

## **Joyce's Journey (2016)**

Location: Bay of Islands, Newfoundland

Case number: 120-738-C1

### **The Incident**

On December 18, 2016, the Canadian Coast Guard (CCG) was informed that the fishing vessel *Joyce's Journey* (46-foot length overall) was aground near the Bay of Islands, Newfoundland. The crew had safely abandoned the vessel.

The owner confirmed that there was approximately 500 gallons of diesel fuel onboard the vessel. Because of the sea state and high winds, salvage efforts were initially postponed. The owner was informed of his responsibility to take measures to prevent pollution damage and to present a response plan to the CCG before December 21, 1300 hrs.

The following day, two CCG personnel arrived in the vicinity of the grounding to monitor the owner's response; they had brought pollution equipment as a contingency.

On December 20, 2016, the CCG personnel met with the vessel's Captain and were advised the *Joyce's Journey* was holed from the bow to midship and the engine room was half full of water. An overflight was conducted by a CCG helicopter and no pollution was seen. The fuel tanks appeared to be intact and the vessel's engine was still running. The owner and insurance representative were developing a salvage plan to remove the fuel and salvage the craft when weather conditions improved.

On December 21, 2016, the insurance representative presented, verbally, a recovery plan to the CCG but it was deemed inappropriate. A revised plan was not provided on time consequently the CCG assumed command and control of the incident. During the late evening of December 21, the insurance representative confirmed that a contract had been made for removal of the wreck and the pollution. After reconsideration, the CCG deemed this measure appropriate and thereafter resumed an oversight role while the owner and his contractors were to execute the manoeuvre.

On December 23, 2016, the weather was favourable enough to permit recovery of the fuel oil and hydraulic fluid from the wreck. A total of 622 gallons of fuel were removed. The *Joyce's Journey* remained grounded but no longer posed a pollution threat to the marine environment. The insurance representative advised the CCG personnel that operations to salvage the vessel would start the following week if weather conditions permitted.

### **The Claim**

On January 3, 2018, the Administrator received a claim from the CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) for the costs and expenses in the amount of \$11,373.42, 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 January 31, 2018, after an investigation and assessment of the claim, the Administrator made an offer

to DFO/CCG for the established amount of \$11,373.42, plus interest. On February 7, 2018, DFO/CCG accepted the offer.

On February 14, 2018, the Administrator directed that the amount of \$11,775.35 (including \$401.93 in accrued interest) be transferred to DFO\CCG as full and final payment of the claim.

### **Recovery Action**

Upon payment of CCG's claim, the Administrator instructed counsel to seek recovery of this amount with the insurer. On June 28, 2018, counsel accepted a settlement of \$9,000 with the insurer. On July 5, 2018, the payment of \$9,000 was received.

On July 10, 2018, a letter of release was sent to the insurer.

### **Status**

The file was closed on July 12, 2018.