

Farley Mowat (2017) (CCG)

Location: Shelburne Harbour, NS

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)