

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.