

Nathan E. Stewart (2016)

Location: Bella Bella, BC

Case number: 120-697-R

The Incident

On October 13, 2016, the tug *Nathan E. Stewart* ran aground, sunk, and spilled diesel fuel at the entrance to Seaforth Channel, near Bella Bella, BC. At the time of the grounding, the *Nathan E. Stewart* was pushing the tank barge *DBL 55* in an articulated tug barge (ATB) configuration. The tug contained approximately 59,924 gallons of diesel and up to 2,700 gallons of oil when the incident occurred. Hot tapping operations were carried out to remove hydrocarbons from the tug. In addition, the sunken tug was boomed and sorbent materials were used to recover hydrocarbons from within the boomed off areas. The oil recovery operations were impaired by inclement weather conditions.

The barge, which was unladen at the time of the incident, separated from the tug and was moved to safe anchorage. No oil escaped from the barge.

A Unified Command and Incident Management Team was set up at the offices of the Heiltsuk Nation Tribal Council to facilitate the response. It is noteworthy that the incident occurred in the traditional territories of the Heiltsuk, who were among the first responders.

In December 2017, a report issued by the Transportation Safety Board of Canada found that the probable cause of the grounding was the second mate falling asleep while on watch. Another contributing factor was determined to be the ineffective implementation of the company's safety procedures for watchkeeping.

Measures taken by the Administrator

On October 15, 2016, the Canadian Coast Guard advised the Administrator of the incident. In response, the Administrator retained a local marine expert to assist in evaluating the quantum of security to seek from the shipowner.

On December 16, 2016, the Administrator received an executed Letter of Undertaking as security for the shipowner's liability.

The Administrator as Party by Statute

On October 9, 2018, the Heiltsuk Nation filed an action *in rem* against the *Nathan E. Stewart* and *DBL 55*, as well as an action *in personam* against the owners in the Supreme Court of British Columbia. In addition, the Attorneys General of both Canada and British Columbia were named in the action as part of a constitutional challenge of the validity of portions of the *Marine Liability Act*. The Administrator and the International Oil Pollution Compensation Funds were served notice of the proceedings, in accordance, respectively, with the *Marine Liability Act* and the Civil Liability Convention.

On November 7, 2018, counsel for the Administrator filed a requisition for an appearance pursuant to section 109 of the *Marine Liability Act*.

On December 19, 2018, counsel for the International Oil Pollution Compensation Funds filed a requisition for an appearance pursuant to sections 62 and 68 of the *Marine Liability Act*.

The Claim

As of March 31, 2019, no claim had been filed with the Administrator.

Status

The file remains open.