

## **Ocean Eagle (2016)**

Location: Johnstone Strait, Vancouver Island, B.C.

Case number: 120-745-C1

### **The Incident**

On March 15, 2016, the Canadian Coast Guard (CCG) was advised that the US flagged, 102-foot, 337 GT tug *Ocean Eagle*, towing the US flagged, 335 foot barge *ZB335*, 3,674 GT, had grounded at Rock Point (Chatham Point), Johnstone Strait on the NE coast of Vancouver Island.

Johnstone Strait and Discovery Passage form part of the “Inside Passage” extending from southeast Alaska, through British Columbia to Washington State. The route is heavily travelled by cruise ships, coastal freighters, fishing vessels and tugs with barges. The average 8-foot tidal range and 1 knot current has created a highly diverse marine ecosystem that supports local eco-tourism (whale watching) fishing and forest industry.

Given the reported 80,000 gallons of diesel aboard the ZB 335 as well as an unknown quantity of dangerous goods, although no spill had occurred, CCG immediately deployed efforts to respond to the incident and contracted the Western Canada Marine Response Corporation (WCMRC) to provide pollution prevention assistance. Upon completion of a damage assessment of both the barge and tug by the crew, both vessels sailed towards the shelter of Menzies Bay under escort by CCG and an assist tug, where they anchored on March 15.

Late in the day of March 17, both TC and the US Coast Guard cleared the tug to sail from Menzies Bay for a shipyard in Seattle Washington.

After temporary repairs, the barge was allowed to sail from Menzies Bay, and on March 31, it departed Menzies Bay under tow for Ketchikan, Alaska. During this time, CCG monitored the incident and paid to keep WCMRC on site.

### **Measures taken by the Administrator**

Upon receipt of the claim, the Administrator retained counsel to contact the insurers of the tug and the barge to require a security, pursuant to section 102 of the *Marine Liability Act*.

On May 31, 2018, a Statement of Claim was filed in the Federal Court against the shipowner. Solicitors for the defendants filed their Statement of Defence on June 4, 2018.

On June 8, 2018, the Administrator received a security in the form of a bail bond.

### **The Claim**

On March 13, 2018, 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 \$156,632.65 pursuant to the *Marine Liability Act*.

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

### **Assessment and Offer**

The Administrator carried out investigation and assessment of the claim and on June 19, 2018, the Administrator made an offer of Compensation for the established amount of \$61,597.45, plus interest, as full and final settlement to DFO/CCG. The CCG rejected the offer on August 17, 2018.

On August 20, 2018, DFO/CCG filed a Notice of Appeal in the Federal Court asking to set aside the offer of the Administrator and return the matter for redetermination.

### **Status**

The file remains open.