

## **Floyd II (2017)**

Location: Happy Adventure, NL  
Case number: 120-728-C1

### **The Incident**

On August 2, 2017, the Canadian Coast Guard (CCG) was notified that the fishing vessel *Floyd II* had capsized close to Happy Adventure on the northern coast of Newfoundland. The crew had safely evacuated to shore in an open boat.

The vessel owner reported that the vessel contained 700 to 800 litres of diesel fuel and that there was insurance in place.

On August 3, three CCG representatives equipped with oil spill response equipment arrived at Happy Adventure to monitor the owner's response. The *Floyd II* was found afloat with its port side just above the waterline. The seas were calm with a light wind and there was a non-recoverable oil sheen along the shoreline. The CCG personnel met with the owner's contracted salvage crew and discussed measures to control the release of pollutants, and upright the *Floyd II*, and move it to the port.

At mid-day, a surveillance aircraft reported an oil sheen towards the inner shore to the north.

The vessel was uprighted and stabilized by the salvage crew and on August 4 the vessel was secured in the Happy Adventure harbour. At this point, CCG provided three bundles of absorbent boom for placement around the vessel. The owner hired a vacuum truck to empty the vessel of water; hydraulic oil and fuel oil was also removed by the vacuum truck.

### **The Claim**

On November 3, 2017, the Administrator received a claim from CCG on behalf of the Department of Fisheries & Oceans (DFO/CCG) for costs and expenses in the amount of \$10,471.05, made 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 12, 2017, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$10,471.05, plus interest, pursuant to section 105 of the Act. On December 14, 2017, the offer was accepted by DFO/CCG.

On December 20, 2017, the Administrator directed that the amount of \$10,598.42 (including \$127.37 in accrued interest) be paid to DFO/CCG as full and final payment of their claim.

**Recovery Action**

On February 27, 2018, Counsel for the Administrator sent a demand letter to the owner. On March 5, the owner engaged in settlement discussions involving his insurer as well. A settlement was eventually reached for the lump sum of \$5,250, which was received by the Administrator's office on March 22, 2018.

**Status**

The file was closed on April 12, 2018.