard (CCG) received a report that the 39-foot wood and fibreglass fishing vessel *Ronda* was taking on water and in danger of sinking alongside a condemned dock at Embree, Newfoundland. The vessel appeared to be low in the water, particularly at the bow, but there was no immediate risk of sinking and no visible pollution at this time. The local volunteer fire department arrived on scene, but a decision was made not to send personnel onto the condemned dock.

The same evening, CCG contacted the owner of the vessel, who was then in St. John's. The owner informed CCG that he would instruct a local contact to pump and otherwise attend to the vessel in order to keep it from sinking. He further stated that there were approximately 25 to 30 gallons of diesel on board the vessel, in addition to hydraulics and base oils. Finally, the owner informed CCG that he had fallen behind on payments for the vessel's insurance.

On December 25, 2016, CCG received another report that the vessel was unlikely to be afloat much longer. CCG again spoke with the owner of the vessel, who said that his local contact was having trouble pumping the vessel. He was unable to do anything more, and agreed to a CCG Environmental Response (ER). Later, CCG was informed by Transport Canada in an email that the vessel had sunk at the dock. No pollution was observed at the time.

During a snow storm on December 26, 2016, two CCG ER personnel arrived on scene with a small boat. They deployed sorbent booms and secured the vessel. After several days of poor weather during which CCG remained in contact with local observers, two ER specialists visited the vessel on January 5, 2017. CCG decided to raise the vessel and remove it from the marine environment. A contractor was engaged for this purpose. Poor weather, the condition of the dock, and technical difficulties delayed progress, but the vessel was raised and pumped of pollutants on January 9, 2017. The following day, the vessel was towed to Twillingate and removed from the water there. On January 11, CCG demobilized.

On May 1, 2018, the owner was notified that CCG had contracted to have the vessel deconstructed. The vessel had been assessed as valueless by TriNav Marine Design Inc. and storage on the hard meant that CCG was incurring a regular cost. The vessel was deconstructed at some point in May or June of 2018.

The Claim

On November 26, 2018, the Administrator received a claim in the amount of \$98,858.83 from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to the *Marine Liability Act*. The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

During the assessment, the Administrator's office made requests to CCG for additional information and documentation, which were provided.

On assessment, the Administrator determined that the costs associated with the three contractors engaged by CCG were not compensable. Portions of the costs relating to salaries, travel, and vehicles were also not accepted as reasonable. In addition, the rate for the calculation of administration costs was adjusted.

On February 26, 2019, the Administrator made an offer for the established amount of \$5,953.87, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on March 5, 2019 and payment in the amount of \$ 6,396.57, including interest, was made to DFO/CCG on March 7, 2019.

Recovery Action

A professional locator service was hired to complete a locate and asset search on the *Ronda's* owner. The report was received in November 2018. It identified an address and a mortgaged property.

As of March 31, 2019, the Administrator is in the process of taking action to recover the amount paid from the polluter.

Status

The file remains open.

Sikuk (2017)

Location: Clarenville, NL
Case number: 120-712-C1

The Incident

On September 21, 2017, the Canadian Coast Guard (CCG) was notified that two vessels, identified as *Sikuk* and *Françoise*, were together dragging anchor in Clarenville Harbour, NL. CCG directed the owner of *Sikuk* to take immediate action.

On September 22, 2017, two CCG personnel arrived on scene to find *Sikuk* at anchor with the *Françoise* secured by three mooring lines to its port side. CCG boarded *Sikuk* and found that both its forward anchors were deployed but could not be retrieved due to a lack of power. CCG personnel determined that *Sikuk* contained approximately 11,500 litres of pollutants. No pollution was observed outside the vessel.

On September 23, 2017, *CCGS Harp* arrived on scene and CCG made a decision to enter an emergency contract to have the two vessels towed.

On September 24, 2017, the contractor's tug was en route and expected to arrive early the following day. CCG had vetted and secured a temporary place of refuge for the vessels at a disused local dock. As the dock was in poor condition, only CCG was to be allowed access. To this end, CCG arranged 24-hour security for the site. CCG prepared both the dock and the vessels for the mooring arrangement, procuring the supplies it deemed necessary to safely secure the vessels to the dock.

On September 25, 2017, the tug arrived, towing the vessels after a safety briefing. The *Sikuk* was secured to the south side of the dock by 10:00 and the tug and *CCGS Harp* were released from the scene.

On September 30, 2017, CCG personnel were on scene again to inspect the vessels at their moorage. While *Françoise* continued to list, *Sikuk* rested on even keel with no change to its draught. Minor adjustments were made to moorage.

On October 4, 2017, the owner engaged a contractor and a marine consultant.

On October 12 2017, CCG made another site visit to check on the vessels. No issues were observed, nor was any pollution sighted. On November 8, 2017, a final notice was sent to the owner of *Sikuk*, indicating that CCG action was imminent, and setting November 14 as a deadline to submit an acceptable plan.

On November 16, 2017, CCG arrived on scene with a marine consultant, who had been contracted to conduct a survey of *Sikuk*'s condition and of any pollutants aboard. The consultant's report indicates that *Sikuk* had been modified from its original fishing trim for the purpose of harvesting ice from icebergs. The report also indicates that the hull appeared to be sound, raising no concerns about seaworthiness. Various miscellaneous pollutants were identified, and oils on board were estimated at 16,250 litres, though the bulk of these were

assumed to be in a dirty oil tank that could not be sounded. A potential asbestos presence was also speculated on, given the age of *Sikuk*.

The owner submitted a plan to CCG on December 14, 2017, to be engaged on December 28, but this was delayed by weather. On January 4, 2018, under CCG supervision, a tug contracted by the owner arrived on scene and was secured alongside *Sikuk*. A pumping operation began, with some oil being pumped onto the tug and the remainder into to a truck on shore. Sorbent booms were eventually deployed. The pumping operation was complete on January 6, with approximately 18,000 litres removed.

CCG conducted an inspection of *Sikuk* on January 7, 2018 and confirmed that “All pumpable quantities of hydrocarbons had been removed”. Various other oily detritus and barrels were also removed by the owner’s contractor. A Transport Canada inspector arrived on scene for a survey of the tow plan. The following day, after Transport Canada approval and under CCG supervision, the tug began its tow of *Sikuk* to Springdale, NL. CCG departed the scene the following day, and *Sikuk* was reported to have arrived at Springdale on January 10 2018 with no release of pollution.

The Claim

On March 1, 2019, the Administrator received a claim in the amount of \$195,109.00 from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to the *Marine Liability Act*.

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

Assessment and Offer

On March 4, 2019, the Office of the Administrator informed CCG that given the involvement of two vessels and the issue of apportionment of costs, assessment of the *Sikuk* claim would be held in abeyance until delivery of the *Françoise* claim. CCG advised that the latter would be submitted in April 2019.

Status

This file remains open.

Related Files

F/V *Françoise* (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 caused 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 was seen on the ice around the vessel. 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.

CCG issued a Direction Order to the owner, who failed to respond as directed. As a result, 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 marine environment to prevent it from sinking altogether. When it was placed on the wharf, the vessel was found to have sustained damage to both its bow and stern.

The Claim

On May 1, 2018, the Administrator received the first part of a claim for costs and expenses incurred by CCG on behalf of the Minister of Fisheries and Oceans. As this submission represented only part of CCG's response, the Administrator's in-house counsel advised CCG that the file would be held in abeyance pending receipt of the full claim. In addition, counsel informed CCG that the applicable five-year time bar would not be suspended as a result of its partial claim submission.

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. On April 5, 2018, the payment of \$57,000 was received.

Status

The file was closed on April 12, 2018.

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 2,174-tonne 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

On September 1, 2016, counsel for the Administrator filed a Statement of Claim and an Affidavit to Lead Warrant with the Federal Court. The vessel was subsequently arrested.

The Port of Bridgewater brought a motion for permission to have certain maintenance bills paid and to be paid off the top of the proceeds of sale, without, however, bringing a formal motion for sale. The Administrator objected, seeking a formal motion for sale be filed, and the conditions that the vessel be removed from Canada by a financially capable new owner. By Order dated April 26, 2017, the Court granted time to the Port to produce a valuation survey, the result of which ultimately concluded the value of the vessel was not worth the time or money to bring it to sale. No motion for sale has since been brought.

The Administrator brought motion for summary judgment on the issue of ownership (not liability) which was heard in June 2018, along with the motion of the Port of Bridgewater for judgment on default of payment for outstanding berthage. After the motion, the Court requested further submissions. All counsel made written submissions by separate letters. The Court then requested a second oral hearing be held in March 2019. The second summary judgment hearing on the issue of ownership took place on March 5, 2019. The decision is currently under reserve.

Status

The file remains open given that no final judgment has been issued.

Related Files

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

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

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 resting alongside the wharf after it sunk, was refloated and cleaned in 2015. Thereafter, it had been partially deconstructed by its owner. The owner had removed the vessel's main and auxiliary engines as well as its gearbox, which meant that the entire engine compartment was open and exposed to the elements: the superstructure above the deck had been removed previously. While removing the engine and machinery, a large volume of contaminated oily fluid was pumped out. 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 had to periodically engage the services of a pumper truck to empty the exposed bilges of oily water.

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

Measures taken by the Administrator

When initially informed about this new CCG response, 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 vessel on July 11, 2017, for the purpose of observing the pre-tow preparations and the tow to a scrapping facility in Liverpool.

The Claim

On 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, 2019, the Administrator was in the process of finalizing the offer.

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

CCG personnel attended the site on June 25 and found that the *Farley Mowat* could not be boarded because it was unstable and some 20 feet off the side of the dock. A 600-foot containment boom was deployed around the vessel. 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. A 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. A diving company was contracted to assess the vessel the following day. CCG 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. 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, CCG conducted harbour patrols with two of its pollution response boats and inspected the local trout farm, which had not been affected by the spill. Transport Canada over flights reported 13 litres of oil sheen within the harbour itself.

On June 27, a contractor arrived with a vacuum truck, which was used to remove oily waste that was floating within four accommodation spaces in the vessel. 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, or 2,250 litres, was fuel oil. In the meantime, CCG personnel recovered the last of the five oil drums that had floated away from the vessel 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. A contractor fabricated steel pilings which were driven into the harbour seabed adjacent to the wharf in preparation for the raising operation. These pilings were used as support for the vessel to stabilize it during the raising process. In addition, submersible pumps were used on the vessel once the hull was stabilized. During this extended salvage operation, CCG personnel continued to conduct daily harbour patrols with a pollution response boat, recovering stray oil pads found along the shoreline. CCG also tended to the containment booms and collected oil-soaked absorbent materials. Air patrols were conducted frequently and the overall monitoring of the contractor's salvage measures continued throughout.

On August 3, a vacuum truck and hot water pressure washer were used to clean the interior of the vessel. Pumps and hoses were removed, and the divers fabricated and installed plugs on the sea bays. CCG removed the containment booms and demobilized its 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 CCG. It was agreed that all reasonable measures had been taken to remove pollutants from the vessel. The owner was notified that CCG was finished with its response. The *Farley Mowat* was secured alongside and CCG personnel departed the site.

Measures taken by the Administrator

This incident was initially brought to the Administrator's attention 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 vessel. The surveyor had discussions with CCG 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, 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 to 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 exigible assets were identified. The owner is, however, a repeat polluter whose vessels *Ryan Atlantic II*, *Hannah Atlantic* and *Farley Mowat* have generated claims against the Fund totalling over \$1 million. As a result, the Administrator commenced an action in the Federal Court. The owner filed a defence, and the case was heard on December 20, 2017.

On February 4, 2019, a favourable decision on the Administrator's motion for summary judgment in the amount of \$839,863.02 plus interest was rendered by the Federal Court.

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

On August 5, 2015, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, the Shelburne Harbour Authority, and CCG personnel. All agreed that all reasonable measures had been taken to remove contaminants from the vessel. The owner was notified that CCG 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, CCG ordered the vessel's owner to produce a response plan to eliminate the threat of pollution from the *Farley Mowat* by June 12. The order 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 from June 25, 2015 to June 12, 2017.

The costs and expenses covered by the claim included:

- Cost of security services required by CCG during its operation to raise the vessel;
- Loss of berthage revenue from June 25 to August 9 (a period of 42 days), during the refloating of the *Farley Mowat* by CCG;
- Removal costs of the debris left on the wharf by the owner when he started to deconstruct the vessel; and
- Costs of pumping oily water from the vessel at regular intervals to prevent further pollution.

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

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, in full and final settlement.

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.

Recovery Action

The Administrator engaged a professional locator service to complete a locate and asset search of the registered owner of the vessel. No exigible assets were identified. The owner is, however, a repeat polluter whose vessels *Ryan Atlantic II*, *Hannah Atlantic* and *Farley Mowat* have generated claims against the Fund totalling over \$1 million. As a result, the Administrator commenced an action in the Federal Court. The owner filed a defence, and the case was heard on December 20, 2017.

On February 4, 2019, a favourable decision on the Administrator's motion for summary judgment in the amount of \$839,863.02 plus interest was rendered by the Federal Court.

Status

The file remains open as of March 31, 2019, with the Administrator taking steps to register the judgment.

Related files

Farley Mowat (2015) (CCG), file 120-679-C1 (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)

Île d'Aix (2018)

Location: Halifax Harbour, NS

Case number: 120-818-R

The Incident

On May 29, 2018, the Canadian Coast Guard (CCG) was notified of a large sheen coming from the French cable repair vessel *Île d'Aix*, anchored near McNabs Island in Halifax Harbour. Upon their arrival on the scene, CCG personnel observed an unknown quantity of unrecoverable oil rapidly dispersing in the harbour.

On May 30, Transport Canada detained and inspected the vessel for compliance with applicable laws.

Measures taken by the Administrator

The Office of the Administrator contacted CCG in order to collect additional information. The Administrator also retained counsel, who contacted the vessel owner's P&I club and made inquiries about the spill.

In June 2018, the Administrator's in-house counsel contacted CCG to get an estimated cost of response operations. CCG advised that there would not be a claim submitted for its response. Accordingly, the Administrator instructed counsel to advise the P&I club that she would not be seeking security.

The Claim

As of March 31, 2019, no claim has been filed with the Administrator.

Status

The file remains open.

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 hull 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. The search did not identify any property ownerships records under the owner's name.

On August 31, 2018, the Administrator, in the light of the unreasonable effort and cost associated, filed for discontinuance of the action in the Federal Court. In addition, the Administrator filed documents releasing the previously-obtained vessel arrest warrant.

Status

The file remains open.

Mystery Spill (2018)

Location: Ingomar, NS
Case number: 120-826-C1

The Incident

On April 30, 2018, the Canadian Coast Guard (CCG) at Dartmouth, NS, received a marine pollution report indicating a spill at Ingomar wharf near Shelburne, NS. CCG dispatched three Environmental Response (ER) personnel to the scene.

Upon arrival at Ingomar wharf, the CCG ER personnel spoke to a local fisherman who stated that the area had been covered by a sheen earlier in the day. When questioned as to the source of the sheen, the fisherman implicated a specific vessel on the north side of the wharf. The Wharf Supervisor indicated that the owner of this unnamed vessel had been provided with material to clean oil from her bilge. CCG advised that there was no evidence of active pollution by the time ER personnel reached the scene.

ER personnel spoke with a second fisherman before departing the scene. This second fisherman mentioned a second vessel that may have released hydraulic fluid around the time of the first discharge.

Transport Canada officials had been on the scene prior to the afternoon arrival of the CCG ER personnel on April 30. Transport Canada officials advised that the owner of the *Devil's Dream*, a small fishing vessel, had admitted to accidentally releasing engine oil while emptying the vessel's bilge outside the harbour. The owner estimated that eight litres had been lost, with less than one litre ending up in the harbour.

The Claim

On November 15, 2018, the Administrator received a claim in the amount of \$1,406.75 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident, 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, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$1,406.75, plus interest, pursuant to section 105 of the Act. The offer was accepted on December 27, 2018 and, on January 10, 2019, a payment in the amount of \$1,446.68 including interest was made to CCG.

Recovery Action

Since the CCG was not able to identify the source of the unrecoverable sheen, the Office of the Administrator contacted Transport Canada in December 2018, to obtain the written statement given by the vessel owner to departmental officials. This attempt proved to be unsuccessful.

On January 31, 2019, counsel for the Administrator sent a demand letter to the owner of the vessel, to which there was no response. Given the small amount of the claim, and the absence of any further leads, the Administrator was satisfied that all reasonable measures had been taken to recover against the polluter, and ultimately decided, on recommendation of counsel, to close the file.

Status

The file was closed on March 28, 2019.

No Name (2018)

Location: Sandy Cove, NS
Case number: 120-828-C1

The Incident

On September 26, 2018, the Canadian Coast Guard (CCG) received a report that a 30-foot unnamed fishing vessel was partially submerged alongside a wharf at Sandy Cove, NS. The vessel had apparently been undergoing repairs. According to the report, the owner had been informed and intended to have the vessel removed from the water. A “small slick” was observed around the vessel at this time.

In the afternoon, an Environmental Response (ER) team of two specialists was dispatched from the CCG base at Dartmouth to the scene. The ER team arrived on scene at 15:00 and observed that there was a boom set up around the vessel. There was a mostly non-recoverable sheen both inside and outside the boom.

At 15:30, the ER specialists noted that a contractor had arrived on scene to right and refloat the vessel. A further plan was in place to move the vessel above the high tide line and pump her of pollutants. The contractor appears to have been engaged at the owner’s expense. At 16:20, the ER team left the scene of the incident. On September 27, 2018, the CCG was informed that the vessel had been successfully removed from the marine environment and was to be deconstructed.

The Claim

On November 26, 2018, the Administrator received a claim in the amount of \$1,157.98 from the CCG behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident for monitoring costs (salaries, travel and administration expenses) 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, 2019, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$1,157.98, plus interest, pursuant to section 105 of the Act. The offer was accepted on February 12, 2019 and, on February 14, 2019, a payment in the amount of \$1,176.38 including interest was made to CCG.

Recovery Action

On February 28, 2018, Office of the Administrator contacted CCG seeking further information about the owner of the vessel. Counsel for the administrator will send a demand letter.

Status

The file remains open.

No Name (2018)

Location: Weymouth North, NS
Case number: 120-824-C1

The Incident

On January 8, 2018, two Canadian Coast Guard (CCG) Environmental Response officers spotted a sunken 35-foot fishing vessel at the end of an Irving dock at Weymouth North, NS. At low tide, the wheelhouse of the vessel was visible above the water and an oil sheen was present. The two CCG officers reported the wreck to Labrador Marine Communications and Traffic Services and contacted RMI Marine (RMI), a third-party contractor.

The following day, CCG spoke with an Irving representative in Saint John, New Brunswick, to arrange access to the dock, which was barred to vehicles by a line of boulders and a locked gate. RMI arrived on scene, moved the boulders, and cut the lock. Once it had access to the dock, RMI sent a diver down to assess the vessel.

On January 10, substantial ice accumulation on the dock delayed RMI divers in reaching the vessel. There was also a delay in the arrival of the appropriately equipped truck. When the ice had cleared and the boom truck had arrived, RMI sent a diver to the vessel to attach lift bags. These were inflated, and the vessel was floated and pulled closer to the shoreline as the tide rose. The vessel was secured to the dock and the lift bags were deflated.

On January 11, 2018, RMI again sent a diver into the water, to right the vessel, which had listed to port. As the tide lowered, RMI dewatered the vessel. A vacuum truck was engaged to remove mud, debris, and hydrocarbons. When the vessel had been cleaned, the site was secured and CCG declared the case closed.

The Claim

On October 18, 2018, the Administrator received a claim in the amount of \$33,606.49 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident 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 15, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$33,606.49, plus interest, pursuant to section 105 of the Act. The offer was accepted on November 19, 2018 and, on November 22, 2018, a payment in the amount of \$34,653.42 including interest was made to CCG.

Recovery Action

In March 2019, the Office of the Administrator reached out to CCG asking if it was able to identify the vessel and seeking further information about the owner of the vessel. As of March 31, 2019, the Administrator was still trying to identify the vessel and its owner in order to send him a demand letter and initiate the recovery process.

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, 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, 2018

The claim

CCG has communicated that it may submit a claim, but none has been filed with the Administrator as of March 31, 2019.

Status

The file was closed on May 2, 2018

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. The Administrator therefore retained a technical marine surveyor 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.

On February 4, 2019, a decision on Motion for Summary Judgment (\$382,353.33 plus interest) was rendered in favor of the Administrator.

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)

Ryan Atlantic II (2017)

Location: Bridgewater, Nova Scotia

Case number: 120-750-C1

The Incident

On March 25, 2017, the Canadian Coast Guard (CCG) was advised that the ex-fishing vessel *Ryan Atlantic II* appeared to be taking on water alongside the wharf in Bridgewater, Nova Scotia. The vessel was laid up in a deteriorated condition. The cause of the incident was an extremely corroded and leaking fire main pipe.

On March 26, 2017, the CCG assumed the role of Federal Monitoring Officer (FMO), responder and On-Scene Commander (OSC). The CCG hired a marine contractor that provided a dive van, truck, divers and necessary underwater equipment. Another subcontractor was contracted to pump out the engine room and dispose the oily water waste.

CCG sent two Environmental Response (ER) officers to the scene. The wharf manager and the CCG ER officers dewatered the vessel and the level of water in the engine room spaces was reduced to an acceptable level. No oil was removed from the surface area.

The vessel was boarded again on March 26, and it was confirmed that the vessel had oily water in the forward end of the engine room space and in the after engine room space. CCG and the subcontracted company dewatered the engine room space and placed absorbent boom fore and aft of the main engine to collect the residual oils. The vacuum truck removed 11,350 litres of oily, contaminated bilge water from the engine room.

It was discovered that a corroded pipe on the port side of the engine room was allowing a continuous ingress of sea water. Contracted divers fabricated and installed new sea bay covers. They removed the extremely corroded pipe and plugged the end with a wooden plug thus eliminating the ingress of sea water.

The CCG ER officers boarded the vessel to assess bilges in the engine room space. The forward bilge was completely dry, and the after bilge and shaft tunnel contained 0.5 meters of water. No further response action was necessary.

The Claim

On May 1, 2018, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), in the amount of \$17,975.67, for costs and expenses incurred in response to the incident, 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 9, 2018, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$17,645.78, plus interest, pursuant to section 105 of the Act. On May 22, 2018, the Administrator received the acceptance letter from CCG.

On May 23, 2018, the Administrator directed that the amount of \$18,339.53 (which included \$693.75 in accrued interest) be transferred to CCG.

Recovery Action

The Administrator has already sued the same owner for a previous incident caused by the *Ryan Atlantic II* in 2014 (our file 120-653-C1) as well as for another incident caused by another ship owned by the same owner (the *Farley Mowat*). The owner's liability under these two court cases already exceeds by far the value of his identifiable assets. Accordingly, the Administrator decided not to pursue recovery action for this *Ryan Atlantic* additional incident.

Status

The file was closed on June 21, 2018.

Related Files

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

Farley Mowat (2015) (Town of Shelburne), Case number: 120-679-C1-1 (same owner)

Farley Mowat (2015) (CCG), Case number: 120-679-C1 (same owner).

Hannah Atlantic (2014), Case number: 120-652-C1 (same owner).

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 was extended until January 5, 2019.

A search was conducted in October 2018, but no exigible assets were found, therefore, the registration of the judgment has been extended until December 10, 2028.

Status

The file remains open.

New Brunswick

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 owner's P&I club.

Measures taken by the Administrator

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

The Claim

As of March 31, 2019, no claim has been received by the Administrator.

Status

The file remains open.

Quebec

Bayliner 2655 (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.

On October 11, 2018, the Administrator received a letter from the trustee in bankruptcy, stating that the Fund's dividend is \$0.00.

Status

The file was closed on October 19, 2018.

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. On May 15, 2018, the payment of \$1,416.47 was received from the P&I Club.

On May 16, 2018, a letter of release was sent to the P&I Club.

Status

The file was closed on May 17, 2018.

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 tonnes 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 tonnes of marine diesel was recovered, as well as significant amounts of other pollutants, including 10 tonnes 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.

The Administrator disallowed the claim for portions of the costs of the Contract Services engaged by CCG. Further, the Administrator disallowed portions of CCG costs relating to personnel, equipment, material and living expenses.

On July 18, 2018, after investigation and assessment of the claim, the Administrator made a global offer to CCG for the established amount of \$4,200,576.18, including interest, pursuant to section 105 of the Act. The offer was accepted on September 17, 2018 and, on September 19, 2018, a payment in the amount of \$4,200,576.18 inclusive of interest was made to CCG.

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). The Administrator applied this amount against the claim of the Trois-Rivières Port Authority, which had been filed and assessed prior to the one received from CCG in the same incident. There was no reasonable prospect for additional recovery.

Status

The file was closed on March 26, 2019.

Related file

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

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

A Letter of Undertaking requested by the Administrator, was received from the vessel owner's solicitors on December 8, 2017.

The Claim

As of March 31, 2019, no claim had 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

April 27, 2018, Counsel for the Administrator was advised that CCG was ready to send its claim to the shipowner. Counsel informed CCG that we would only be involved in the event the case goes to Court.

Status

The file remains open.

Mystery Spill (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 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.

On August 27, 2018, the Transportation Appeal Tribunal of Canada concluded that the pollutant discovered at section 28 of the Port of Quebec on or about March 8 originated from a source other than the *Maccoa*. It is held that “the evidence did not show, on a balance of probabilities, that the applicant discharged a prescribed pollutant in Canadian waters.”

Based on the decision of TATC, the Administrator decided to stop pursuing recovery from the shipowner’s Club and to close the file.

Status

The file was closed on October 18, 2018.

Mystery spill (2017)

Location: Port de Québec, Québec, QC

Case number: 120-719-C1-1

The Incident

On March 8, 2017, the Harbor Master's Office of the Port of Quebec advised the Canadian Coast Guard (CCG) that an oil spill, possibly from the bulk carrier *M/V Maccoa*, had occurred in section 28. Oil was discovered on the water, on ice between the wharf and the ship, as well as traces on the wharf and splashing on the hull of the ship.

Transport Canada and CCG estimated that between 30 and 40 litres of heavy fuel oil or sludge used oil have been dumped into the harbor. During this time, two safety inspectors of Transport Canada collected samples from outside the *Maccoa* as well as from its tanks. A local surveyor firm was tasked on scene by the shipowner.

The CCG gradually dispatched five members of its personnel, who monitored oil recovery measures taken by the Eastern Canada Response Corporation (ECRC), hired by the Quebec Port Authority (QPA).

The master of the *Maccoa* denied that the oil came from his ship; the ship remained detained. The Quebec Port Authority obtained a Letter of Undertaking from the ship's P&I Club (UK Club). CCG Environmental Response (ER) personnel began to support the pollution recovery and clean-up operations of the Port of Quebec, carried out by ECRC.

On March 9, 2017, the source of the pollution had not yet been identified, the operation was underway to melt the ice and recover hydrocarbons with absorbents. The hull cleaning operations took place in the afternoon. The vessel wanted to continue operations, but the CCG ER ban was maintained until the clean-up was completed. Pollution recovery was completed at between 80 and 90 percent, according to an estimate from the CCG on-site team.

On March 10, 2017, the vessel was allowed to sail. However, at 9:30 am, after the ship's departure, a black sheen was observed in the mouth of the Saint-Charles River in the Port of Quebec. The CCG ER team remobilized to sample and prepare equipment, and organized an aerial observation to find the source of the hydrocarbons. Following the investigation, no contamination was observed. The large black sheen at the mouth of the St. Charles River turned out to have been created by the reflection of the new ice on the water.

CCG mobilized resources until it was confirmed that the sheen was not oil.

The Claim

On February 12, 2019, 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 \$11,139.48, pursuant to section 103 of the *Marine Liability Act*.

As of March 31, 2019, the Administrator was still investigating the claim.

Status

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* (37398 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.

On June 28, 2018, CCG, having been unsuccessful in contacting the Club at all, asked the Administrator to proceed with assessing the claim and issuing an offer.

On July 4, 2018, after investigation and assessment of the claim, the Administrator made an Offer to CCG for the established amount of \$13,121.81, plus interest, pursuant to section 105 of the Act.

On July 13, 2018 the Offer was accepted by CCG.

On July 31, 2018, the Administrator directed that the amount of \$14,168.02 (which included \$1,046.21 in accrued interest) be transferred to CCG.

Recovery Action

On September 10, 2018, the in-house counsel for the Administrator sent a demand letter to both of the shipowner and the P&I Club informing them that the Administrator is subrogated in the rights of the claimant and asking them to pay the amount of \$14,168.02, plus accruing interest.

On November 13, 2018, the Administrator received the amount of \$14,192.33 from the shipowner.

On November 15, 2018, a Release from Liability letter was sent to the shipowner and the Club.

Status

The file was closed on November 29, 2018.

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. CCGS *Terry Fox* was on-site for the response operation.

The Claim

No claim has been received by the Administrator.

Status

The file was closed on October 17, 2017 on recommendation of counsel, given that the two-year time bar for filing a claim with the Administrator had passed. However, the file would be reopened if a claimant took action directly against the shipowner within the applicable three-year limitation period. On October 26, 2018, the Office of the Administrator searched the docket of the Federal Court and found no such proceedings. Furthermore, the shipowner indicated that no court action had been commenced. The file remains closed.

Sea Gypsy (2017)

Location: Port de Québec, QC

Case number: 120-793-C1

The Incident

On November 5, 2017, the 20-foot sailboat *Sea Gypsy* partially sank while tied to the dock in the Port of Quebec. Diesel fuel was visible in the water around the partially sunken vessel. The Canadian Coast Guard (CCG) estimated a volume of 50 litres of diesel on board.

The owner was contacted by both CCG and the Port of Quebec. In the interim, CCG responded using a Zodiac from the CCGS *Cap Percé* and placed 5-inch absorbent boom around the vessel. The rate of rising and falling tides and the potential impact of any further pollution in the Port remained a concern. The owner told CCG and said he would arrive in Quebec on November 6 or 7, estimating that the vessel contained 25 litres of diesel.

On November 6, 2017, CCG replaced the boom surrounding the vessel and held a planning meeting with the Port. On November 7, CCG checked the site and noted that the boom was lightly saturated with oil. A small amount of pollution was sighted in front of the vessel. On November 8, CCG was unable to contact the owner and the decision was taken to continue with current measures. On November 9, three CCG personnel used a Zodiac and crane to replace 12 sections of boom.

On November 10, 2017, the owner advised the CCG he was still looking for an affordable contractor to refloat his boat. He decided to start the work himself and advised he would be in Quebec from November 13 to 15. CCG requested that the owner submit his plan to refloat his vessel and advised him of his responsibility for any resulting pollution.

On November 12, 2017, the Port of Quebec advised CCG that some oil was escaping from the boomed area during the rising tide cycle. The pollution was described as minimal and unrecoverable. CCG re-assessed the site and replaced absorbent boom. On November 14, the owner advised the Port and CCG that he would not continue to try to refloat his vessel. As a result, the Port of Quebec took charge and CCG maintained a monitoring and advising role.

On November 17, 2017, the vessel sank again after the chains attaching it to the dock parted. CCG recovered the boom and determined that the vessel had come to rest 50 feet from the dock. No additional pollution was sighted. CCG marked the wreck with a buoy and the Port recovered the vessel from the water on December 7.

The Claim

On March 27, 2019, CCG filed a claim with the Administrator on behalf of the Department of Fisheries and Oceans for costs and expenses incurred in the amount of \$7,278.30, 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

As of March 31, 2019, the claim remained under assessment.

Status

The file remains open.

Ontario

Dispatch II (2017)

Location: Sault Ste. Marie, Ontario

Case number: 120-781-C1

The Incident

On December 24, 2017, the Ministry of the Environment informed the Canadian Coast Guard (CCG) that the Sault Ste. Marie Fire Department reported a sunken tugboat at the Bellevue Marina. The tugboat had been most recently used as a pleasure craft. CCG maintained that the tug contained 1000 gallons of a mixture of oil, diesel and water in the fuel and lube tanks, making it a pollution threat.

CCG confirmed that the tug's owner was deceased. However, CCG had been in contact with the executor of the estate. On December 24, 2017, CCG sent the executor a notice requesting information on the intentions of the deceased owner. The executor responded that she was unable to respond at that time. Therefore, CCG assumed the role of On-Scene Commander as per paragraph 180(1)(a) of the *Canada Shipping Act, 2001*. During the afternoon of December 24, CCG issued a Notice to the estate executor of the owner, and booms were deployed at the entrance to the marina to prevent any pollution escaping into the St. Mary's river.

On December 25, CCG requested cost quotes for raising the vessel. CCG began staging personnel and equipment to the site. On December 27, CCG completed its arrangement for services. On December 28, 2017, the vessel was refloated, removed from the water, and secured on land without pollution escaping.

The Claim

On July 19, 2018, the Administrator received a claim in the amount of \$49,123.47 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to section 103 of the *Marine Liability Act*. The Administrator determined that the claim was admissible under Part 7 of the Act and began assessment.

Assessment and Offer

During the assessment, the Office of the Administrator' made requests to CCG for additional information and documentation, which was provided.

The Administrator carried out her investigation and assessment of the claim. The Administrator disallowed only the costs associated with winterizing the vessel.

On August 28, 2018, the Administrator made an offer of compensation, pursuant to sections 106 and 116 of the Act, for the established amount of \$48,716.67, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on August 31, 2018. On

September 5, 2018, a payment in the amount of \$49,872.93, including interest, was made to DFO/CCG.

Recovery Action

In October 2018, counsel for the Administrator received a letter from the executor of the estate. The letter informed that work was being performed on the vessel to increase its value for sale.

In January 2019, CCG received correspondence from a lawyer representing the estate of the deceased owner of the *Dispatch II* to whom it had written in April 2018 demanding payment for its costs and expenses. CCG advised the lawyer that the Administrator was subrogated to its rights.

In January 2019, counsel for the Administrator contacted the estate lawyer and as of March 31, 2019, parties are still negotiating a recovery agreement.

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. On March 26, 2018, the payment of \$4,745.46 was received.

On April 4, 2018, a letter of release was sent to the shipowner.

Status

The file was closed on April 12, 2018.

Pitts Carillon (2017)

Location: Picton Bay, Prince Edward County, Ontario

File number: 120-740-C1

The Incident

On March 24, 2017, the spud barge *Pitts Carillon* sank alongside the Picton Terminals Dock in Picton Bay, Prince Edward County, spilling approximately 50 litres of oil. The barge had been chartered in support of the work to establish a wind farm at nearby Amherst Island.

The barge was equipped with a 4,000-litre capacity diesel tank and a small machinery space to house a generator and a hydraulic power pack, all for the functioning of onboard machinery.

The Canadian Coast Guard (CCG) responded to the incident on March 24, 2017 with oil response efforts led by the Eastern Canada Response Corporation (ECRC) and salvage efforts led by McKeil Marine, who raised the vessel on Saturday April 1, 2017. The *Pitts Carillon* was towed from the site on April 3, 2017.

The Municipal Emergency Control Group for Prince Edward County was activated on the day of the sinking to monitor the situation, as the primary concern was the town's water supply. By March 28, 2017, an oil sheen had moved further south into Picton Bay and entered the local water treatment plant's Intake Protection Zone that afternoon. The treatment plant had since the sinking remained in operation under contingency plans, which entailed manual control and constant monitoring of the raw water sampling line.

On March 28, 2017, the Picton mayor declared an emergency, asking residents to reduce water use. On March 29, a fuel odour was detected at the raw water sampling line. Since the plant was not capable of removing oil contaminants, that source was shut down and the water system was shifted to use reserve water from other reservoirs. Further arrangements were made to shuttle in treated water by tanker truck. A boil water advisory was issued the same day.

Advice sought by the plant indicated that the media contained within its four water filters should be replaced with activated carbon to safely mitigate any hydrocarbon contamination risks. This was done. The shuttling of treated water ended April 6, 2017 and the boil water advisory was lifted shortly thereafter. The process of resupplying treated water through the distribution system with additional system sample collection and testing continued until April 11. When test results were clear, normal monitoring resumed and the water emergency was lifted.

Measures taken by the Administrator

In June 2018, counsel for the Administrator sent a demand letter to the shipowner in order to obtain security. The shipowner commenced a limitation action and the Administrator was served in July 2018.

The Claim

On May 8, 2018, Prince Edward County filed a claim with the Administrator for costs, expenses, and interest in the amount of \$597,396.70, pursuant the *Marine Liability Act*.

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

Assessment and Offer

During the assessment, the Administrator's office made requests to Prince Edward County for additional information and documentation, which was provided.

As of March 31, 2019, the claim remained under assessment.

Status

The file remains open.

Related Files

Pitts Carillon (2017), case number: 120-740-C1-1 (same incident, different claimant).

Pitts Carillon (CCG Claim) (2017)

Location: Picton Bay, Prince Edward County, Ontario

Case number: 120-740-C1-1

The Incident

On March 24, 2017, the Canadian Coast Guard (CCG) received a report that the spud barge *Pitts Carillon* was taking on water at the Picton Terminals Dock, in Picton Bay, Prince Edward County.

The barge was equipped with a 4,000-litre capacity diesel tank and a small machinery space to house a generator and a hydraulic power pack, all for the functioning of onboard machinery.

CCG Environmental Response personnel were dispatched from a base in Prescott to the scene to conduct an initial assessment. They remained on site to continue monitoring for any pollution damage. Oil response efforts were led by the Eastern Canada Response Corporation, but CCG also deployed substantial quantities of boom. Contracted divers reported that no pollution was coming from the barge, though a sheen was sighted on the water and ice. The pollutants released on the day of the sinking totalled approximately 50 litres in volume and no further discharge occurred.

McKeil Marine led the salvage efforts. On April 1, 2017, the barge was raised. It was towed from the site two days later.

Measures taken by the Administrator

In June 2018, counsel for the Administrator sent a demand letter to the shipowner in order to obtain security. The shipowner commenced a limitation action and the Administrator was served in July 2018.

The Claim

On November 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 to respond to the incident in the amount of \$77,347.18, pursuant to sections 101 and 103 of the *Marine Liability Act*.

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

Assessment and Offer

On January 23, 2019, DFO/CCG submitted a revised narrative for its claim.

On March 5, 2019, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$32,694.66, plus interest, pursuant to section 105 of the Act. On March 13, the offer was accepted by CCG. On March 18, 2019, a payment in the amount of \$35,037.93, including interest, was made to DFO/CCG.

Status

The file remains open.

Related Files

Pitts Carillon (2017), case number: 120-740-C1 (same incident, different claimant).

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, a draft offer was made to the Municipality of Killarney inviting 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.

On July 4, 2018, after investigation and assessment of the claim, the Administrator made an offer of compensation to the Municipality of Killarney for the established amount of \$209,575.43, plus interest, pursuant to section 105 of the Act. On July 13, 2018, the offer was accepted by the Municipality of Killarney. On September 11, 2018, a payment in the amount of \$225,094.77 including interest was made to the Municipality of Killarney.

Recovery Action

Mediation was held in November and December 2018. Parties reached an agreement in January 2019. On March 5, 2019, the Administrator received an amount of \$225,000.00, including interest, representing the full payment of her subrogated claims of the Canadian Coast Guard and of the Municipality of Killarney.

Status

The file was closed on March 14, 2019.

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

Recovery Action

Mediation was held in November and December 2018. Parties reached an agreement in January 2019. On March 5, 2019, the Administrator received an amount of \$225,000.00, including interest, representing the full payment of her subrogated claims of the Canadian Coast Guard and of the Municipality of Killarney.

Status

The file was closed on March 14, 2019.

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 (similar type of incident involving a barge incident in Ontario and its impact on municipal water intake).

British Columbia

Alaskan (2016)

Location: Jenkins Island, BC
Case number: 120-796-C1

The Incident

On December 16, 2016, the Canadian Coast Guard (CCG) was notified that the *Alaskan*, a forty-foot vessel had sunk near Jenkins Island, BC. The vessel stranded on a falling tide and was fully flooded on the rise of the subsequent tide. CCG assumed the role of On-scene Commander. An upwelling of pollution was observed on scene and the CCG deployed containment and sorbent boom around the vessel.

The CCG *Cape Coburn* was tasked to respond and the crew carried out initial response activities on scene including booming the sunken vessel. The On-scene Commander, with the knowledge that the vessel contained more than 100 gallons of diesel fuel plus an unknown amount of lube oil made the decision to remove the vessel and its contents from the marine environment. This decision was taken to mitigate the ongoing threat of pollution.

The CCG engaged Eagle Eye Marine to mobilize the site and to recover the vessel. On December 17, 2016, the vessel was righted, recovered, pumped out and towed to Stones Marina in Nanaimo. The vessel was removed from the water at Stones Marina using the travel lift. This allowed for a survey of the vessel by a marine expert.

The survey confirmed that the entire interior of the vessel was soaked with the odour of diesel fuel and that all interior spaces were lightly fouled with diesel fuel and oil. Both fuel tanks were full of diesel/water each containing 250 gallons. The vessel's hull required work on the underwater plank seams and reinforcement and repair of the main structural members aft of amidships as well as rib replacement or sistering to maintain hull integrity and seaworthiness of the vessel. Furthermore, there was zero residual value in the salvage of electronics and machinery, all of these were antiquated prior to the submersion and any possible salvage was fully lost due to the delay in taking any preservation actions.

Based on the survey results, the decision was taken to have the vessel deconstructed. On January 13, 2017, the vessel was towed to Saltair facilities in Ladysmith where it was hauled out on the travel lift, placed on a containment pad and secured for inaccessible pollutant removal, deconstruction and disposal.

The Claim

On June 11, 2018, the Administrator received a claim in the amount of \$37,723.18 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident for clean-up and preventive measures, including deconstruction services provided by a third party, pursuant to the *Marine Liability Act*. The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

During the assessment, the Administrator's office made requests to CCG for additional information and documentation, which was provided.

On July 4, 2018, after investigation and assessment of the claim, the Administrator made an offer for the established amount of \$37,723.18, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on July 10, 2018 and, on July 20, 2018, a payment in the amount of \$39,440.38 including interest was made to DFO/CCG.

Recovery Action

In July 2018, the Administrator tasked a professional locator service to investigate the assets of the *Alaskan's* registered owners. On July 24, 2018, in-house Counsel for the Administrator sent a demand letter to the registered owner of the *Alaskan* who advised that he had sold the vessel five years ago and communicated a bill of sale to this effect. In September 2018, the Administrator tasked a professional locator service to investigate the assets of the *Alaskan's* purchaser/alleged owner. On September 7, 2018, a demand letter was sent to the alleged purchaser of the vessel but the letter could not be delivered.

As of March 31, 2019, the Administrator was still trying to locate and contact the owner of the vessel.

Status

The file remains open.

Barges King Arthur & SL 104 (2016)

Location: Mamquam Blind Channel, Squamish, British Columbia

Case number: 120-689-C1

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 *SL 104* and the *King Arthur*, in the Mamquam Blind Channel, in Squamish, BC. The derelict barges were deemed a pollution threat by CCG. The owners of the barges were no longer able to control the situation, and CCG took over 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 also on scene.

CCG hired AMIX Marine Services to evaluate the stability of the *King Arthur*, and an additional independent surveyor to oversee the assessment. The Western Canada Marine Response Corporation was also contracted to provide additional resources on standby. On April 15, 2016, 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.

A substantial 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

On April 4, 2018, the Canadian Coast Guard filed a claim with the Administrator for costs and expenses incurred in the amount of \$819,134.67, 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

During the assessment, the Administrator made requests to CCG for additional information and documentation, which was provided.

The Administrator carried out investigation and assessment of the claim. On October 31, 2018, the Administrator made an offer to CCG for the established amount of \$814,012.78, plus interest, as full and final settlement. CCG accepted the offer on November 19 and, on November 22, payment in the amount of \$876,798.87, including interest, was made to CCG.

Recovery Action

In January and February 2019, counsel for the Administrator conducted further background investigation into the ownership of the *King Arthur* and the *SL 104*.

As of March 31, 2019, the Administrator was in the process of preparing a Federal Court action against the owners.

Status

The file remains open.

Blue Pacific No. 1 (2016)

Location: Salt Spring Island, BC

Case number: 120-800-C1

The Incident

On December 3, 2016, the Canadian Coast Guard (CCG) received a report that the derelict vessel *Blue Pacific No. 1* was listing heavily while at anchor in Fulford Harbour, Salt Spring Island, BC. The vessel was a 68-foot Canadian-registered, 98.94 GT, former commercial fishing vessel with a wooden hull. Upon receiving the report, the CCG dispatched a motor lifeboat to the scene. It was observed that the vessel's deckhouse had been completely destroyed by a fire that had apparently occurred some years prior. Damage from this fire also extended to the interior of the hull. The vessel's deck and interior were in disarray, strewn with detritus and several buckets and barrels of hydrocarbons. The engine room was exposed.

At this time, the CCG pumped out the vessel and reported "no pollution." The CCG contacted the registered owner on at least two occasions in December of 2016 and instructed him to remove potential pollutants and set up pumps. He indicated that he had been in poor health and lacked both financial and physical capacity to act as directed by the CCG.

On December 25, 2016, the CCG received a second report that the vessel was listing. A motor lifeboat was again dispatched to the scene and 5,000 litres of water were pumped from the vessel's bilges. On December 28, 2016, the CCG pumped another 10,000 litres of water from the vessel and tasked two of its Environmental Response (ER) Specialists with assessment. It was found that the engine room had substantially flooded, and this space was coated in oily sludge. Furthermore, the bilges were contaminated with fuel and oil. On sounding, the fuel tanks and machinery were found to contain an estimated 3,000 litres of fuel and oil. Buckets and barrels on the vessel contained an additional 500 litres. At this stage, an unrecoverable sheen was observed by the two ER Specialists, who deployed an absorbent boom around the vessel's port side, the apparent source of the discharge.

Given the increasing rate of water ingress from both sea and rain, the decrepit state of the vessel, and the inaction of the owner, the CCG determined the vessel posed a substantial pollution risk. It was resolved to remove the vessel from the marine environment. On December 29, 2016, the vessel was towed by Saltair Marine Services to Ladysmith Harbour, BC.

An in-water survey was conducted by Building Sea Marine (BSM) on December 31, 2016, and the vessel and her machinery were found to have no residual value. The CCG decided to deconstruct the vessel based on pollution risk from the fuel and oil contained in her tanks, the oil-saturated timbers of the engine room, and the charred wood left by fire. The vessel was removed from the water by Saltair, and deconstruction was complete as of March 13, 2017.

The Claim

On October 9, 2018, the Canadian Coast Guard filed a claim with the Administrator for costs and expenses incurred in the amount of \$132,339.06, 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

The Administrator carried out investigation and assessment of the claim. Additional documentation and information was requested and provided without delay. The Administrator disallowed portions of the claim for the costs of parts of the contract services engaged by CCG. Portions of the costs relating to salaries, travel and equipment were not accepted as reasonable either.

On January 23, 2019, the Administrator made an offer to DFO/CCG for the established amount of \$114,129.56, plus interest, as full and final settlement. DFO/CCG accepted the offer on February 12, 2019 and, on February 14, 2019, a payment in the amount of \$122,089.99 including interest was made to DFO/CCG.

Recovery Action

In November 2018, the Administrator tasked a professional locator service to investigate the assets of the owner. The Administrator also issued a subpoena via her powers under Part I of the *Inquiries Act* to a telecommunications company in an effort to extract current contact information. On February 19, 2019, in-house counsel to the Administrator sent demand letters to known addresses associated with the owner. On March 29, 2019, the Office of the Administrator first made contact with the owner. At the close of the fiscal year, the Administrator was awaiting documentary submissions from the owner.

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 or 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 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 April 4, 2018 for the established amount of \$24,108.07, plus interest, as full and final settlement. The offer was accepted on April 6, 2018.

On April 26, 2018, a payment of \$25,344.78 including interest, was made to DFO/CCG.

Recovery Action

The Administrator engaged a professional locator service to complete an asset and locate search on the owner of the *Central Isle*. On May 23, 2018, a demand letter was sent to the owner, but he did not reply. Counsel for the Administrator sent another demand letter in January 2019. The owner replied and reported that he had no funds to pay the debt.

The Administrator is continuing her efforts to recover the paid claim from the owner of the polluting vessel.

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, 570 GT 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 of compensation to DFO/CCG for the established amount of \$137,680.88 plus interest, as full and final resolution of the claim. 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 location 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, under BC corporate law, it had become owner of the *Chilcotin Princess* by escheat, 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 Administrator brought a subrogated action in the Federal Court against the Province of British Columbia as the owner of the vessel *Chilcotin Princess*. The Province filed a defence in the Federal Court, but also brought an application in the Supreme Court of British Columbia seeking to restore the dissolved corporation as if it had never been struck, with prejudice to the recovery rights of the Administrator. The action in Federal Court is stayed pending the outcome of the matter before the provincial courts.

On May 14, 2018, the Supreme Court of British Columbia accepted the Administrator's arguments and ruled that the Province had not demonstrated that the circumstances justified a reinstatement with prejudice to the Administrator's rights.

On June 13, 2018, the Province of British Columbia filed an appeal of the decision.

The British Columbia Court of Appeal heard arguments on December 6, 2018, and as of March 31, 2019, judgment had not been handed down yet.

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, 39.58 GT, 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 section 103 of 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 of compensation 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 Administrator 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.

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, 427 GT camp barge, was sinking and polluting in Zeballos Inlet on the west side of Vancouver Island, BC. The barge was partially submerged and hard 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 held himself out 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 of compensation for the established amount of \$67,348.81 plus interest, as full and final resolution of the claim. 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

On February 2, 2017, a demand letter was sent to the registered owner of the vessel. On March 13, a response to the demand letter was received from the counsel of the registered owner denying any liability for the claims.

A Statement of Claim was filed with the Federal Court on February 21, 2017 against the registered owner of the Vessel. The registered owner added a recently-deceased third-party defendant to the action and alleged that the barge had been sold to this individual for \$1 prior to the sinking. At issue before the Federal Court was whether title to the barge had been properly conveyed to the deceased, and, if so, whether the registered owner could escape strict liability despite not having effected a change of registration and holding himself out as an owner.

The decision of the Federal Court was delivered on January 11, 2019. The Court found, based on the whole evidence, that the alleged transfer was valid despite the listing on the Canadian Register of Vessels and the absence of a formal bill of sale. As a result, there could be no finding of liability under the relevant section of the *Marine Liability Act* and the Administrator's action was dismissed with costs.

Status

The file was closed on February 28, 2019.

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.

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

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

Recovery Action

In March 2018, the Administrator sent a demand letter to the owner, but he did not reply.

Counsel of the Administrator sent a second demand letter to the owner in November 2018. The owner replied and reported ongoing financial difficulties.

In December 2019, the Administrator signed a payment agreement with the shipowner. The agreement provided that the shipowner would make payments to the Administrator totalling \$9,000 on payment terms, which included payment of \$4,500 by December 29, 2018 and the balance paid in four additional installments of \$1,125 over the first four months of 2019.

Status

The file will remain open until the clearance of all the post-dated cheques.

Drifter (2016)

Location: Gold River, BC

Case number: 120-801-C1

The Incident

On September 28, 2016, the Canadian Coast Guard (CCG) was informed by the RCMP of a 35 to 40-foot wooden fishing vessel sinking in Gold River Harbour, BC. The vessel had been in the area for some time and was being monitored and pumped out by members of a local First Nation.

The band administrator explained to the CCG that the owner was out fishing and would be gone for weeks or months. Apparently, the vessel was in need of constant monitoring to keep it afloat. There were also concerns about the *Drifter*, which had not yet released any pollution, would eventually sink at the dock and pollute as a result.

On September 30, 2016, CCG left Victoria for the location of the incident in order to conduct an assessment. The assessment found that the vessel was actively taking on water and had likely flooded multiple times. The assessment also observed that the two internal tanks were full of diesel. The quantity of diesel would later be confirmed at 500 gallons.

Numerous attempts were made to contact the owner. A direction order was issued on September 29, 2016, but it went unanswered. CCG took the decision to remove the vessel from the water given the pollution risk and absence of the owner.

On October 14, 2016, CCG engaged a contractor to tow the *Drifter* to the local boat ramp, where it was met by another contractor. The latter removed the vessel from the water and placed it in a secured facility on shore.

With these actions, CCG concluded that the pollution threat was mitigated. However, with the owner unresponsive, CCG decided to have the vessel surveyed so as to gain a better understanding of its value and condition. On October 28, 2016, about two weeks after the vessel was removed from the water, a surveyor determined that it had zero residual value and would require extensive repairs in order to be made seaworthy again.

CCG engaged a contractor to move the vessel to a facility that had the capacity to deconstruct it. Weather delays meant that the move was delayed until January 17, 2017, over a month after the survey. Soon after the move, the vessel was deconstructed. During the time that the vessel was in storage, the owner contacted CCG, advising that he lacked the funds to make necessary repairs.

The Claim

On August 23, 2018, the Administrator received a claim in the amount of \$24,076.66 from CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to the *Marine Liability Act*.

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

Assessment and Offer

During the assessment of the claim, the Administrator's office made requests to CCG for additional information. CCG provided the required information.

The Administrator carried out investigation and assessment of the claim, finding that the bulk of contract services engaged by CCG were not established. Further, portions of the costs relating to salaries and vehicles were not accepted as reasonable either.

On November 2, 2018, the Administrator made an offer for the established amount of \$3,349.04, plus interest, as full and final settlement to CCG claim. The offer was accepted on January 4, 2019 and, on January 10, 2019, a payment in the amount of \$3,599.28 including interest was made to CCG.

Recovery Action

On January 31, 2019, counsel for the Administrator sent a demand letter to the shipowner at his last-known address but the letter bounced back. Further, attempts to locate the owner turned up no useful results.

Given the small dollar figure at stake and the absence of any leads, the Administrator was satisfied that all reasonable measures had been taken to recover against the polluter and ultimately decided, on recommendation of counsel, to close the file.

Status

The file was closed on March 14, 2019.

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 tug *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 of compensation 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 3, 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 was successful in her claim. The shipowner was ordered to pay into the Ship-source Oil Pollution Fund, plus interests and costs – a supplementary order allowed \$15,000 in costs. The Administrator agreed with the solicitor of the shipowner to take no further action to recover the judgment for 120 days. The grace period that the Administrator gave to the owner expired on May 28, 2018 without receiving any payment.

Counsel for the Administrator attempted to serve the shipowner with a Direction to Attend an examination in aid of execution, but the owner failed to appear on two appointments, and when he did appear he produced none of the documents listed in the Appointment and refused to answer any questions.

On March 19, 2019, the Judge issued an Order requiring the owner to attend at a court-supervised examination in aid of execution in April 2019.

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 55-tonne 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, 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, from 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.

In August 2018, Counsel for the Administrator filed a Federal Court Garnishment Order. The Court made an order attaching all further payment from the owner's employer to the judgment debtor. By December 24, 2018, the Administrator received a total amount of \$3,266.46 for her subrogated claims of CCG and of Steveston Harbour Authority.

Given the impecuniosity and the age of the owner, the Administrator has assessed that the defendant has reached his ability to pay for the time being and she has decided to suspend further collection. This decision will be subject to review and the Administrator will resume collection in respect of the outstanding judgment should the financial status of the owner improve.

Status

The file remains open.

Related file

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

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 55-tonne 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 31, 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.

In August 2018, Counsel for the Administrator filed a Federal Court Garnishment Order. The Court made an order attaching all further payment from the owner's employer to the judgment debtor. By December 24, 2018, the Administrator received a total amount of \$3,266.46 for her subrogated claims of CCG and of Steveston Harbour Authority.

Given the impecuniosity and the age of the owner, the Administrator has assessed that the defendant has reached his ability to pay for the time being and she has decided to suspend further collection. This decision will be subject to review and the Administrator will resume collection in respect of the outstanding judgment should the financial status of the owner improve.

Status

The file remains open.

Related file

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

Feelin Free (2017)

Location: Port Neville, BC

Case number: 120-717-C1

The Incident

On January 30, 2017, the Canadian Coast Guard (CCG) was notified that a vessel with people aboard was on fire in Kelsey Bay, near Sayward, BC. The report indicated that approximately 4,000 litres of diesel were aboard. The ship was identified by CCG as the *Feelin' Free* (vessel), a 14-metre reinforced moulded plastic fishing vessel.

CCG Campbell River Lifeboat Station dispatched a Search and Rescue (SAR) response team. The CCG record states that attempts to contact the owner were unsuccessful at this stage. Due to the remote location of the developing incident and the pollution threat posed by the vessel, CCG entered into an emergency contract with the Western Canada Marine Response Corporation (WCMRC). WCMRC deployed personnel and equipment to Sayward but was unable to get near the Vessel due to extreme heat from the fire.

On January 31, 2017, CCG mobilized an Emergency Response (ER) Strike Team out of Victoria. The vessel continued to burn. WCMRC remained on site and the CCG team arrived later in the day. A non-recoverable sheen was observed around the vessel, which remained inaccessible due to "unsafe conditions".

The shipowner was successfully contacted by CCG. He designated his insurer as his representative. CCG contacted the insurer, which agreed that an ER response was necessary and undertook to salvage the vessel once safe to do so. It appears that a formal Notice was issued to both owner and insurer on this day informing them of their liability and requesting information on their intentions. The CCG team departed the scene for Victoria before the end of the day.

On February 1, 2017, the vessel was partially sunken but still smoldering. WCMRC began cleaning small pockets of recoverable sheen. Residents of the area apparently reported the smell of diesel and a sheen along local beaches. On February 2, 2017, WCMRC demobilized after cleaning as much oil pollution as deemed possible. CCG issued a Section 180 Direction Order formal Directive to the shipowner and insurer, ordering them to have the vessel towed and removed from the marine environment. On February 2, 2017, the owner towed the vessel and removed it from the marine environment.

The Claim

On January 24, 2019, the CCG filed a claim with the Administrator for costs and expenses incurred in the amount of \$37,731.13, 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

As of March 31, 2019, the claim is still under assessment.

Status

The file remains open.

George H. Ledcor (2018)

Location: Deering Island, Vancouver, BC
Case number: 120-806-R

The Incident

On August 13, 2018, the 81-tonne Canadian-flagged tugboat, *George H. Ledcor* capsized and sank off Deering Island in the Fraser River. The *George H. Ledcor* was successfully raised following a salvage effort on August 16, 2018.

The Canadian Coast Guard (CCG) responded to the incident and pumped out the tug into barges for appropriate disposal. Furthermore, the CCG advised the media that they had used pollution containment and recovery equipment, and that absorbent booms had been deployed. CCG advised that it remained in place until the tug was towed for removal from the marine environment.

According to CCG, the tugboat had a fuel capacity of 22,000 litres. It remained unclear how much fuel was spilled into the river.

Measures taken by the Administrator

When informed of the incident, the Office of the Administrator contacted the CCG and the British Columbia Ministry of Environment in order to get an estimate cost of the response operation so that the Administrator could demand security from the shipowner.

In October 2018, in-house counsel for the Administrator reached out to the counsel for the P&I club demanding security. In December 2018, the P&I counsel advised that they had approached the relevant government agencies for information as to the amount of their claims and that they would make recommendations with respect to Letters of Undertaking from the club once this information was provided.

As of March 31, 2019, the Administrator had not yet been provided with security

The Claim

As of March 31, 2019, no claim had been filed with the Administrator.

Status

The file remains open.

Lady M. II (2017)

Location: Ladysmith, BC
Case number: 120-805-C1

The Incident

On March 13, 2017, the Canadian Coast Guard (CCG) was notified that a 50-foot vessel, later identified as the *Lady M. II*, a converted wooden live-aboard, had partially sunk off Dunsmuir Island, near Ladysmith, BC. The vessel was reported as upwelling pollutants.

CCG, assisted by the Stz'uminus First Nation, made several attempts to locate and contact the owner of the vessel but these were unsuccessful. CCG contracted Saltair Marine Services Ltd (Saltair) for an initial response and to "size up the vessel for a possible salvage". Saltair proceeded to deploy absorbent booms.

On March 14, 2017, three CCG Environmental Response personnel were dispatched to assess the situation. They observed oil sheen around the vessel both inside and outside the boomed area. The decision was made to have the vessel raised and removed, as it contained unknown quantities of pollutants and was apparently abandoned. Saltair was further contracted to this end.

Saltair raised the vessel under CCG supervision on the evening of March 14, 2017 and removed it from the water at its facility in Ladysmith. CCG made further unsuccessful attempts to locate the vessel's owner.

On March 30, 2017, CCG contracted Building Sea Marine Ltd (BSM) to conduct a survey on the vessel. Based on the results of the survey, CCG decided to deconstruct the oil-saturated vessel. Saltair began deconstruction on April 3, 2017 and completed this operation by April 5. Disposal of the remaining waste absorbents and pollutants from the vessel was done on April 11.

The Claim

On February 7, 2019, the CCG, acting 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 \$32,388.76, 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

As of March 31, 2019, the claim was still under assessment.

Status

The file remains open.

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 for preventive measures, including deconstruction services provided by a third party, made pursuant to the *Marine Liability Act*.

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

Assessment and Offer

During the assessment, the Office of the Administrator made requests to CCG for additional information and documentation, which was provided.

The Administrator carried out investigation and assessment of the claim. The Administrator was satisfied that the oil pollution risk justified the measures undertaken by the claimant, including deconstruction. However, the Administrator found that some of the costs related to third party services were not justified. On February 7, 2019, the Administrator made an offer to DFO/CCG for the established amount of \$265,768.99, plus interest, as full and final settlement.

As of March 31, 2019, the offer had not been accepted yet.

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 497-tonne 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 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 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, the 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.

In November 2018, the Administrator engaged an investigation firm to complete a locate and asset search on the *Lightship LV76*'s owner.

The Claim

As of March 31, 2019, no claim had been filed with the Administrator.

Status

The file remains open.

Malecite (2017)

Location: Kits Point, English Bay, BC

Case number: 120-819-C1

The Incident

In August of 2017, the Canadian Coast Guard (CCG) received a report that the vessel *M/V Malecite*, a live aboard pleasure craft that was in very poor condition, contained a large quantity of oil and was in danger of sinking. On August 2, 2017, the CCG boarded the vessel in English Bay and confirmed the pollution threat posed by the vessel. Due to the uniqueness of the circumstances (live aboard vessel, personal residence, lack of means to address the situation) advice was sought from CCG Legal. In addition, Vancouver Police and City Outreach authorities were engaged to assist with dealing with the pending homeless situation.

On August 3, 2017, Transport Canada served a Detention Order to prevent the vessel from sailing with passengers until safety defects were addressed. The CCG made arrangements with the owner to board the vessel and to remove accessible oil as an interim measure.

On August 4, 2017, a contractor and CCG removed accessible pollutants from the vessel and boomed the boat to prevent further pollution damage in the event of a spill. All the accessible oil was pumped out and bilges and waste tanks were emptied. This operation concluded at 1600 hours. The vessel remained a pollution threat.

The British Columbia Ministry of the Environment issued a Section 52 Exemption under the BC Hazardous Waste Regulation of the *Environment Act*, which allowed the CCG to transport and dispose of the waste. On August 8, the Coast Guard requested that the National Aerial Surveillance Program (NASP) adjust their flights to monitor the *Malecite*. The owner had advised that the vessel was taking on an estimated 250 litres of seawater per day. The NASP flights observed sheening from the *Malecite* on every flight over the site.

The vessel was moved from Kits Point to Shelter Island Marina on August 25, 2017. Persons including the owner were removed from the vessel prior to the tow. The operation into the Fraser River required a flood tide and as a result, the vessel was hauled out around 2200 hours. On August 30, 2017, the vessel was surveyed and the decision was taken to deconstruct it to remove the ongoing pollution threat.

On September 15, 2017, after further discussion with the owner regarding his plans, the Coast Guard issued a Direction Order for him to remove the vessel and all contents from the shipyard by September 29. On September 29, 2017, a final Notice was delivered to the owner ordering him to remove the vessel and all contents before midnight at which time it would be turned over to the shipyard for demolition.

On September 30, 2017, CCG turned the vessel over to the shipyard for deconstruction. CCG was notified by the Shelter Island Marina that the vessel was disposed of on January 12, 2018.

The Claim

On June 11, 2018, the CCG, acting 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 \$48,230.18, 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 July 11, 2018, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$48,230.18, plus interest, pursuant to section 105 of the Act. The offer was accepted on July 31, 2018 and, on August 7, 2018, a payment in the amount of \$49,677.13 including interest was made to CCG.

Recovery Action

In August 21, 2018, a professional locator service was hired to complete a locate and asset search on the *Malecite*'s owner. The report was received on August 29, 2018. In October 2018, the Administrator retained a Counsel in order to do further asset investigations. As of March 31, 2019, the Administrator is still trying to locate any exigible assets.

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 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.

On May 22, 2018, CCG accepted the offer and on May 25, 2018 the Administrator directed payment of \$2,027,940.44 (including \$172,312.69 in accrued interest) to CCG.

Recovery action

In May 2018, a demand letter was sent to the shipowner's counsel. On September 18, 2018, an amount of \$1,063,653.19 was received by the Administrator, as an advance payment. On January 22, 2019, the Administrator received an amount of \$888,036.32, including interest, representing the balance of the full payment of her subrogated claim of the CCG.

Having received the full recovery amount, the Administrator signed and sent the owner a Release and Settlement letter in January 2019.

Status

The file was closed on February 15, 2019.

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 are 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 of the VFPA.

Having received the full recovery amount, the Administrator signed and sent the owner a Release and Settlement letter in March 2018.

Status

The file was closed on April 12, 2018.

Related Files

Marathassa (2015) (CCG Claim), Case number: 120-673-C1 (same incident)

Marathassa (2015) (City of Vancouver), Case number: 120-673-C1-2 (same incident)

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.

On April 5, 2018, having reviewed the further submissions, the Administrator issued her offer. On April 13, 2018, City of Vancouver submitted it had not had a fair chance to review the documentation relied on to assess its claim and that it had therefore not been able to respond accordingly to the draft decision.

On April 19, 2018, the Administrator agreed to share the documentation from third parties relied upon to assess the City of Vancouver's claim. Accordingly, the Administrator withdrew the offer and issued it as second draft offer open for further submissions and comments.

On July 3, 2018, Counsel for the City of Vancouver made its submissions on second draft offer.

On March 20, 2019, the Administrator made an offer for the established amount of \$235,748.23, plus interest, as full and final settlement to the claim of the City of Vancouver. As of March 31, 2019, the offer had not been accepted yet.

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

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*, a 12.45 GT 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 the 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 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

Having carried out an investigation, the Administrator was satisfied that the shipowner passed away some time after the incident. However, as of March 31, 2019, recovery efforts were still ongoing as the Administrator was still examining recovery possibility from the deceased owner's estate.

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 PEHA 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 received payment of \$103,428.74 (inclusive of interest) on or about September 27, 2012.

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.

In July 2018, a further search was conducted but no new pursuable assets or streams of income could be identified.

Status

The file remains open.

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 spilled diesel fuel at the entrance to Seaforth Channel, near Bella Bella, BC. At the time of the grounding, the *Nathan E. Stewart* was pushing the tank barge *DBL 55* in an articulated tug barge (ATB) configuration. The tug contained approximately 59,924 gallons of diesel 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 sunken 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 unladen at the time of the incident, separated from the tug and was moved to safe anchorage. No oil escaped from the barge.

A Unified Command and Incident Management Team was set up at the offices of the Heiltsuk Nation Tribal Council to facilitate the response. It is noteworthy that the incident occurred in the traditional territories of the Heiltsuk, who were among the first responders.

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

Measures taken by the Administrator

On October 15, 2016, the Canadian Coast Guard advised the Administrator of the incident. In response, the Administrator retained a local marine expert to assist in evaluating the quantum of security to seek from the shipowner.

On December 16, 2016, the Administrator received an executed Letter of Undertaking as security for the shipowner's liability.

The Administrator as Party by Statute

On October 9, 2018, the Heiltsuk Nation filed an action *in rem* against the *Nathan E. Stewart* and *DBL 55*, as well as an action *in personam* against the owners in the Supreme Court of British Columbia. In addition, the Attorneys General of both Canada and British Columbia were named in the action as part of a constitutional challenge of the validity of portions of the *Marine Liability Act*. The Administrator and the International Oil Pollution Compensation Funds were served notice of the proceedings, in accordance, respectively, with the *Marine Liability Act* and the Civil Liability Convention.

On November 7, 2018, counsel for the Administrator filed a requisition for an appearance pursuant to section 109 of the *Marine Liability Act*.

On December 19, 2018, counsel for the International Oil Pollution Compensation Funds filed a requisition for an appearance pursuant to sections 62 and 68 of the *Marine Liability Act*.

The Claim

As of March 31, 2019, no claim had been filed with the Administrator.

Status

The file remains open.

Nika (2017)

Location: Campbell River, BC

Case number: 120-808-C1

The Incident

On May 12, 2017, the Canadian Coast Guard (CCG) was notified that the 50-foot converted fishing vessel *Nika*, 27.25 GT, was discharging oil pollution near Campbell River, in the vicinity of Fresh Water Marina. CCG personnel were dispatched from the Campbell River Lifeboat Station. They observed a substantial diesel sheen around the vessel, which was lying low in the water. They boarded, and observed diesel throughout the bilge and engine compartment. Diesel was entering the bilge, and this had caused the pump to engage, releasing it into the marina. CCG reported that Fresh Water Marina immediately began to transfer diesel into waste drums. CCG also contacted the owner of the vessel who informed CCG that he would respond by conducting necessary repairs to the fuel line and arranging for the vessel to be removed from the water.

On May 16, 2017, CCG was informed that the vessel was again discharging diesel into the marina. CCG personnel arrived on scene and determined that the bilge pump was again the cause. Several unsuccessful attempts were made to contact the owner. CCG directed Fresh Water Marina to remove the vessel from the water.

On May 17, 2017, two CCG Environmental Response personnel travelled from Victoria to Campbell River to assess the situation of the vessel. They observed diesel saturation throughout the vessel's interior, and soft spots in the hull. Further, they noted that the fuel line had not been repaired. CCG contracted Building Sea Marine to undertake a survey of the vessel. This was done on May 21, 2017. The survey report indicates that heavy fouling was present in both the engine compartment and the bilge. Furthermore, the survey report appears to indicate that the fuel tanks were full.

CCG made several attempts to contact the owner between the May 16 and 31, 2017, but received no response. In an email sent on June 1st, the owner claimed to have paid Fresh Water Marina for the haul-out. He further indicated that he planned to have the vessel remediated in Nanaimo.

Throughout the above period, and extending to July 6, 2017, CCG issued three Direction Orders to the owner stating that the vessel remained a threat to the marine environment and ordering him to make necessary repairs. Ultimately, having received no satisfactory plan from the owner of the vessel, CCG opted to deconstruct the vessel. This was done by Fresh Water Marina on or about July 19, 2017.

The Claim

On March 26, 2019, 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 \$23,646.38.

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

Assessment and Offer

As of March 31, 2019, the claim was still under assessment.

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 accrued interests) to DFO/CCG.

Recovery Action

All reasonable efforts have been taken to recover payments of compensation without any success as there was no registered owner and the vessel was removed from the marine environment, therefore, on the recommendation of legal counsel, the Administrator decided to stop the recovery action and to close the file.

Status

The file was closed on April 12, 2018.

No Name (ferro-cement sailboat) (2016)

Location: Chatham Island, BC

Case number: 120-802-C1

The Incident

On the morning of December 8, 2016, the Canadian Coast Guard (CCG) was notified that a 41-foot sailboat of ferro-cement construction was aground near Discovery Island, BC. The crew of the grounded vessel had been rescued during the previous night.

Due to poor weather, a response was delayed until later in the morning. When CCG Environmental Response (ER) specialists arrived on scene, the vessel was found to be lying on its side, with signs of oil pollution in the area. CCG deployed sorbent booms around the vessel and collected various debris from the area, including jerry cans and oil jugs, before departing the scene for the day.

CCG contacted the owners of the vessel and asked them what they intended to do. It became clear that they were financially and logistically unable to commit to an adequate response. The owners reported 50 to 100 gallons of diesel fuel aboard, in addition to other miscellaneous pollutants. CCG assumed the role of On-Scene Commander.

CCG decided to remove the vessel from the marine environment. To this end, Heavy Metal Marine Ltd was contracted, but the salvage operation with barge and crane was delayed until January 3, 2017 due to poor weather conditions.

In the intervening weeks, the vessel upwelled pollution and the booms had to be tended to regularly by the CCG.

Once removed from the marine environment and placed on a barge, the vessel was brought to the Heavy Metal Marine facility. CCG opted to forego a survey and have the vessel deconstructed.

The Claim

On December 3, 2018, the Administrator received a claim in the amount of \$53,954.45 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident pursuant to the *Marine Liability Act*. The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

During the assessment, the Administrator made several requests to the CCG for further information, which was provided in part.

As of March 31, 2019, the claim remained under assessment.

Status

The file remains open.

Norob (2016)

Location: Degnan Bay, BC

Case number: 120-754-C1

The Incident

On June 21, 2016, the Canadian Coast Guard (CCG) was notified that a 16-metre wooden fishing vessel (later identified as the *Norob*) was sinking in Degnan Bay, Gabriola Island, east of Nanaimo. CCG dispatched a lifeboat from Ganges Lifeboat Station to the site, which reported to Ganges Base that the vessel was in imminent danger of sinking. Pumps were immediately deployed and CCG was successful in keeping the vessel afloat.

CCG Environmental Response (ER) mobilized to Degnan Bay to conduct a thorough assessment of the situation. The *Norob* was in a state of severe neglect, with obvious signs of structural damage, and it was taking on water as a result of its damaged hull.

Given that the *Norob* was in danger of sinking and releasing pollutants, CCG ER made the decision to remove it from the water. Eagle Eye Marine was contracted to tow the vessel to the nearby Saltair Marine facility in Ladysmith. While awaiting the arrival of Eagle Eye, CCG personnel pumped out 400 litres of oily pollutants from the fuel tanks and engine compartment of the vessel.

Eagle Eye arrived on scene in the early afternoon of June 22, 2016 and soon had the vessel under tow. That evening, the vessel was delivered to the Saltair dock.

The vessel was removed from the water by Saltair on June 25, 2016 and stored in their yard until June 29, 2016. The deconstruction of the *Norob* was completed by July 21, 2016.

The Claim

On May 1, 2018, the Administrator received a claim in the amount of \$12,930.15 from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), in respect of the incident 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 carried out investigation and assessment of the claim. On May 9, 2018, the Administrator made an offer for the established amount of \$12,930.15, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on May 22 and, on May 25, a payment in the amount of \$13,662.43, including interest, was made to DFO/CCG.

Recovery Action

In May 2018, the Administrator subpoenaed the Chief Registrar of the Canadian Register of Vessels in order to obtain the official registration transcripts for the *Norob*.

On October 26, 2018, in-house counsel to the Administrator sent a demand letter to the last registered owners of the vessel. They responded, claiming that they had sold the vessel prior to the incident. An alleged informal bill of sale was produced.

On January 31, 2019, counsel to the Administrator sent a demand letter to the last known address of the alleged purchaser of the *Norob*, but the letter could not be delivered. Another demand letter was emailed to the alleged purchaser on March 19, 2019 but no response has been received to date.

Status

The file remains 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*, 3,674 GT, 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 Western Canada 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. During this time, CCG monitored the incident and paid to keep WCMRC on site.

Measures taken by the Administrator

Upon receipt of the claim, the Administrator retained counsel to contact the insurers of the tug and the barge to require a security, pursuant to section 102 of the *Marine Liability Act*.

On May 31, 2018, a Statement of Claim was filed in the Federal Court against the shipowner. Solicitors for the defendants filed their Statement of Defence on June 4, 2018.

On June 8, 2018, the Administrator received a security in the form of a bail bond.

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*.

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

Assessment and Offer

The Administrator carried out investigation and assessment of the claim and on June 19, 2018, the Administrator made an offer of compensation for the established amount of \$61,597.45, plus interest, as full and final settlement to DFO/CCG. The CCG rejected the offer on August 17, 2018.

On August 20, 2018, DFO/CCG filed a Notice of Appeal in the Federal Court asking to set aside the offer of the Administrator and return the matter for redetermination.

Status

The file remains open.

Persephone II (2017)

Location: Deep Bay, BC
Case number: 120-830-C1

The Incident

On January 5, 2017, the Deep Bay Harbour Authority notified the Canadian Coast Guard (CCG) at Victoria that a dilapidated wooden vessel (later identified as the *Persephone II*) had slipped her moorings and grounded sometime over the night. CCG Victoria dispatched an Environmental Response (ER) team to the site on January 6, 2017. The ER team found that the vessel was a 40-foot ex-fishing vessel. She was listing and there were large quantities of oils in her bilges. The ER team was unable to open the vessel's fuel tanks to determine their contents.

Given the likelihood that the vessel would break up, the sensitivity of the area, and the unknown quantity of pollutants aboard, CCG opted to remove the vessel from the water. Before CCG left the scene on January 6, the vessel was secured to the shore and stabilized to the extent possible. A number of sorbent booms were deployed on January 6.

Given its proximity to the vessel, Sawchuck Pile Driving Ltd was contracted to remove her from the marine environment. Sawchuck took a number of days to mobilize the necessary equipment, as it was tied up on another job. In the meantime, CCG personnel from a nearby station were on scene to monitor the vessel.

On January 9, 2017, Sawchuck, acting under CCG supervision, towed the vessel to Union Bay, removed her from the water, and deconstructed her. No survey was conducted, given the unseaworthy state of the vessel and the apparent oil-saturation of her planks.

The Claim

On December 3, 2018, 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 \$11,345.17, 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 February 7, 2019, after investigation and assessment of the claim, the Administrator made an offer to CCG for the established amount of \$11,345.17, plus interest, pursuant to section 105 of the Act. The offer was accepted on February 12, 2019 and, on February 14, 2019, a payment in the amount of \$12,137.86 including interest was made to CCG.

Recovery Action

As of March 31, 2019, the Administrator was trying to locate the owner in order to send him a demand letter.

Status

The file remains open.

Salerosa (2017)

Location: Oak Bay, BC
Case number: 120-809-C1

The Incident

On February 6, 2017, the Canadian Coast Guard (CCG) was notified that the *Salerosa*, a 45-foot sailboat of ferro-cement construction was sinking at its moorings in Oak Bay Marina. The vessel did not appear to be registered. CCG contacted the owner who apparently lacked the knowledge and funds to respond adequately.

CCG contracted C-Tow Marine Assistance Ltd to assess the situation. C-Tow reported that the vessel had sunk completely and was upwelling oil pollution. Booms were deployed. On February 7, 2017, two CCG Environmental Response (ER) personnel attended the scene. Significant sheening was observed in the marina and twelve sections of heavily saturated sorbent boom were replaced. CCG resolved to remove the vessel from the marine environment, and Heavy Metal Marine Ltd was contracted to this end.

Weather and equipment constraints delayed the raising of the vessel to February 11, 2017, and CCG monitored the situation in the intervening days. On February 10, fifteen sections of saturated sorbent boom were replaced. On February 11, 2017, the raising operation was conducted, with Heavy Metal Marine engaging divers, a barge, crane, and tug. The vessel was placed on a barge and towed to a facility at Bamberton. Two CCG ER personnel monitored this operation.

CCG engaged Building Sea Marine Ltd to survey the vessel at Bamberton on February 20, 2017 while it lay on a Heavy Metal Marine barge. The survey report describes several holes in the vessel's hull. The interior was in a bad condition, with diesel fouling throughout. The surveyor concluded that the fuel tanks (100 gallons capacity in total) had been leaking but was unable to determine their remaining contents due to the angle at which the vessel was lying on the barge. After the survey, CCG opted to have the vessel deconstructed by Heavy Metal Marine.

The Claim

On February 1, 2019, 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 \$62,673.20, 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

In February 2019, the Office of the Administrator contacted CCG, requesting further information and documentation, which was not provided. As of March 31, 2019, the claim was still under assessment.

Status

The file remains open.

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

Reasonable search and investigation efforts were made by the Office of the Administrator in order to locate the owner of the vessel but without any success, as the owner has apparently left the Jurisdiction. Given the aforementioned results, and taking into account the approaching time bar, the Administrator decided to stop all recovery actions and to close the file.

Status

The file was closed on December 13, 2018.

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.

Recovery Action

On October 26, 2018, a demand letter was sent to the shipowner but the letter bounced back. Further, a search was conducted in order to locate the owner but turned up no useful results.

On recommendation of counsel, given that all reasonable steps have been taken to recover payments of compensation from the owner of the ship, the Administrator decided to stop the recovery action and to close the file.

Status

The file was closed on January 17, 2019.

Sea-Que (2016)

Location: Sidney Marina, Sidney, BC

Case number: 120-701-C1

The Incident

On September 21, 2016, the Canadian Coast Guard (CCG) was advised that a 42-foot wooden vessel had partially sunk at the Vancouver Island Marina in Sidney, BC.

A local contractor confirmed with CCG that the vessel had partially sunk on September 20, 2016, and was actively discharging pollutants into the marine environment. The Marina engaged the local contractor to respond. Divers were hired to raise the vessel and deal with the local upwelling of pollution.

When CCG arrived on site on September 21, 2016, there was an oil sheen visible on the water, and the vessel was observed to have been refloated with air bags. The engine room space was filled with oily water and debris.

Attempts by CCG to reach the owner were not successful. CCG assumed the role of On-Scene Commander and made the decision to remove the vessel from the marine environment to fully mitigate the ongoing pollution threat.

CCG engaged its own contractors to tow the vessel to a facility in Ladysmith, BC. The tow occurred on September 26, 2016, the first opportunity when the tide and weather were suitable.

The vessel was removed from the water in Ladysmith on September 26, 2016, and placed on the hard in temporary storage pending a vessel survey. A survey of the vessel was completed on September 28, 2016.

Further attempts were made by CCG to contact the vessel owner without any success. CCG then made the decision, based on the results of the survey, to pump out all accessible oil pollutants and have the vessel deconstructed. Deconstruction and disposal was completed on November 8, 2016.

The Claim

On August 2, 2018, the Administrator received a claim in the amount of \$18,730.67 from the CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) in respect of the incident 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 carried out investigation and assessment of the claim and made requests to CCG seeking further information, which was received. On September 21, 2018, the Administrator made an offer for the established amount of \$18,730.67, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on October 5, 2018 and, on October 11, 2018, a payment in the amount of \$19,996.23 including interest was made to DFO/CCG.

Recovery Action

The Administrator is continuing efforts to recover the subrogated claim amount.

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. CCG hired a marine surveyor to inspect the tug and provide an opinion on any oil pollution threat it posed.

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 CCG surveyor. 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 precarious condition and the vessel was 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 and location 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 suitable dock nearby 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, CCG 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, CCG 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. Further water ingress was observed and pumping operations were undertaken. CCG decided to have the vessel towed to Ladysmith, BC, for scrapping.

CCG awarded the deconstruction contract to a Ladysmith contractor. The contractor towed the vessel to its yard on April 10, 2016. Deconstruction work concluded June 15, 2016. On July 26, 2016, CCG informed the Administrator that the *Silver King* had been dismantled and that a claim for the incident was forthcoming.

Measures taken by the Administrator

As reported above, upon receiving the initial incident report from CCG, the Administrator retained counsel and arranged through counsel – without prejudice to his obligations under the

MLA – for a technical surveyor to jointly survey the vessel along with the CCG-contracted surveyor.

On December 5, 2016, a review of the incident file confirmed that all pollutants remained on board the vessel and that none entered 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 MLA.

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

Assessment and Offer

On April 11, 2018, after investigation and assessment of the claim, the Administrator made an offer for the established amount of \$107,941.32, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on June 11, 2018 and, on June 27, 2018, a payment in the amount of \$115,240.52 including interest was made to DFO/CCG.

The disparity between the amount claimed by CCG and that offered was primarily a result of the Administrator's determination that the oil pollution threat posed by the *Silver King* was not integral to the vessel itself. Therefore, deconstruction of the vessel was not compensable under the MLA, because it could not be considered a reasonable preventive measure.

Recovery Action

On February 12, 2019, counsel for the Administrator sent a demand letter to the estate lawyer of the deceased shipowner.

Status

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

As of March 31, 2019, no claim had been filed with the Administrator yet. Insurers have paid directly all claims caused by the incident.

Status

The file remains open until the prescription period has expired.

Spudnik (2014)

Location: Howe Sound, British Columbia

Case number: 120-665-C1

The Incident

On November 12, 2014, the 487 GT, ex-US Navy landing ship built in 1945, *Spudnik*, 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. 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 but it did not identify any exigible assets. Additionally, 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, the Administrator filed a Motion for

Default Judgment on August 30, 2017, following which a Default Judgment was rendered in favour of the Administrator.

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

As of March 31, 2019, the Administrator continued monitoring the judgment debtors' financial status.

Status

The file remains open.

Related file

King Arthur and *SLM104* (file 120-689-C1): same owner

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; his daughter received the letter.

The Administrator requested a location and asset search, which revealed no assets to pursue, and that the shipowner had left the Canadian jurisdiction to the USA. Based on the aforementioned findings, and given that all reasonable steps had been taken to recover payments of compensation from the owner of the ship, the Administrator decided to stop recovery efforts and to close the file.

Status

The file was closed on December 13, 2018.

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*, 224 GT, 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 provide an opinion as to whether an imminent threat of pollution existed.

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 the *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 CCG 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 CCG 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 CCG 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 CCG 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 CCG that the Administrator cannot prejudge the measures taken prior to the submission of the claim.

On March 31, 2014, CCG 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 CCG 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, CCG advised that a survey completed in February 2016, indicated that there were approximately 18,000 litres of oil/oily pollutants remaining in the vessel. CCG was now planning to remove the remaining oil and oily pollutants in early 2016.

On July 26, 2016, the Fund was advised by CCG 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 external counsel and instructed him to engage a marine surveyor to represent the Administrator and to arrange with CCG to have the surveyor attend the inspection of the vessel on behalf of the Administrator. The technical surveyor engaged on behalf of the Administrator confirmed that McAllister's report accurately reflected the condition of the fishing vessel, and the amount of hydrocarbons on board. However, the surveyor had offered an opinion that the removal and cleaning of hydrocarbons from the *Viki Lyne II*, rather than demolition would have been a reasonable 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 non-convention incident five-year limitation period 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 offer of compensation 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 offer was extended to March 16, 2018. CCG's comments and further submissions were received on March 15, 2018.

The Administrator carried out her investigation and assessment of the claim. The Administrator disallowed a large proportion of the claim that she found was related to wreck removal, rather than to "preventive measures" within the meaning of ss. 71 or 77 MLA. Further, the Administrator disallowed costs of some of the Contract Services engaged by CCG.

On May 2, 2018, the Administrator made an offer for the established amount of \$100,373.14, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on June 25, 2018 and, on June 27, 2018, a payment in the amount of \$109,867.92 including interest was made to DFO/CCG.

Recovery Action

On May 14, 2018, counsel for the Administrator sent a demand letter to the shipowner advising him that she had received a claim from CCG and that she would commence proceedings against him in case he did not admit liability for all of the proven costs and expenses of CCG.

In June 20, 2018, Statement of Claim was filed against the shipowner. The owner was granted an extension until October 30, 2018 to file his Statement of Defence. The Statement of Defence was received on October 18, 2018. A Case Management Order was issued on January 14, 2019.

In February 8, 2019, the Administrator accepted a settlement agreement of \$20,000 proposed by the Solicitor of the owner provided the owner produce sufficient supporting documentation.

As agreed, the owner provided the requested documents and the payment of \$20,000 was received on March 14, 2019, and in exchange, the Administrator sent the owner a Release.

Status

The file was closed on March 28, 2019.

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 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. 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 NPA in support of its 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 NPA.

Recovery Action

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship *S/V Full Circle* on October 22, 2018. The sister ship remains arrested.

On November 20, 2018, the shipowner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the arrested sister ship *Full Circle*. On January 15, 2019, counsel sent demand letters to both the actual and alleged owner of the sister ship asking them to provide all documents they have relating to the ship or the sister ship.

March 12, 2019, counsel granted the shipowner a 30-day extension to retain counsel, after which the Administrator would unilaterally set down a date with the Court.

Status

The file remains open.

Related file

Viking I (Canadian Coast Guard Claim), case number 120-716-C1-1 (same incident, different claimant).

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 GT), 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

During the assessment, the Office of the Administrator made requests to CCG for additional information and documentation, which was provided.

On April 24, 2018, after investigation and assessment of the claim, the Administrator made an offer for the established amount of \$ 128,246.91, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on April 30, 2018 and on May 17, 2018, a payment in the amount of \$134,694.56 including interest was made to DFO/CCG.

Recovery Action

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to the *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship *S/V Full Circle* on October 22, 2018. The sister ship remains arrested.

In November 20, 2018, the shipowner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the arrested sister ship *Full Circle*. In January 15, 2019, counsel sent demand letters to both the actual and alleged owner of the sister ship asking them to provide all documents they have relating to the ship or the sister ship.

March 12, 2019, counsel granted the shipowner a 30-day extension to retain counsel, after which the Administrator will unilaterally set down a date with the Court.

Status

The file remains open.

Related Files

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

West Island 395 (2018)

Location: Haida Gwaii, BC

Case number: 120-822-C1

The Incident

On September 8, 2018, the *West Island 395* barge, a sport fishing lodge, owned and operated by Haida Tourism Limited Partnership (“Haico”), came loose from her mooring buoy in Alliford Bay, Haida Gwaii, and drifted to a grounding point in Bearskin Bay on Lina Island. On the same evening, the Canadian Coast Guard (CCG) was contacted and informed of the incident by the watchman of the barge. CCG established an emergency zone around the vessel because it is considered an explosion hazard.

On September 9, 2018, Haico officials advised the media that the crew that inspected the barge detected a strong presence of gas vapours. The operations manager of Haico informed CCG that the barge had about 18,000 litres of gasoline and 15,000 litres of diesel on board.

On September 9, 2018, the CCG contacted the operations manager of Haico who alleged to have “made various efforts to prevent, contain and mitigate potential oil pollution along with various other agencies”. In addition, Haico contracted a marine surveyor to investigate the cause of the incident and to assess the damage resulted thereof.

The Claim

On January 14, 2019, the shipowner, Haida Tourism Limited Partnership, filed a claim with the Administrator for costs and expenses incurred in the amount of \$1,857,314.06, pursuant to section 103 of the *Marine Liability Act*.

Status

The file remains open.

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 articulated tug & barge *Jake Shearer* (497 GT) and *Zidell Marine 277* (<6,000 GT) became separated because of mechanical failure of their push pin, while sailing in Queen Charlotte Sound, southwest of Bella Bella, British Columbia. *Zidell Marine 277* then went adrift in rough weather conditions, threatening to suffer a casualty on the rocks or reef. 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 from Seattle, WA to Alaska.

Measures taken by the Administrator

When advised of this incident, the Administrator instructed the in-house counsel to inquire about potential claimants and prospective amounts of their claims, and instructed external counsel to obtain security from the shipowners/insurers, pursuant to the right of the Administrator to demand such under section 102 of the *Marine Liability Act*.

On May 24, 2018, a Letter of Undertaking in the amount of \$338,000 was received from the P&I Club.

The Claim

As of March 31, 2019, no claim had yet been filed with the Administrator, nor settled by the shipowner.

Status

The file remains open.

Arctic Waters

Akademik Ioffe (2018)

Location: Kugaaruk, NU
Case number: 120-820-R

The Incident

On August 24, 2018, the Russian-flagged, 6,450 GT, cruise ship *Akademik Ioffe* ran aground near Kugaaruk, Nunavut. Two Canadian Coast Guard (CCG) icebreakers headed to the area to offer assistance. On August 25, 2018, all passengers were safely transferred to the *Akademik Ioffe*'s sistership *Akademik Sergey Vavilov* which was shadowing. A spokesperson with the Search and Rescue Region Trenton said that the vessel was taking on water, but she was in a stable condition and did not constitute any immediate danger. On August 25, 2018, the Vessel was refloated and escorted to a yard for temporary repairs.

Measures taken by the Administrator

When informed of the incident, the Office of the Administrator contacted counsel for the insurer who advised that the vessel must proceed to Verreault Navigation's Shipyard in Les Méchins, QC.

In September 2018, the Office of the Administrator contacted the CCG in order to get an estimate cost for response operations. Having received the requested information from CCG, the Administrator retained counsel who reached out to the insurer of the charterer seeking security. On December 13, 2018, a Letter of Undertaking in the amount of \$470,000 was received from the insurer.

The Claim

As of March 31, 2019, no claim has yet been filed with the Administrator.

Status

The file remains open.

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 (SCC). On November 29, 2018, SCC denied the application.

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.

Court found the shipowner liable for the amount of \$445,361.64 plus interest and CCG claim was consequently settled by the shipowner. As a result, the Administrator decided to close the file.

Status

The file was closed on December 13, 2018.

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.

On July 6, 2017, updates were received from the Canadian Coast Guard (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.

Measures taken by the Administrator

The Administrator was informed of the incident by the CCG on October 11, 2016. On October 18, the Administrator, retained advice from counsel and decided to maintain a watching brief on the situation, taking no further action for the moment.

In October 2017, counsels negotiated a Letter of Undertaking (LOU) that would cover potential claims, whilst the Administrator was getting ready to arrest the barge. 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 ship insurer has received the claims from the three claimants and keeps the Administrator advised when settlements have been reached and releases signed. As of March 31, 2019, the file was still open with the insurer.

The Claim

As of March 31, 2019, no claim had been filed with the Administrator.

Status

The file remains open.

2018-2019 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 2019-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Newfoundland and Labrador											
Baby Leeyn (formerly Jana) Cape St. Mary's, NL	2017	Cargo vessel									Closed
Baccalieu Endeavour Musgrave Harbour, NL	2017	Fishing vessel				DFO/CCG 2018-01-03	5,146.31	2018-02-07	5,045.49 98.4%	5,345.75	Closed
Baffin Sound St Anthony, NL	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	Closed
Françoise Clareville Harbour, NL	2017	Fishing vessel									Open
Jana Marystown, Mortimer Bay, NL	2014	Cargo vessel									Closed
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%		Closed
Lucas & Rebecca	2017	Fishing vessel				DFO/CCG 2017-11-03	17,744.64	2017-12-13	17,744.64 100%		Open

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Bay of Islands, ddddNL											
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
Ronda Embree, NL	2016	Fishing vessel				DFO/CCG 2018-11-26	98,858.83	2019-02-26	5,953.87 6%		Open
Sikuk Clareville Harbour, NL	2017	Fishing vessel				DFO/CCG 2018-03-01	195,109.00				Open
Stelie II Port Saunders, NL	2016	Fishing vessel									Open
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	Closed
Cormorant Bridgewater, NS	2015	Derelict – wreck	√	Hydraulic Oil		DFO/CCG 2015-11-02	549,581.18	2016-03-29	515,267.25 93.76%		Open
Farley Mowat Shelburne, NS	2017	Derelict	√	Oily liquids		DFO/CCG 2017-10-10	1,176,126.41				Open
Farley Mowat Shelburne Harbour, NS	2015	Derelict	√			DFO/CCG 2016-01-18	814,815.05	2016-06-29	813,316.15 99.82%		Open
Farley Mowat Shelburne Harbour, NS	2015	Derelict	√			Town of Shelburne 2017-06-23	47,598.78	2017-07-18	43,641.94 91.69%		Open
Ile d'Aix Halifax Harbour, NS	2018	Other									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 2019-03-31
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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
Mystery spill Ingomar, NS	2018		√			DFO/CCG 2018-11-15	1,406.75	2018-12-12	1,406.75 100%		Closed
No name Sandy Cove, NS	2018	Fishing Vessel	√			DFO/CCG 2018-11-26	1,157.98	2019-02-07	1,157.98 100%		Open
No name Weymouth North, NS	2018	Fishing vessel	√			DFO/CCG 2018-10-18	33,606.49	2018-11-15	33,606.49 100%		Open
Nordika Desgagnés Cape Breton, NS	2018	Cargo ship									Closed
Ryan Atlantic II (formerly Cape Rouge) Bridgewater, NS	2014	Ex-fishing vessel	√			DFO/CCG 2014-06-30	362,575.38	2015-03-19	358,117.79 98.77%		Open
Ryan Atlantic II Bridgewater, NS	2017	Ex-fishing vessel	√	Motor Oil		DFO/CCG 2018-04-25	17,975.67	2018-05-09	17,645.78 98.1%		Closed
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
Quebec											

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2019-03-31
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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%		Closed
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%		Closed
Chaulk Determination Trois-Rivières QC	2014	Tug	√	Diesel		DFO/CCG 2016-12-09	4,585,963.68	2018-07-18	4,200,576.18 91.59%		Closed
Kavo Manali Québec Harbour, QC	2017		√	Lube oil	√						Open
Louis Jolliet St. Lawrence River, Quebec City, QC	2015	Cruise ship	√	Diesel							Open
Mystery Spill (formerly Maccoa) Quebec Port	2017		√			Québec Port Authority 2017-06-16	43,806.19	2017-09-15	43,806.19 100%		Closed
Mystery Spill Quebec Port	2017		√			DFO/CCG 2019-02-12	11,139.48				Open
MSC Monica Deschailons-sur-Saint-Laurent, QC	2016	Container ship	√	Heavy Bunker and Diesel		DFO/CCG 2018-01-22	13,121.81	2018-07-04	13,121.81 100%	14,192.33	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 2019-03-31
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Sarah Desgagnés Salluit, QC	2015	Tanker	√	Diesel oil (Ultra low sulphur)							Closed
Sea Gypsy Port de Québec, QC	2017	Pleasure craft (sailboat)	√	Diesel		DFO/CCG 2019-03-27	7,278.30				Open
Ontario											
Dispatch II Sault Ste Marie, Ontario	2017	Tug boat	√	Mixture of oil, diesel & water		DFO/CCG 2018-07-19	49,123.47	2018-08-28	48,716.67 99.1%		Open
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	Closed
Pitts Carillon Picton Bay, Prince Edward County, ON	2017	Barge	√	Residual oil		Prince Edward County 2018-05-08	597,396.70				Open
Pitts Carillon Picton Bay, Prince Edward County, ON	2017	Barge	√	Residual oil		DFO/CCG 2018-11-22	77,347.18	2019-03-05	32,694.66 42.27%		Open
Warren L II Killarney Channel, Ontario	2015	Tug and barge	√	Fuel Oil		Municipality of Killarney 2017-08-21	270,286.31	2018-07-04	209,575.43 77.54%	198,450	Closed
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%	26,550	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 2019-03-31
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British Columbia											
Alaskan Jenkins Island, BC	2016	Ex-fishing vessel (derelict)	√			DFO/CCG 2018-06-11	37,723.18	2018-07-04	37,723.18 100%		Open
Barges King Arthur & SL 104 Mamquam Blind Channel, BC	2016	Barges				DFO/CCG 2018-04-04	819,134.67	2018-10-31	814,012.78 99.37%		Open
Blue Pacific No.1 Saltspring Island, BC	2016	Ex-fishing Vessel	√	Fuel Oil		DFO/CCG 2018-10-09	132,339.05	2019-01-23	114,129.56 86.24%		Open
Central Isle French Creek, B.C.	2016	Ex-fishing vessel				DFO/CCG 2018-02-20	25,035.02	2018-04-04	24,108.07 96.30%		Open
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
Crown Forest 84-6 Zeballos, BC	2014	Barge	√			DFO/CCG 2016-09-19	67,348.81	2016-11-25	67,348.81 100%		Closed
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

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Drifter Gold River, BC	2016	Derelict fishing vessel				DFO/CCG 2018-08-23	24,076.66	2018-11-02	3,349.04 13.9%		Closed
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%	462.53	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%	2,803.93	Open
Feelin' Free Port Neville, BC	2017	Fishing vessel	√	Diesel & lube oil		DFO/CCG 2019-01-24	37,731.13				Open
George H. Ledcor Deering Island, Vancouver, BC	2018	Tugboat									Open
Lady M. II Ladysmith, BC	2017	Abandoned wood vessel	√	Diesel		DFO/CCG 2019-02-07	32,388.76				Open
Laurier II Deep Bay, B.C.	2014	Motor Vessel				DFO/CCG 2018-01-22	384,365.01	2019-02-07	265,768.99 69.14%		Open
Lightship LV76 (Queen of East Vancouver)	2017	Derelict – sunken ship									Open

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Mission, B.C. (Fraser River)											
Malecite Kits Point, English Bay, BC	2017	Pleasure craft (derelict)	√	Fuel oil		DFO/CCG 2018-06-11	48,230.18	2018-07-11	48,230.18 100%		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%	1,951,689.51	Closed
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	Closed
Marathassa English Bay, Vancouver, BC	2015	Bulk carrier Korea	√	Fuel Oil IFO 380	√	City of Vancouver 2017-04-10	569,053.13	2019-03-20	235,748.23 41.43%		Open
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
Nathan E. Stewart Seaforth Channel, Bella Bella, BC	2016	Tug	√	Diesel fuel and lube oils	√						Open
Nika Campbell River, BC	2017	Ex-fishing vessel	√	Diesel		DFO/CCG 2019-03-26	23,646.38				Open

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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%		Closed
No name (ferro cement sailboat) Chatham Island, BC	2016	Ferro-cement sailboat	√	Diesel fuel		DFO/CCG 2018-12-03	53,954.45				Open
Norob Degnan Bay, BC	2016	Fishing vessel	√			DFO/CCG 2018-05-01	12,930.15	2018-05-09	12,930.15 100%		Open
Ocean Eagle Menzies Bay, BC	2016	Tug			√	DFO/CCG 2018-03-13	156,632.65	2018-06-19	61,597.45 39.33%		Open
Persephone II Deep Bay, BC	2017	Wooden ex-fishing vessel				DFO/CCG 2018-12-03	11,345.17	2019-02-07	11,345.17 100%		Open
Salerosa Oak Bay, BC	2017	Ferro cement sailboat	√	Diesel		DFO/CCG 2019-02-01	62,673.20				Open
Sea C Strider Gorge, BC	2015	Fishing vessel (wreck)	√			DFO/CCG 2017-11-21	35,972.56	2017-12-07	35,972.56 100%		Closed
Seamee II Cattermole Slough, Squamish, BC	2017	Wreck removal				DFO/CCG 2018-01-02	10,184.69	2018-01-25	10,184.69 100%		Closed
Sea-Que Sidney Marina, Sidney, BC	2016	Motor vessel				DFO/CCG 2018-08-02	18,730.67	2018-09-21	18,730.67 100%		Open

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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
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
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%		Closed
Viki Lyne II (ex Admiral Hardy & Aberdeen) Ladysmith, BC	2012	Motor vessel (wreck)				DFO/CCG 2017-06-15	1,267,926.71	2018-05-02	100,373.14 7.92%	20,000.00	Closed
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	2018-04-24	128,246.91 100%		Open
West Island 395 Haida Gwaii, BC	2018	Lodge barge	√			Haida Tourism Limited Partnership (Haico) 2019-01-14	1,857,314.06				Open
Zidell Marine 277 & Jake Shearer	2017	Barge			√						Open

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Goose Island, B.C.											
Arctic Waters											
Akademik Ioffe Kugaaruk, NU	2018	Passenger vessel			√						Open
Clipper Adventurer Coronation Gulf, Western Arctic, Nunavut	2010	Cruise ship	√		√	DFO/CCG 2011-10-17	468,801.72				Closed
Investigator Toker Point, NWT	2016	Barge	√	Fuel oil	√						Open