

Lucas & Rebecca (2017)

Location: Bay of Islands, NL

Case number: 120-727-C1

The Incident

On July 1, 2017, the Canadian Coast Guard Environmental Response (CCG ER) Duty Officer in St. John's was informed that a 40-foot fishing vessel, *Lucas & Rebecca*, was aground in the Bay of Islands, on the west coast of the province. The crew had safely abandoned the vessel. The vessel owner reported that there was approximately 200 litres of diesel fuel onboard along with some hydraulic oil, engine oil, and steering fluid.

When the CCG ER officer in St. John's was informed about the incident, he contacted the CCG *Cape Fox*, a 47-foot SAR lifeboat based at Lark Harbour, approximately 10 nautical miles from the scene of the incident. The coxswain of the *Cape Fox* reported that he had responded to the grounding and attempted to tow the *Lucas & Rebecca* off the rocks on the shores of Saddle Island, but the efforts were unsuccessful. There was no oil pollution sighted. The owner was, at the time, in the process of removing containers of engine oil, steering fluid and pails of hydraulic oil. The weather forecast was for severe winds, which finally resulted in the destruction of the grounded vessel.

On July 3, 2017, the owner advised that the vessel he had arranged to remove the diesel fuel was unable to operate because of severe weather conditions. During the day, however, the ER crew used its response equipment to successfully remove all accessible oil from the wreck: 850 litres of diesel, 20 litres of hydraulic oil, and 20 litres of steering fluid, as well as a small amount of oil from the engine. CCG ER personnel departed the area on July 4 and returned to St. John's.

On November 14, 2017, the Administrator was advised that the *Lucas & Rebecca* was a total loss.

The Claim

On November 3, 2017, the Administrator received a claim from CCG on behalf of the Minister of Fisheries and Oceans (DFO/CCG) for costs and expenses in the amount of \$17,744.64, 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 13, 2017, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$17,744.64, plus interest, as full and final settlement.

On December 19, 2017, the Administrator received a letter from DFO/CCG accepting the offer. A payment of \$18,301.77 (including \$557.13 in accrued interest) was directed to DFO/CCG on January 11, 2018.

Recovery Action

On February 27, 2018, in-house counsel to the Administrator sent a demand letter to the owner of the *Lucas & Rebecca*. The owner responded in April 2018 and advised that he had been aware of neither the CCG claim nor his own liability. He added that he had no means to pay at the time, but understood his obligations. He asked for some time to get his things in order, at which time he should be in a position to offer payment. Counsel made further attempts to contact the shipowner without success.

In December 2018, the Administrator tasked a professional locator service to investigate the assets of the *Lucas & Rebecca*'s owner. No significant financial assets were identified.

In January 2019, external counsel was engaged. Two further demand letters were sent: the first to the known owner and a second to the estate of the deceased registered owner. Counsel heard back from the former and is in the process of negotiating a settlement. A representative of the estate of the registered owner contacted counsel and produced satisfactory proof that title to the vessel had been transferred prior to its grounding.

Status

The file remains open.