

## *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.