

Laurier II (2014)

Location: Deep Bay, B.C.

Case number: 120-742-C1

The Incident

On July 14, 2014, the Canadian Coast Guard (CCG) was informed by the Deep Bay Harbour Authority, B.C., that the *Laurier II* (201 GT), at anchor in the port, was likely abandoned and that the vessel had the potential for causing oil pollution. On July 31, 2014, CCG mailed a Notice to the presumed owner informing him of his responsibilities. This person responded, declaring that he was only a representative of the company. He informed the CCG that the vessel was being monitored and that the owner planned to repair the vessel.

Throughout the next two years, the CCG periodically checked the *Laurier II*. The area where the vessel was moored included a sensitive ecosystem and a multi-million dollar shellfish industry. On occasion, CCG pumped out of the hull the rainwater and the slow ingress of sea water.

On June 23, 2016, the CCG contracted a consultant to conduct an internal and external vessel condition survey and to determine the location, extent and quantities of fuels and oils aboard in and assess the risk to the environment. Two CCG response specialists also attended the survey.

The survey report indicated the vessel, of riveted and steel construction, was in poor condition. There were significant amounts of diesel and lubricating oils in the fuel tanks, fuel lines, engines, and engine beds. The surveyor recommended an imminent dry-docking of the vessel in order to ensure its integrity and reduce the risks of potential pollution.

On August 30, 2016, the CCG was contacted by the Deep Bay Harbour Authority advising that the *Laurier II* was now low in the water and likely to sink. CCG personnel stationed nearby were tasked to pump out the water and deploy pollution counter-measures equipment if necessary. Successful dewatering raised the bow of the vessel; the CCG personnel identified a baseball size hole in the starboard bow about a foot below the waterline where the seawater was entering. A temporary internal wooden patch was applied and the water ingress was stopped.

On September 1, 2016, a Direction Order was sent to the owner's representative to take measures to prevent pollution damage from the vessel. A response was required by September 7. On September 2, the owner's representative replied that a crew would be on site September 6 to effect interim repairs.

On September 6, 2016, the CCG observed that the crew working on the *Laurier II* appeared to be removing items from the vessel instead of making the expected repairs. The CCG, now convinced that the *Laurier II* presented an imminent threat to pollute, decided to have the vessel towed out of Deep Bay to a location where it could be properly and closely monitored. The owner's representative was informed that the owner would be liable for the costs incurred.

On September 6, 2016, a contractor hired by the CCG towed the *Laurier II* to Ladysmith Harbour, approximately 60 miles south of Deep Bay.

On September 12, 2016, another survey of the *Laurier II* was undertaken and Transport Canada Marine Safety (TCMS) conducted its own inspection; the vessel was found unfit for sea. TCMS found large quantities of various grades of oil that would eventually pollute the marine environment due to the state of the vessel. The independent survey indicates that the vessel was at high risk of foundering due to the possibility of underwater hull breaches suddenly and spontaneously occurring at any time.

A final Direction Order was issued on October 24, 2016, asking the owner's representative to immediately address the ongoing pollution issues by having the vessel removed from the marine environment. With no timely response, the CCG contracted to have the vessel removed and deconstructed. Deconstruction of the *Laurier II* began on November 7, 2016 and was completed on January 31, 2017.

The Claim

On January 22, 2018, CCG acting on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator in the amount of \$384,365.01 for preventive measures, including deconstruction services provided by a third party, made 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, the Office of the Administrator made requests to CCG for additional information and documentation, which was provided.

The Administrator carried out investigation and assessment of the claim. The Administrator was satisfied that the oil pollution risk justified the measures undertaken by the claimant, including deconstruction. However, the Administrator found that some of the costs related to third party services were not justified. On February 7, 2019, the Administrator made an offer to DFO/CCG for the established amount of \$265,768.99, plus interest, as full and final settlement.

As of March 31, 2019, the offer had not been accepted yet.

Status

The file remains open.