

Lady Young (2016)

Location: Deming's Island, Nova Scotia
Case number: 120-688-C1

The Incident

On April 14, 2016, the fishing vessel *Lady Young* grounded on Deming's Island, Nova Scotia, in a lobster fishing and holding area, while on a voyage from Liverpool, Nova Scotia to Jordan's Bay. The vessel had 300 gallons of diesel fuel as well as other pollutants on board. A sheen was observed in the water immediately surrounding the vessel, which was hard aground so that the Canadian Coast Guard (CCG) determined that it could not be salvaged. CCG responded by tasking the CCGS *Clarks Harbour* lifeboat to the scene. The crew with the exception of the skipper were offloaded.

The vessel owner was given a Notice by CCG, but he advised that he was not able to respond due to financial constraints and absence of insurance. Hence, CCG assumed the role of On-Scene Commander. Absorbent boom was utilized to protect the local lobster fishery, and the Argo ATV was deployed from Dartmouth to the site to provide transportation from the shore to the grounded vessel.

RMI Marine Services (RMI) was engaged to remove pollutants from the vessel. RMI removed the starboard fuel tank from the vessel and emptied other fuel tanks. Oil soaked debris and containers of oil and lube were also recovered. The work was completed on April 19 and the vessel hulk was left on the island.

The Claim

On August 9, 2016, 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 \$25,747.66 pursuant to the *Marine Liability Act*.

The Administrator determined that the claim was admissible under Part 7 of the Act.

Assessment and Offer

After investigation and assessment of the claim, the Administration rate claimed by CCG was reduced to the rate formerly agreed to between the Administrator and CCG. Therefore, the Administrator made an offer for the established amount of \$25,598.67 plus interest, as full and final settlement. DFO/CCG accepted the offer on December 14, 2016, and a payment of \$26,098.69 including interest was made to DFO/CCG on or about December 21, 2016.

Recovery Action

Confirmation was received from Transport Canada concerning the name of the *Lady Young*'s registered owner, who is also the registered owner of the *My4Boys*. On or about March 15, 2017, counsel for the Ship-source Oil Pollution Fund sent a demand letter to the vessel owner, but it was not picked up. In June 2017, the Administrator instructed to seize the *My4Boys*, and a warrant for arrest was issued on June 15. An attempt carried out to locate the *My4Boys* was unsuccessful. In February 2018, a professional firm was engaged to conduct a locate and asset search on the vessel owner. The search did not identify any property ownerships records under the owner's name.

On August 31, 2018, the Administrator, in the light of the unreasonable effort and cost associated, filed for discontinuance of the action in the Federal Court. In addition, the Administrator filed documents releasing the previously-obtained vessel arrest warrant.

Status

The file remains open.