

## **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.