

## 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, 39.58GT, 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.