

# Ship-Source Oil Pollution Fund



## Incident Summaries **2021-2022** of the Administrator's Annual Report

Canada 

**About the Cover Image: *Scotia River*, Canadian Coast Guard**

The tug *Scotia River* caused an oil pollution incident at Lax-Kw'alaams, British Columbia on November 10, 2019. The Canadian Coast Guard responded and submitted a claim to the Fund. The claim was received, processed and paid in part during the 2021-2022 fiscal year.

**Published by the Administrator of the**

Ship-source Oil Pollution Fund

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# Table of Contents

<b>SMALL CLAIMS PROCESS .....</b>	<b>1</b>
<b>ONTARIO.....</b>	<b>1</b>
<i>The Left Hand (2021).....</i>	<i>1</i>
<b>BRITISH COLUMBIA .....</b>	<b>2</b>
<i>Autumn Winds (2021).....</i>	<i>2</i>
<i>Unknown Name (Houseboat) (2020).....</i>	<i>3</i>
<b>GENERAL CLAIMS PROCESS AND INCIDENT REPORTS .....</b>	<b>5</b>
<b>NEWFOUNDLAND AND LABRADOR.....</b>	<b>5</b>
<i>Alaskaborg (2022) .....</i>	<i>5</i>
<i>Baffin Sound (2015) .....</i>	<i>6</i>
<i>BBC Oregon (2019) .....</i>	<i>8</i>
<i>Beverly Gaie (2018).....</i>	<i>9</i>
<i>Comanche (2022).....</i>	<i>12</i>
<i>Danielle and Mark (2020) .....</i>	<i>13</i>
<i>Executioner (2021).....</i>	<i>15</i>
<i>Françoise (2017) .....</i>	<i>16</i>
<i>Jennifer Holly (2019) .....</i>	<i>20</i>
<i>Lady Elizabeth I (2018) .....</i>	<i>22</i>
<i>Lady Miranda (2018).....</i>	<i>24</i>
<i>Lucas &amp; Rebecca (2017) .....</i>	<i>26</i>
<i>Marcel Angie II (2018).....</i>	<i>28</i>
<i>Megan C (2019).....</i>	<i>30</i>
<i>MSC Kim (2022).....</i>	<i>32</i>
<i>Mystery Spill (Postville) (2020) .....</i>	<i>33</i>
<i>Noble Mariner (2018) .....</i>	<i>34</i>
<i>Northern Ranger (2019).....</i>	<i>36</i>
<i>Omni St. Laurent (2019) .....</i>	<i>37</i>
<i>Sikuk (2017).....</i>	<i>38</i>
<i>Stelie II (2016) .....</i>	<i>42</i>
<i>Sweven (2019) .....</i>	<i>44</i>
<i>Unknown name (sunken pleasure craft) (2020).....</i>	<i>45</i>
<b>NOVA SCOTIA .....</b>	<b>47</b>
<i>Cormorant (2015) .....</i>	<i>47</i>
<i>Cormorant (2019).....</i>	<i>50</i>
<i>Farley Mowat (2015) (Town of Shelburne).....</i>	<i>52</i>
<i>Farley Mowat (2015) (CCG).....</i>	<i>54</i>
<i>Hydra Mariner (2021).....</i>	<i>57</i>
<i>Miss Mall Bay (2019) .....</i>	<i>58</i>
<i>Miss Tricia Lynn (2019).....</i>	<i>60</i>
<i>Primo (2021) .....</i>	<i>62</i>
<i>Ryan Atlantic II (formerly Cape Rouge) (2014).....</i>	<i>63</i>
<i>Stephanie &amp; Darrel (2007) .....</i>	<i>65</i>
<b>NEW BRUNSWICK .....</b>	<b>66</b>

# Table of Contents

<i>L'Épaulard</i> (2018).....	66
<i>SBI Carioca</i> (2017) .....	68
<b>QUEBEC.....</b>	<b>69</b>
<i>Federal Leda</i> (2019) .....	69
<i>GRT Synergie</i> (2018).....	70
<i>Kathryn Spirit</i> (2014).....	72
<i>Le Sept Ilien</i> (2018).....	74
<i>Ocean Uannaq</i> (2016).....	76
<i>Réjane</i> (2020) .....	77
<b>ONTARIO.....</b>	<b>79</b>
<i>SEA-Q-TI</i> (2021).....	79
<i>Tecumseh</i> (2019).....	80
Unknown name (Toronto pleasure craft) (2021).....	81
<b>BRITISH COLUMBIA .....</b>	<b>82</b>
<i>Alaska Plaza and Sea Lander</i> (2020).....	82
<i>Alhena</i> (2018).....	83
<i>Anapaya</i> (2017).....	85
<i>Atanook</i> (2018) .....	87
<i>Atrevida No. 1</i> (2018) .....	89
<i>Aura Lee</i> (2018).....	90
<i>Barges King Arthur and SL 104</i> (2016).....	92
<i>Big Kahuna</i> (2017).....	94
<i>Blue Pacific No. 1</i> (2016) .....	96
<i>Central Isle</i> (2016).....	99
<i>Darrell Bay Incident</i> (2018).....	101
<i>Delphinus</i> (2018).....	103
<i>Elva M II</i> (Steveston Harbour Authority) (2016).....	105
<i>Elva M II</i> (CCG) (2016) .....	107
<i>Foss 153</i> (2020) .....	109
<i>Friday While</i> (2019).....	110
<i>George H. Ledcor</i> (2018) .....	112
<i>Go-Getter</i> (2019) .....	113
<i>Halary No. 1</i> (2018) .....	115
<i>Knot</i> (2021).....	117
<i>Lady Candy</i> (2022) .....	118
<i>Laurier II</i> (2014).....	119
<i>Maverick IV</i> (2018).....	122
<i>Miss Terri</i> (2018) .....	125
<i>Mistann</i> (2011).....	127
<i>Nathan E. Stewart</i> (2016).....	129
<i>Nathan E. Stewart</i> (2016).....	131
<i>Nika</i> (2017).....	133
<i>Pacific Fibre Barge No. 1</i> (2018) .....	135
<i>Pacific Poet</i> (2021) .....	137
<i>Red Fir No. 9</i> (2019).....	138
<i>Rolano</i> (2019).....	140
<i>Salerosa</i> (2017) .....	142
<i>Salish Guardian</i> (2019) .....	144
<i>San Jolyne III</i> (2018).....	146

# Table of Contents

<i>SC 170 (2017)</i> .....	148
<i>Scotia River (2019)</i> .....	150
<i>Sea Lion VI (2021)</i> .....	152
<i>Sea-Que (2016)</i> .....	153
<i>Seal Rock (2019)</i> .....	155
<i>Sheena M (2019)</i> .....	157
<i>Spudnik (2014)</i> .....	158
<i>Spudnik (2019)</i> .....	160
<i>Theresa N (2018)</i> .....	161
<i>Tinker II (2018)</i> .....	163
<i>Tymac No. 20 (2017)</i> .....	165
<b>Unknown Name (Barge) (2020)</b> .....	167
<b>Unknown Name (Black Gaff Cutter) (2018)</b> .....	168
<b>Unknown Name (Blue Trawler) (2017)</b> .....	170
<b>Unknown Name (Deck Barge) (2019)</b> .....	172
<b>Unknown Name (Trevor channel boom boat) (2021)</b> .....	174
<i>Viking I (2016)</i> .....	175
<i>Viking I (2016)</i> .....	177
<i>Western Breeze (2019)</i> .....	179
<i>Western Chief (2019)</i> .....	181
<i>West Island 395 (2018)</i> .....	183
<i>West Island 395 (2018)</i> .....	185
<i>West Island 395 (2018)</i> .....	187
<i>White Orca (2017)</i> .....	189
<i>Zac (2019)</i> .....	191
<i>Zidell Marine 277 &amp; Jake Shearer (2017)</i> .....	192
<i>Zodiac Light (2018)</i> .....	193
<i>Zodiac Light (2018)</i> .....	195
 <b>NUNAVUT</b> .....	 <b>197</b>
<i>Akademik Ioffe (2018)</i> .....	197
 <b>NORTHWEST TERRITORIES</b> .....	 <b>198</b>
<i>Investigator (2016)</i> .....	198
 <b>2021-2022 INCIDENT INDEX</b> .....	 <b>200</b>
Small Claims Process .....	200
General Claims Process and Incident Reports .....	200



# Small Claims Process

## Ontario

### *The Left Hand (2021)*

Location: Humber Park, Ontario  
File number: 120-899-C1

#### The Incident

On 13 August 2021, C-Tow Marine Assistance Ltd. (C-Tow) received a call from a vessel operator who stated that his vessel, a 34-foot pleasure craft known as *The Left Hand*, was out of fuel near Humber Park, Ontario.

C-Tow mobilized to the scene and found that the vessel had sunk in approximately 25 feet of water. An oil sheen was visible. The operator, who had swum to shore, hired C-Tow to refloat the vessel. This was done, and the vessel was towed to a storage facility, where it was removed from the water.

C-Tow approached the vessel operator seeking payment for its services, but payment was never received.

#### The Claim

On 7 September 2021, the Administrator received a submission from C-Tow under the Expedited Process for Small Claims. The submission included a claim totalling \$15,000.00, seeking compensation for costs and expenses arising from the response to the incident involving *The Left Hand*.

The office of the Administrator contacted C-Tow to advise that some of its costs—namely its apparent claim for lost profit—would likely not be compensable under the Expedited Process for Small Claims. In response, C-Tow requested that its claim be considered under the General Claims Process (i.e., section 103 of the *Marine Liability Act*).

The office of the Administrator requested supporting documentation from C-Tow, but this was never received. Ultimately, the claim was treated as having been retracted by C-Tow.

#### Status

The file was closed on 31 March 2022.

# British Columbia

## *Autumn Winds (2021)*

Location: Humpback Bay, British Columbia

File number: 120-909-C1

### **The Incident**

On 15 July 2021, the Canadian Coast Guard (CCG) began a response to an incident involving the *Autumn Winds*, a commercial fishing vessel reported to be taking on water in Discovery Passage, near Humpback Bay, British Columbia. The vessel ultimately grounded.

Contractors were engaged to contain a release of approximately 150 litres of diesel fuel and hydraulic fluids. An overflight on 16 July 2021 reported sheening on the water along the shoreline extending up to 4 kilometres west of the vessel. The response operation ran from 17 through 26 July 2021, with contractors maintaining booms, collecting oiled waste, and ultimately salvaging the vessel.

During the response to the incident involving the *Autumn Winds*, the Nanwakolas Council, an organization representing several local First Nations, hired an environmental response consultant to advise on the impacts of spilled oil on local ecologically sensitive areas. Representatives of the Nanwakolas Council and one of its constituent First Nations also travelled to the incident site and surrounding areas to monitor the situation.

### **The Claim**

On 9 December 2021, the Administrator received a submission from the Nanwakolas Council. The submission included a claim totalling \$9,266.96, seeking compensation for costs and expenses arising from its response to the incident involving the *Autumn Winds*. The submission was made under the Expedited Process for Small Claims.

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

### **Payment**

Having determined that the Nanwakolas Council's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 4 February 2022. Payment itself, in the amount of \$9,266.96 plus statutory interest of \$132.93, was delayed until 2 March 2022 due to unforeseen disruptions in downtown Ottawa.

The Administrator has not yet determined whether the claim will be reassessed.

### **Status**

The file remained open at the end of the fiscal year.



## **Unknown Name (Houseboat) (2020)**

Location: Sicamous, British Columbia

File number: 120-878-C1

### **The Incident**

On 3 January 2020, the Canadian Coast Guard (CCG) was notified that an unnamed houseboat had partially sunk at Sicamous, British Columbia. The vessel was secured to the shore, but snow build-up had caused its stern to submerge. As a result, its engine compartment flooded, causing an oil sheen around the vessel.

The CCG engaged a contractor to raise and remove the vessel, which operation was completed on 24 January 2020.

The CCG identified the owner of the vessel on 27 January 2020 and demanded payment for its response costs, but the owner stated he was unable to pay. The CCG proceeded to have a contractor rehabilitate the vessel's engine to prepare the vessel for possible sale.

Despite regular correspondence with the owner, who alleged financial hardship, the CCG continued to incur costs associated with storing the vessel on land until the end of May 2020. The houseboat was ultimately returned to its owner the following month.

### **The Claim**

On 2 December 2020, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$6,941.10, seeking compensation for costs and expenses arising from the response to the incident involving the unnamed houseboat at Sicamous, British Columbia. The submission was the first ever to be submitted under the Expedited Process for Small Claims, a special claims process that was added to the *Marine Liability Act* in 2018.

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

### **Payment and Reassessment**

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued payment in full to the CCG of \$6,941.10 plus accrued interest of \$258.68, as required by the *Marine Liability Act*, on or about 29 January 2021.

On 19 March 2021, the Administrator informed the CCG that she would be conducting a reassessment and investigation of its claim. The Administrator requested detailed supporting documentation from the CCG with respect to its response operation and claimed costs. Documentation was provided in response in March, April, and June 2021.

In the course of the Administrator's investigation and reassessment, the owner of the subject vessel was invited to provide information, but no response was received.

The Administrator issued a Notice of Overpayment on 17 June 2021, requiring repayment of \$2,696.30 in principal plus *pro rata* interest of \$100.49. The overpayment determination applied to costs associated with the extended storage and rehabilitation of the houseboat, neither of which were determined to have represented oil pollution mitigation measures.

The CCG repaid the overpayment amount, along with *pro rata* interest, to the Fund in December 2021.

### **Recovery Action**

In an attempt to obtain a current address for the owner of the vessel, the Administrator issued six *Inquiries Act* subpoenas between May and November 2021.

A demand letter was sent via mail and email in September 2021, but no response was received.

The Administrator's recovery efforts continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

# General Claims Process and Incident Reports

## Newfoundland and Labrador

### *Alaskaborg (2022)*

Location: Southern coast, Newfoundland and Labrador  
File number: 120-915-I-G

#### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving the cargo ship known as the *Alaskaborg* on or about 11 February 2022. The Administrator's understanding is that the ship suffered some form of mechanical malfunction and, as a result, discharged oil overboard while traveling proximate to the southern coast of Newfoundland.

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

Following the incident, the Administrator contacted representatives of the vessel's insurer. The insurer provided blue card information for the ship, thereby confirming that insurance was in place at the relevant times.

#### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Baffin Sound (2015)**

Location: St. Anthony, Newfoundland and Labrador

Case number: 120-685-C1

### **The Incident**

On 23 June 2015, the Canadian Coast Guard (CCG) received a report from the local harbour authority that an oil sheen was originating from the fishing vessel *Baffin Sound*, which had been tied up at the town wharf in St. Anthony Harbour for the past seven to eight years. The vessel's main engine had been removed but the remaining quantity of hydrocarbons on board was unknown.

CCG environmental response (CCG ER) personnel were on scene and conducted an assessment of the vessel's condition, following which a Statement of Work (SOW) for removal of the pollutants from the *Baffin Sound* was developed. The SOW was subsequently sent to the vessel owner for action. Response was received from the owner on 30 June 2015 that he would be on-site to take the necessary measures.

The owner was on-site on 3 July and commenced the measures that were identified in the SOW. Pails and drums of oil and waste were collected. The hydraulic lines to deck machinery, the engine room generators, as well as the hydraulic and lube oil tanks were drained. CCG ER monitored the removal operations. Since the owner was not able to arrange for a vacuum truck to remove the fuel and bilge waste, CCG took the decision to hire one on 7 July. Approximately 1,100 litres of fuel were removed from the vessel, and 8,340 litres of oily water from the bilges.

### **The Claim**

On 9 December 2015, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG) in the amount of \$22,185.86 for costs and expenses incurred, 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, an offer for the established amount of \$22,185.86, plus interest, was made to DFO/CCG by the Administrator, on 25 February 2016, as full and final settlement. The offer was accepted on 1 March 2016.

On or about 26 July 2016, a payment of \$22,926.95 including interest was made to DFO/CCG.

### **Recovery Action**

A professional locator service was engaged to complete a locate and asset search on the *Baffin Sound*'s registered owner. In addition, in January 2017, the owner was served with a Statement of Claim. In February 2017, counsel for the Ship-source Oil Pollution Fund secured a judgment from the Federal Court against the owner in the amount of \$22,926.25 plus pre and post judgment interest.

In total, judgments of \$331,000.00 have been registered against the *Baffin Sound*'s owner. In May 2017, St. Anthony Port Authority instructed the seizure and sale of the *Baffin Sound*. However, the auction, held in October 2017, did not yield any bids.

In May 2018, counsel for the Administrator contacted the port authority legal counsel. There was no progress to report.

### **Status**

The file remains open.

### **Related file**

120-687-R – *Stelie II* (same owner)

## **BBC Oregon (2019)**

Location: Bay Bulls, Newfoundland and Labrador

Case number: 120-844-I-G

### **The Incident**

On 30 June 2019, the cargo ship *BBC Oregon* (9,618 GT), registered in Antigua Barbuda, ran aground in Bay Bulls harbor, Newfoundland and Labrador. There were no injuries and no pollution reported as a result of the incident. When notified of the incident, the Canadian Coast Guard Environmental Response (CCG ER) set up an incident command post and deployed a team to the harbour. With high tide waters in the evening of 30 June, the response plan was implemented and the vessel was refloated. The CCG ship *Edward Cornwallis* and a commercial tugboat towed the grounded vessel to a close anchor in the harbor.

The assessment of the vessel was done by CCG in consultation with the shipowner. The CCG contracted a diving company to do an underwater hull survey, which was completed on 1 July 2019.

After an assessment of the survey report and the owner's response plan, Transport Canada issued a clearance and the vessel departed Bay Bulls on 7 July 2019 en route to Scotland.

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

On 3 July 2019, counsel for the Administrator advised counsel for the CCG that the Administrator considers the Bunkers Convention Bluecard of the vessel sufficient, and will neither arrest the vessel nor seek further security.

### **The Claim**

As of 31 March 2022, no claim has been filed with the Administrator.

### **Status**

The file remains open.

## **Beverly Gaie (2018)**

Location: Summerside Marina, Newfoundland and Labrador

File number: 120-845-C1

### **The Incident**

On 3 October 2018, the Canadian Coast Guard (CCG) was advised by the Summerside Marina, near Corner Brook, NL, that a 50-foot former fishing vessel identified as the *Beverly Gaie* posed a potential pollution risk. The vessel had been effectively abandoned for two years, during which time the Marina had monitored and periodically dewatered the vessel to keep it from sinking.

On 4 October 2018, the CCG contacted the Marina to obtain more details. The Marina provided photos of the *Beverly Gaie* and estimated that at least 10 gallons of fuel were on board the vessel. The Marina further advised that it could not locate the owner.

On 10 October 2018, the CCG obtained contact information for the owner of the *Beverly Gaie* and left him a voice message. The CCG first spoke to the owner on 12 October 2018, directing him to provide a plan to remove the vessel from the water by 16 October 2018.

On 17 October 2018, the owner contacted the CCG, proposing to use an excavator to remove the *Beverly Gaie* from the water. The CCG rejected this plan two days later, requesting a revised plan to include details on removal of pollutants and ultimate disposal of the vessel.

On 24 October 2018, the owner submitted a revised plan. The owner did not respond when the CCG requested further details on this plan, and the CCG was unsuccessful in making contact with him again.

On 7 November 2018, three CCG Environmental Response (ER) personnel from St. John's arrived on scene to assess the situation. They found the *Beverly Gaie* in poor condition, noted water ingress, and estimated that at least 250 litres of oils were on board, primarily diesel in fuel tanks. With no word from the owner, the ER personnel arranged for a vacuum truck to remove pollutants from the vessel the following day.

On 8 November 2018, 1,000 litres of fluids were removed from the *Beverly Gaie*. The ER personnel took measures to limit further water ingress before departing the scene. According to the CCG, some pollutants remained on board, including in the vessel's bilge.

The Marina continued to monitor the vessel in the absence of CCG personnel, but ultimately had to stop due to safety concerns. After repeated efforts to contact the owner failed, the CCG returned to the vessel on 17 November 2018 to dewater it and clear snow from its decks. This was done until 1 December 2018, with up to 500 gallons pumped overboard daily.

Meanwhile, the CCG was making arrangements, through Public Services and Procurement Canada, to have the *Beverly Gaie* towed away and removed from the water.

Contracting complications and weather delays meant that a tug did not arrive on scene until 28 November 2018. The tow was further delayed to 1 December 2018.

The *Beverly Gaie* arrived at Port Saunders under tow on 2 December 2018 and was removed from the water the same day by a second contractor before being placed on blocks.

The CCG engaged a marine consultant to survey the *Beverly Gaie*, which was done on 12 December 2018. The survey report issued to the CCG on 14 December 2018 made no mention of pollutants on the vessel but concluded that it had no residual value.

Based on the findings of the survey, the CCG had the *Beverly Gaie* deconstructed by its Port Saunders contractor. This work was completed on 4 January 2019.

### **The Claim**

On 12 July 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$151,648.78, seeking compensation for costs and expenses arising from the response to the incident involving the *Beverly Gaie*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim.

Based on the documentation submitted by the CCG, the Administrator concluded that once the pollutants had been removed from the *Beverly Gaie* by vacuum truck on 8 November 2018, the vessel had ceased to pose a pollution threat. To this end, all of the costs incurred by the CCG after this date, including personnel costs and those incurred under contract as a result of towage, removal, surveying, and deconstruction, were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$9,614.71, plus accrued interest of \$410.75, on 31 October 2019.

The CCG accepted the offer on 20 December 2019, and payment from the Fund in the amount of \$10,025.46, including interest, was made four days later.

### **Recovery Action**

In the course of investigation, in-house counsel to the Administrator determined that the subject vessel of this claim is registered in Canada under the name “*Beverley Gaie*” and that the registered owner was not the individual that the CCG dealt with in the course of its response. Further investigatory work revealed that the registered owner of the vessel may have sold it some years prior to the CCG intervention.

On 27 July 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in an attempt to obtain current contact information for the owner of the *Beverly Gaie*. A response to the subpoena was received on 5 August 2019.

On 27 August 2019, the Administrator issued a subpoena under the *Inquiries Act* to Fisheries



and Oceans Canada to clarify the identity of the *Beverly Gaie*, given that the vessel appeared to be registered under a slightly different name. A response to the subpoena was received on 13 September 2019.

On 6 January 2020, in-house counsel to the Administrator sent a demand letter to the individual identified by the CCG as the owner of the *Beverly Gaie*. No response was received, though an individual with the correct surname signed for receipt of the letter.

A follow-up letter was sent via email on 9 October 2020. No response was received. Further investigation uncovered additional possible addresses in Clarenville for the owner of the *Beverley Gaie*.

On 30 September 2021, in-house counsel to the Administrator filed an action against the owner of the *Beverley Gaie* in the Federal Court. Attempts were made to serve the Defendant via registered mail, but these initially appeared to have been unsuccessful.

On 8 December 2021, in-house counsel received a telephone call from a relation of the Defendant, who made a settlement offer on his behalf. Ultimately, the Administrator agreed to settle her claim against the Defendant for \$8,000.00. A bank draft in that amount was received by the office of the Administrator on 13 January 2022. As a result of outside factors, there were delays in processing the bank draft, but it was ultimately deposited in March 2022.

The Administrator's Federal Court action was discontinued on 23 March 2022.

### **Status**

With the settlement funds received and the Federal Court action discontinued, the office of the Administrator was in the process of closing the file at the end of the fiscal year.

## **Comanche (2022)**

Location: Placentia Bay, Newfoundland and Labrador  
File number: 120-917-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving a bulk carrier known as the *Comanche* at some time between 11 and 13 March 2022. The Administrator's understanding is that measures were taken in anticipation of a potential discharge of oil from the vessel.

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

Following the incident, the Administrator contacted representatives of the vessel's insurer and secured blue card information about the ship, thereby confirming that insurance was in place at the relevant times.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Danielle and Mark (2020)**

Location: Old Bonaventure, Newfoundland and Labrador

File number: 120-894-C1

### **The Incident**

On 10 February 2020, the Canadian Coast Guard (CCG) was informed that a fishing vessel named the *Danielle and Mark* had sunk at a dock in Old Bonaventure, Newfoundland and Labrador. The vessel was submerged in several feet of water and surrounded by ice. Discoloured snow around the vessel indicated the presence of hydrocarbons.

The CCG contacted the owner of the *Danielle and Mark* to determine his intentions for responding to the incident. The owner stated that he was unable to respond and reported that, while the vessel's bulk fuel had been removed, its tanks were unclean and likely contained hydrocarbon residuals. He also reported an estimated 10 to 15 gallons of hydraulic fluid onboard.

Three CCG officers travelled to Old Bonaventure to assess the *Danielle and Mark* on 11 February 2020. They observed that its hydraulic system appeared to have been damaged by ice and found engine base oil inside the vessel. However, the vessel could not be fully assessed due to heavy ice and snow.

The CCG engaged a contractor and determined to raise the *Danielle and Mark*, remove its pollutants, and dispose of the vessel. This work began on 28 February 2020 and concluded the following day when the vessel was deconstructed.

### **The Claim**

On 3 June 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$47,073.08, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Danielle and Mark*.

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

### **Assessment and Offer**

The Administrator investigated and assessed the claim. Ultimately, deconstruction costs were not accepted, as the evidence did not show that they were connected with mitigating oil pollution. On 8 September 2021, an offer of compensation in the amount of \$30,397.23 plus interest was made to the CCG.

The CCG accepted the offer on 16 September 2021, and a payment in the amount of \$31,879.76, representing the principal plus \$1,482.53 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

On 1 November 2021, an *Inquiries Act* subpoena was directed to the Department of Fisheries and Oceans to request information on fishing licences issued to the owner related to the *Danielle and Mark*.

A demand letter was sent to the owner in December 2021. On 15 December, the owner contacted the Administrator's in-house legal counsel.

Discussions with the owner of the *Danielle and Mark* were ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Executioner (2021)**

Location: St. John's, Newfoundland and Labrador

File number: 120-908-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving a longliner known as the *Executioner* on or about 9 December 2021. The Administrator's understanding is the ship began taking on water while at berthage in St. John's, Newfoundland and Labrador. Measures were required to keep the vessel from sinking.

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

The vessel is registered. As of 31 March 2022, efforts were ongoing to make contact with the owners of the ship and obtain insurance documentation.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Françoise (2017)**

Location: Clarenville, Newfoundland and Labrador

File number: 120-725-C1

### **The Incident**

On 21 September 2017, the Canadian Coast Guard (CCG) was notified that two vessels, identified as the *Sikuk* and the *Françoise*, were together dragging anchor at Clarenville, Newfoundland and Labrador. The *Sikuk* had a gross tonnage of 584 and the *Françoise* a gross tonnage of 230. Both were disused fishing vessels placed at anchor by a local shipyard. The CCG issued directions to each of the owners under the *Canada Shipping Act, 2001*, ordering them to take action to secure their respective vessels. The owners were either silent or uncooperative at this stage.

On 22 September 2017, two CCG Environmental Response (ER) personnel from St. John's arrived on scene to find the *Sikuk* at anchor with the *Françoise* listing slightly and secured by three mooring lines to the *Sikuk*'s port side. The ER personnel boarded the *Sikuk* and found that both of its forward anchors were deployed but could not be retrieved due to the vessel's lack of power. The ER personnel determined that the *Sikuk* contained approximately 11,500 litres of pollutants. They were not able to board the *Françoise* due to safety concerns.

On 23 September 2017, the CCGS *Harp* arrived on scene. CCG personnel installed chaffing pads to protect the lines connecting the *Sikuk* and the *Françoise*.

Because the two vessels lacked operational lights, the CCG was concerned that they posed a navigational hazard. There were also concerns that the vessels would continue to drag anchor, damaging underwater cables in the process. With poor weather expected in the area, there were fears that the vessels would ground and discharge pollutants. As a result, the CCG resolved to engage a commercial tug to tow the *Sikuk* and the *Françoise* to safe refuge. Towing bridles were attached to each of the two vessels for this purpose.

On 24 September 2017, a contracted tug was en route from Sydney, Nova Scotia, and expected to arrive early the following day. The CCG had vetted a temporary place of refuge for the vessels at a disused local dock a few hundred metres from the anchorage. As the dock was in poor condition, its owner stipulated that only CCG personnel were to be allowed access. The CCG further agreed to arrange 24-hour security for the site. CCG personnel prepared both the dock and the vessels for the mooring arrangement, procuring the supplies deemed necessary to safely secure the vessels.

On 25 September 2017, the tug arrived and towed the vessels after a safety briefing. The *Sikuk* and the *Françoise* were secured to the dock by 10:00 and the tug and the CCGS *Harp* were released from the scene. Security guards contracted by the CCG began their 24-hour monitoring of the site and the ER personnel departed.

Further directions under the *Canada Shipping Act, 2001* were issued to the owners of both vessels, requiring that formal plans be presented to the CCG with respect to pumping the vessels of pollutants and towing them away for deconstruction or repair. Neither owner complied.

On 30 September 2017, ER personnel returned to the vessels to inspect their moorage situation. The *Françoise* continued to list, but its situation was unchanged. The *Sikuk* rested on even keel with no change to its draught. Minor adjustments were made to the mooring lines before the ER personnel departed. They continued to visit the site periodically over the months that followed to check on the vessels and make adjustments as needed.

The CCG repeatedly directed the owner of the *Françoise* to take action in the months following the towage operation. Communication was vague, noncommittal, and sometimes nonexistent.

The CCG had the *Sikuk* surveyed on 16 November 2017, and its owner ultimately removed the pollutants from the vessel under CCG supervision and had it towed away in January of 2018. This left the *Françoise* at the disused dock, with the CCG continuing to incur security costs. The owner of the *Françoise* was informed that these costs would no longer be shared with the owner of the *Sikuk*.

On 12 July 2018, with the owner of the *Françoise* still uncooperative, the CCG engaged a marine surveyor to inspect the vessel. A survey report was issued to the CCG on 6 August 2018. The report indicated that the vessel contained 17,000 litres of pollutants. Though the vessel was in very poor condition, the surveyor did not consider it likely to sink, but did express concerns that any water ingress might go unnoticed. Finally, the cost of deconstructing the vessel was estimated to be in the \$500,000 to \$750,000 range. In the fall and winter of 2018, the CCG obtained quotes from contractors for the deconstruction of the *Françoise*, all of which exceeded the range estimated by the surveyor.

On 3 October 2018, the owner of the *Françoise* informed the CCG that a marine consultant had been engaged to prepare a plan for removing pollutants from the vessel and ultimately deconstructing it.

On 2 November 2018, a contractor engaged by the owner pumped 11,000 litres of pollutants from the *Françoise* under CCG supervision.

On 7 December 2018, the owner presented the CCG with a plan to tow the *Françoise*. The tow was delayed repeatedly, finally being put into action on 4 February 2019. The vessel was delivered to Glovertown two days later.

The CCG demobilized when the *Françoise* was towed away.

### **The Claim**

On 12 September 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$381,296.28, seeking compensation for costs and expenses arising from the response to the incident involving the *Françoise*.

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

## **Assessment and Offer**

In November of 2018, while the *Françoise* was moored at the disused Clarenville dock under CCG supervision, and prior to receiving the CCG claim, the Administrator engaged a marine surveyor to inspect the vessel and assess the pollution threat it posed. The survey report was received in December of 2018.

Once the claim was received from the CCG, the Administrator began her investigation and assessment of it together with the *Sikuk* claim, which had been received in March of 2019 but held in abeyance. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator found that the initial measures taken by the CCG to secure the *Françoise* were reasonably taken with respect to a demonstrated oil pollution threat. However, storage costs associated with the vessel that extended beyond one month were rejected, resulting in substantial reductions.

The Administrator made an offer of compensation to the CCG in the amount of \$73,908.57, plus accrued interest, on 10 June 2020.

The CCG accepted the offer on 7 August 2020, and payment from the Fund in the amount of \$81,977.09, including interest, was made on 17 August 2020.

## **Recovery Action**

In September of 2018, prior to receiving the CCG claim, the Administrator requested ownership information on the *Françoise* from the CCG. The CCG provided the name of an individual, and in September 2018, the Administrator engaged a private investigation service to conduct an asset search on this individual. It later came to light that this individual is the director of the corporate registered owner of the vessel.

On 20 November 2019, the Administrator learned that the owner of the *Françoise* had had the vessel deconstructed at Glovertown in August of 2019.

On 18 August 2020, a demand letter was sent to the owner of the *Françoise*. A response from counsel engaged by the owner was received on 21 August 2020.

On 17 September 2020, in-house counsel to the Administrator filed an action in the Federal Court against the *Sikuk*, its owner, and the owner of the *Françoise*.

Counsel for the owner of the *Françoise* filed a Statement of Defence on 11 December 2020, and counsel engaged by the *Sikuk* and its owner filed a Statement of Defence on 18 December 2020.

On 7 January 2021, the owner of the *Françoise* commenced third party proceedings against the CCG and the owners of the shipyard that had tied the *Françoise* to the *Sikuk* in Clarenville Harbour. The CCG filed a Statement of Defence to the third-party claim on 22 February 2021.

As of 31 March 2022, litigation remains ongoing.



**Status**

The file remained open at the end of the fiscal year.

**Related Files**

120-712-C1 – *Sikuk*: same date and location, same type of incident (dragging anchor), same claimant

## **Jennifer Holly (2019)**

Location: Main Brook, Newfoundland and Labrador

File number: 120-849-C1

### **The Incident**

On 1 April 2019, the Canadian Coast Guard (CCG) was advised that a 34-foot, wooden-hulled fishing vessel moored at the government wharf in Main Brook, Newfoundland, had suffered significant damage while being frozen in the ice over winter. The vessel was identified as the *Jennifer Holly*.

The CCG contacted a Transport Canada office in the area to request that they dispatch an officer to inspect the vessel. The owner of the vessel was also contacted and advised that he must take appropriate measure to mitigate the oil pollution risk. The owner confirmed he would have the fuel tanks from the vessel pumped, but that he had little money and no insurance.

The Transport Canada officer who attended at the scene reported that the *Jennifer Holly* had suffered significant damage and was entirely frozen into the ice. It was considered not plausible to take steps beyond removing fuel from the vessel until the ice cleared.

On 3 April 2019, the owner advised the CCG that he had removed 45 gallons of fuel from the *Jennifer Holly*'s fuel tank, but that he could not access the hydraulic oil tank or the engine. The owner said he would take steps to ensure the buoyancy of the *Jennifer Holly*, and he was instructed by the CCG to keep them apprised of developments.

On 8 May 2019, the CCG was advised that, on 6 May 2019, the owner of the *Jennifer Holly* had attempted to extract the vessel from the ice through use of a wire rope and shore-based equipment. In the process the vessel had been dragged through the ice more than across it, and it had suffered significant additional damage. The vessel had left an oily sheen behind it.

A crew of CCG personnel attended at Main Brook to inspect the *Jennifer Holly*. Based on their observations, it was determined that the vessel would have to be refloated through use of divers before it could be removed from the water.

The CCG held a competition and received bids for the contract to refloat the vessel. There were several bidders, including one successful bid. The successful bidder entered into a formal contract for removal on 21 May 2019.

On 24 May 2019, the vessel was refloated, removed from the water, and then handed over to its owner for disposal.

### **The Claim**

On 28 October 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$76,171.64, seeking compensation for the response to the incident involving the *Jennifer Holly*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. In this case, the submission from the CCG was well done and substantially complete, requiring relatively little follow up.

The Administrator's investigation into the owner largely confirmed the information provided by the CCG. A subpoena was served on a telecommunications company to try to locate the owner.

On 6 March 2020, the Administrator made an offer of compensation to the CCG in the amount of \$72,939.19, plus statutory interest. The CCG accepted the offer on 18 March 2020, and payment from the Fund in the amount of \$75,161.08, including statutory interest, was made on 23 March 2020.

### **Recovery Action**

Demand letters were sent to the owner of the *Jennifer Holly*, and contact was made. Settlement negotiations began, but they were inconclusive.

On 30 March 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner.

### **Status**

The file remained open at the close of the fiscal year.

## **Lady Elizabeth I (2018)**

Location: Woody Point, Newfoundland and Labrador

File number: 120-852-C1

### **The Incident**

On 7 March 2018, the Canadian Coast Guard (CCG) was notified that the 42-foot tour boat *Lady Elizabeth I* had sunk at an old ferry dock at Woody Point, Newfoundland and Labrador. A representative of the vessel's corporate owner estimated that approximately 50 litres of diesel and 20 litres of lubricant were on board. He also reported that he had deployed boom from the local harbour authority around the sunken vessel and was in the process of making arrangements for it to be raised.

The CCG spoke with the owner's representative over the telephone and informed him of the owner's responsibilities under the *Marine Liability Act*.

Three CCG Environmental Response personnel departed St. John's for Woody Point, towing a response trailer. They stopped overnight at Deer Lake.

The CCG personnel arrived on scene on the morning of 8 March 2018 to conduct a pollution assessment and to monitor the owner's response. They observed that the *Lady Elizabeth I* was kept partially afloat by mooring lines and otherwise confirmed the account of the owner's representative. The owner's salvage crew arrived on scene later the same day and began making preparations to refloat the vessel, including plugging through-hulls and deploying additional boom. The vessel was refloated in the evening, and the owner's representative was left to monitor it through the night.

The CCG personnel arrived back on scene on 9 March 2018 to monitor the situation as pollutants and oily water were pumped from the *Lady Elizabeth I* by the owner's contractor. The owner's representative presented a removal plan for the vessel to the CCG, which was accepted, and the three CCG personnel departed for St. John's.

### **The Claim**

On 13 December 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$8,489.01, seeking compensation for costs and expenses arising from the response to the incident involving the *Lady Elizabeth I*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim and made a request to the CCG seeking further information. A response was received on 25 February 2020.

The Administrator found that the costs associated with sending three CCG personnel across the province to monitor the owner's response over several days were not reasonable in the circumstances, particularly given the CCG's ability to draw on local resources.

Using a smaller-scale monitoring operation as a model for the amounts found to be established, the Administrator made an offer of compensation to the CCG in the amount of \$1,620.37, plus accrued interest of \$129.42, on 11 March 2020.

The CCG accepted the offer on 16 April 2020, and payment from the Fund in the amount of \$1,749.79, including interest, was made on 21 April 2020.

### **Recovery Action**

On 18 December 2019, in-house counsel to the Administrator sent a letter to the insurance representative of the *Lady Elizabeth I*, informing him of the Administrator's likely forthcoming subrogated claim against the vessel's owner. The insurance representative responded on 7 January 2020, referring counsel to the underwriter.

On 7 May 2020, in-house counsel to the Administrator sent demand letters to both the registered corporate owner of the *Lady Elizabeth I* and its underwriter. The sole director of the corporate owner responded on 12 May 2020, providing a copy of an insurance policy that expired prior to the vessel's sinking. Counsel wrote back the same day, requesting a copy of the policy that was in place at the time of the vessel's sinking. This was provided on 7 August 2020. The director agreed to put the Administrator's claim to his insurer.

Despite several follow-up calls and emails, counsel made no progress toward settlement of the Administrator's claim with either the director or the vessel's underwriter.

On 5 March 2021, counsel filed an action in the Federal Court against the registered owner of the *Lady Elizabeth I*.

On 11 March 2021, counsel sent a copy of the Administrator's Statement of Claim to the owner, together with a demand letter. A process server successfully effected personal service on the owner on 25 April 2021.

Shortly thereafter, counsel to the Administrator was contacted by a lawyer hired by the owner's insurer. A settlement agreement was reached in the amount of \$2,147.82, which included the full principal amount sought, accrued interest, and filing and service costs. Payment was received on 11 May 2021 and the Administrator's action was duly discontinued.

### **Status**

Having recovered in full, the Administrator closed the file on 20 May 2021.

## **Lady Miranda (2018)**

Location: Cow Head, Newfoundland and Labrador

File number: 120-863-C1

### **The Incident**

On 17 August 2018, the CCG received a report from the RCMP that a 45-foot fiberglass fishing vessel had caught fire and sunk at the dock in Cow Head, Newfoundland and Labrador.

The CCG sent a crew to respond to the incident. When the CCG crew arrived, they found that the sunken vessel was the *Lady Miranda*. The vessel's owner was responding to the incident appropriately. The CCG crew monitored the owner's response, which successfully eliminated the threat of oil pollution posed by the vessel.

### **The Claim**

On 25 May 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$7,569.90, seeking compensation for costs and expenses arising from the response to the incident involving the *Lady Miranda*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding that all measures claimed for by the CCG were appropriate and reasonable in the circumstances.

The Administrator made an offer of compensation to the CCG in the amount of \$7,569.90, plus accrued statutory interest, on 25 June 2020.

The CCG accepted the offer on 6 July 2020, and payment from the Fund in the amount of \$8,193.17, including \$623.27 in interest, was made shortly thereafter.

### **Recovery Action**

The office of the Administrator sent a demand letter to the owner of the *Lady Miranda*, who was believed to be carrying insurance on the vessel at the time of the incident, but no response was received. An *Inquiries Act* subpoena was then sent to a telecommunications company in an attempt to locate the owner.

On 13 August 2021, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Lady Miranda*. The owner was served with the Statement of Claim on 1 October.

In February 2022, the office of the Administrator received payment from the owner's insurer for the total principal amount sought, plus accrued statutory interest. Counsel then began the process of discontinuing the Administrator's Federal Court action.

### **Status**

The office of the Administrator was in the process of closing the file at the end of the fiscal year.

## **Lucas & Rebecca (2017)**

Location: Bay of Islands, Newfoundland and Labrador

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, the *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 CCGS *Cape Fox*, a 47-foot 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 for to remove the diesel fuel from the *Lucas & Rebecca* 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.

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 owner without success.

In December 2018, the Administrator tasked a professional locator service to investigate the assets of the owner of the *Lucas & Rebecca*. No significant 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 began negotiations. 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.

On July 31, 2019, counsel for the Administrator issued a Statement of Claim in the Federal Court of Canada under Court File Number T-1239-19. That legal action names the apparent owner of the vessel as defendant. The claim was served on the owner shortly after it was issued.

A lawyer representing the apparent owner contacted counsel for the administrator to discuss a settlement agreement. On two occasions, it appeared that a settlement was imminent, but no final agreement was executed.

On 9 November 2020, external counsel to the Administrator filed a motion for default judgment against the defendant, who had neither filed nor served a Statement of Defence.

On 24 November 2020, the Federal Court issued a default judgment in favour of the Administrator, in the amount of \$18,301.77, plus pre- and post-judgment interest.

As of 31 March 2022, external counsel was in the process of taking steps to recover the amount of the judgment.

## **Status**

The file remained open at the close of the fiscal year.

## **Marcel Angie II (2018)**

Location: Grand Bank, Newfoundland and Labrador

File number: 120-877-C1

### **The Incident**

On 11 December 2018, the Canadian Coast Guard (CCG) was notified that an approximately 60-foot fishing vessel, identified as the *Marcel Angie II*, had caught fire alongside the main wharf in Grand Bank, Newfoundland and Labrador. The persons on board had been evacuated, and the fire appeared to be under control, so the focus shifted to mitigating oil pollution from the vessel.

The CCG Environmental Response (ER) Duty Officer spoke with the vessel's owner and representative, as well as local authorities. It was determined that the vessel, which was listing considerably, contained approximately 6,000 litres of diesel fuel and 800 litres of hydraulics. The owner's representative stated that the vessel was insured, and that a pollution response and a salvage operation were planned.

A team of three ER personnel from St. John's was dispatched to Grand Bank. The ER team was on scene from 12 through 18 December to monitor the owner's operation. This began with a diver survey of the *Marcel Angie II*, which had come to rest on the muddy bottom. Deck scuppers and fuel vents were plugged. Some of the vessel's gear was removed on 13 December 2018 to aid the raising operation, which began the following day. A sheen appeared on 15 December 2018 in the course of dewatering and sorbents were deployed around the vessel in response. It was determined that vacuum trucks were required to remove contaminated water from the refloated vessel, and these arrived on scene on 16 December 2018. Sorbent materials were changed out as needed through the continued dewatering process.

In total, 50,000 litres of contaminated water were removed from the vessel by vacuum trucks. An ER officer was interviewed by local media on the evening of 17 December 2018, and the ER team returned to St. John's the following day, satisfied that all recoverable oil pollutants had been removed from the vessel.

### **The Claim**

On 3 November 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$20,267.57, seeking compensation for costs and expenses arising from the response to the incident involving the *Marcel Angie II*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the CCG operation involving the *Marcel Angie* was reasonable given the pollution threat posed by the vessel. Finding no evidentiary support in favour of the CCG's

decision to deploy three ER personnel, the Administrator made some reductions to claimed labour and travel costs.

The Administrator made an offer of compensation to the CCG in the amount of \$14,622.14, plus accrued statutory interest, on 2 March 2021.

The CCG accepted the offer on 16 April 2021, and payment from the Fund in the amount of \$15,853.51, including interest, was made shortly thereafter.

### **Recovery Action**

In the course of the Administrator's investigation and assessment of the CCG's claim, it was determined that the *Marcel Angie II* was a non-Canadian vessel, registered in St. Pierre and Miquelon. On 23 February 2021, in-house legal counsel to the Administrator obtained the registration transcript for the vessel from St. Pierre and Miquelon, which confirmed the identity and the address of its owner. The following day, counsel obtained a transcript for another vessel owned by the same individual.

A demand letter was sent to the owner of the *Marcel Angie II* on 11 May 2021. As no response was received, a second demand letter was sent on 7 July 2021. Again, no response was received.

A possible email address for the owner was obtained, and a further demand letter was sent via email on 25 August 2021. No response was received.

In an attempt to locate the owner of the *Marcel Angie II*, who was believed to have some presence in Canada, the Administrator issued an *Inquiries Act* subpoena to a telecommunications company. The results, received in September 2021, were inconclusive.

On 29 October 2021, the owner responded to the email demand letter that had been sent two months prior, seeking to arrange payment of the Administrator's claim. Payment from the owner in the amount of \$16,088.71, including all accrued interest, was received on 3 November 2021.

### **Status**

Having recovered in full, the Administrator closed the file on 18 November 2021.

## **Megan C (2019)**

Location: Port aux Basques, Newfoundland and Labrador

File number: 120-838-C1

### **The Incident**

On 28 January 2019, the Canadian Coast Guard (CCG) was notified that the 30-foot fishing vessel *Megan C* had sunk alongside a dock at Port aux Basques, Newfoundland and Labrador. The vessel had an unknown quantity of fuel on board and its ownership was uncertain.

That afternoon, three CCG Environmental Response (ER) personnel departed St. John's for Port aux Basques, arriving in the afternoon on 29 January 2019. That morning, the owner of the vessel had identified himself to the CCG. A Direction was issued to the owner under the *Canada Shipping Act, 2001*, and he replied that he lacked the resources necessary to remove the vessel from the water.

On scene, the ER personnel observed that the *Megan C* had only partially sunk. The owner arrived on scene and signed a statement acknowledging his responsibility for the vessel and stating his inability to take the appropriate measures. The ER personnel proceeded to deploy boom, remove onboard pollutants, and engage a contractor to remove the vessel from the water, which was done later the same day.

The ER personnel departed the scene on 30 January 2019, and the contractor deconstructed the *Megan C* that afternoon.

### **The Claim**

On 1 May 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$11,784.58, seeking compensation for costs and expenses arising from the response to the incident involving the *Megan C*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim.

Given the unknown threat initially posed by the vessel and the owner's inability to act appropriately, the Administrator found that the CCG response up to and including the removal of the pollutants from the *Megan C* was reasonable. However, with no evidence that the vessel continued to pose a pollution threat after ER personnel removed onboard pollutants, the contractor costs associated with the removal and deconstruction of the vessel were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$8,170.82, plus accrued interest of \$120.52, on 12 June 2019.

The CCG accepted the offer on 19 July 2019, and payment from the Fund in the amount of \$8,291.34, including interest, was made on 24 July 2019.

### **Recovery Action**

On 21 November 2019, in an attempt to reliably locate the owner of the *Megan C*, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company. A response to the subpoena was received on 19 December 2019.

On 6 January 2020, the office of the Administrator sent a demand letter to a post office box belonging to the owner of the *Megan C*. A demand letter was also sent via email. No response was received, though the owner signed for receipt of the letter delivered to his post office box.

On 25 August 2020, the Administrator issued a subpoena under the *Inquiries Act* to Canada Post, in an attempt to determine the address of the owner's actual residence. The response to the subpoena yielded two addresses. Demand letters were sent to both of those addresses, but no response was received.

The Administrator's efforts to locate and contact the owner of the *Megan C* continued to 28 January 2021, when the three-year limitation period for filing an action against the owner of the vessel expired.

With all reasonable measures to recover from the owner having been exhausted, and with the Administrator's rights statute-barred, it was decided to close the file.

### **Status**

The file was in the process of being closed at the end of the fiscal year.

## ***MSC Kim (2022)***

Location: Port au Port, Newfoundland and Labrador  
File number: 120-916-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving the container ship known as the *MSC Kim* at some time between 9 and 10 March 2022. The Administrator's understanding is the ship lost propulsion, triggering some level of a response in anticipation of a possible discharge of oil.

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

Following the incident, the Administrator contacted representatives of the vessel's insurer. As of the end of the fiscal year, discussions remained ongoing as to obtaining security against potential claims to the Fund.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Mystery Spill (Postville) (2020)**

Location: Postville, Newfoundland and Labrador

File number: 120-907-C1

### **The Incident**

On 8 June 2020 the Canadian Coast Guard (CCG) was informed of an oil slick on the water near Postville, Newfoundland and Labrador. This was the day after the tanker vessel *Tuvaq* had made a delivery of fuel in the area.

The CCG deployed a response team to Postville. The team investigated the extent and cause of the spill, as well as collected samples. During their work, the team carried out both shore and air-based observations. The CCG also deployed the CCGS *George R. Pearkes* to assist with the response effort.

By 14 June 2020, the spill had dissipated. The CCG wound down its operation.

### **The Claim**

On 1 December 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$32,650.70, seeking compensation for costs and expenses arising from the response to the incident.

As this claim was submitted as a mystery spill, a determination must be made as to whether the evidence shows that the discharge of oil arose from a source other than a ship. As of 31 March 2022, both that determination and the evaluation of the CCG's claimed costs and expenses remained ongoing.

### **Status**

The file remained open at the end of the fiscal year.

## **Noble Mariner (2018)**

Location: Nipper's Harbour, Newfoundland and Labrador

File number: 120-841-C1

### **The Incident**

On 25 April 2018, the Canadian Coast Guard (CCG) was informed that the 60-foot fishing vessel *Noble Mariner* had sunk alongside a dock at Nipper's Harbour, Newfoundland and Labrador. A sheen was visible around the vessel, and the smell of diesel was reported at the dock. The volume of pollutants on board the vessel was unknown at the time, and the registered owner was unable to respond. The CCG contracted divers to attend on scene and raise the *Noble Mariner*.

On 26 April 2018, three CCG Environmental Response (ER) personnel departed St. John's for Nipper's Harbour, arriving on scene in the afternoon, just before the contracted divers. The ER personnel assessed the situation, deployed sorbent pads around the *Noble Mariner*, and assisted the divers with preparations to raise the vessel the following day.

On 27 April 2018, the ER personnel attended on scene and deployed further sorbent materials while the contracted divers raised the *Noble Mariner* using lift bags and pumps. A second contractor arrived with a vacuum truck to remove pollutants and oiled water from the vessel. In total, 10,000 litres were removed.

On 28 April 2018, ER personnel handed the *Noble Mariner* over to the local harbour authority for disposal under the Small Craft Harbours Abandoned and Wrecked Vessels Removal Program and departed for St. John's.

### **The Claim**

On 30 May 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$41,687.99, seeking compensation for costs and expenses arising from the response to the incident involving the *Noble Mariner*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. Requests for further information were sent to the CCG on 5 and 12 June 2019. No response was received.

Based on the claim documentation submitted by the CCG, the Administrator concluded generally that the CCG operation to raise and pump out the *Noble Mariner* was reasonable given the active pollution threat posed by the vessel. The limited documentation presented with respect to some of the claimed contract services, however, resulted in reductions.

The Administrator made an offer of compensation to the CCG in the amount of \$36,601.67,



plus accrued interest of \$1,573.88, on 11 July 2019.

The CCG accepted the offer on 6 August 2019, and payment from the Fund in the amount of \$38,175.55, including interest, was made two days later.

### **Recovery Action**

On 8 August 2019, the office of the Administrator sent a demand letter to the registered owner of the *Noble Mariner*. A response was received on 20 August 2019 from a lawyer representing the registered owner of the vessel. Discussions between counsel continued into the fall.

The Administrator contracted a private investigation service to run an asset search on the registered owner of the *Noble Mariner*, the results of which were received on 6 September 2019.

On 12 April 2021, in-house counsel to the Administrator filed an action in the Federal Court against the registered owner of the *Noble Mariner*. Counsel emailed a copy of the Statement of Claim to the lawyer retained by the owner in August 2019. On 4 May 2021, a separate lawyer replied, accepting service on behalf of the Defendant.

A Statement of Defence was filed and served on 2 June 2021. On 11 June 2021, the Administrator's counsel filed and served a Reply to the Statement of Defence.

In September 2021, counsel to the Administrator learned that the Defendant had passed away. In December 2021, the lawyer who had been representing the Defendant filed and served a Notice of Transmission of Interest, indicating that he had been retained by the Defendant's estate.

Litigation in this matter continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Northern Ranger (2019)**

Location: Lewisporte, Newfoundland and Labrador

File number: 120-843-I-G

### **The Incident**

On 1 June 2019, a decommissioned ferry of 2,573 gross tonnage, the *Northern Ranger*, spilled an unknown volume of pollutants from its waste oil tank at Lewisporte Harbour, Newfoundland and Labrador while alongside a dock. The Canadian Coast Guard deployed boom around the spill.

At the time of the incident, the Newfoundland and Labrador provincial government was the owner of the *Northern Ranger*.

### **Measures Taken by the Administrator**

On 7 June 2019, the Administrator opened a dedicated file on the *Northern Ranger* incident. The same day, the Administrator obtained the vessel's certificate of insurance from Transport Canada.

The Administrator has made no demand for security on this matter but is maintaining a dedicated file in case claims are submitted before the applicable statutory limitation date.

### **The Claim**

As of 31 March 2022, no claim had yet been submitted to the Administrator.

### **Status**

The file remained open at the end of the fiscal year.

## **Omni St. Laurent (2019)**

Location: Stephenville, Newfoundland and Labrador

Case number: 120-864-I-G

### **The Incident**

On 23 September 2019, the tugboat *Omni St. Laurent* sank with about 7,000 litres of fuel on board at Stephenville, Newfoundland and Labrador, causing a spill. The owner began a response, deploying sorbent materials, and the Canadian Coast Guard (CCG) deployed in a monitoring capacity.

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

On 12 June 2020, the Administrator opened a dedicated file for the *Omni St. Laurent* incident, and the office of the Administrator began looking into the ownership of the vessel.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.

## **Sikuk (2017)**

Location: Clarenville, Newfoundland and Labrador

File number: 120-712-C1

### **The Incident**

On 21 September 2017, the Canadian Coast Guard (CCG) was notified that two vessels, identified as the *Sikuk* and the *Françoise*, were together dragging anchor at Clarenville, Newfoundland and Labrador. The *Sikuk* had a gross tonnage of 584 and the *Françoise* a gross tonnage of 230. Both were disused fishing vessels placed at anchor by a local shipyard. The CCG issued directions to each of the owners under the *Canada Shipping Act, 2001*, ordering them to take action to secure their respective vessels. The owners were either silent or uncooperative at this stage.

On 22 September 2017, two CCG Environmental Response (ER) personnel from St. John's arrived on scene to find the *Sikuk* at anchor with the *Françoise* listing slightly and secured by three mooring lines to the *Sikuk*'s port side. The ER personnel boarded the *Sikuk* and found that both of its forward anchors were deployed but could not be retrieved due to the vessel's lack of power. The ER personnel determined that the *Sikuk* contained approximately 11,500 litres of pollutants. They were not able to board the *Françoise* due to safety concerns.

On 23 September 2017, the CCGS *Harp* arrived on scene. CCG personnel installed chaffing pads to protect the lines connecting the *Sikuk* and the *Françoise*.

Because the two vessels lacked operational lights, the CCG was concerned that they posed a navigational hazard. There were also concerns that the vessels would continue to drag anchor, damaging underwater cables in the process. With poor weather expected in the area, there were fears that the vessels would ground and discharge pollutants. As a result, the CCG resolved to engage a commercial tug to tow the *Sikuk* and the *Françoise* to safe refuge. Towing bridles were attached to each of the two vessels for this purpose.

On 24 September 2017, a contracted tug was en route from Sydney, Nova Scotia, and expected to arrive early the following day. The CCG had vetted a temporary place of refuge for the vessels at a disused local dock a few hundred metres from the anchorage. As the dock was in poor condition, its owner stipulated that only CCG personnel were to be allowed access. The CCG further agreed to arrange 24-hour security for the site. CCG personnel prepared both the dock and the vessels for the mooring arrangement, procuring the supplies deemed necessary to safely secure the vessels.

On 25 September 2017, the tug arrived and towed the vessels after a safety briefing. The *Sikuk* and the *Françoise* were secured to the dock by 10:00 and the tug and the CCGS *Harp* were released from the scene. Security guards contracted by the CCG began their 24-hour monitoring of the site and the ER personnel departed.

Further directions under the *Canada Shipping Act, 2001* were issued to the owners of both vessels, requiring that formal plans be presented to the CCG with respect to pumping the vessels of pollutants and towing them away for deconstruction or repair. Neither owner complied.

On 30 September 2017, ER personnel returned to the vessels to inspect their moorage situation. The *Françoise* continued to list, but its situation was unchanged. The *Sikuk* rested on even keel with no change to its draught. Minor adjustments were made to the mooring lines before the ER personnel departed. They continued to visit the site periodically over the months that followed to check on the vessels and make adjustments as needed.

On 4 October 2017, the owner of the *Sikuk* engaged a contractor and a marine consultant, but the owner's correspondence with the CCG remained vague and noncommittal.

On 8 November 2017, a direction was sent to the owner of the *Sikuk*, indicating that CCG action was imminent, and setting 14 November 2017 as a deadline to submit an acceptable plan. No such plan was received by the deadline.

On 16 November 2017, the CCG arrived on scene with a marine surveyor it had contracted to assess the *Sikuk*'s condition and quantify pollutants on board. The survey report indicated that *Sikuk* had been modified from its original fishing trim for the purpose of harvesting ice from icebergs. The report found that the hull appeared to be sound, raising no concerns about seaworthiness. Various miscellaneous pollutants were identified, and oils on board were estimated at 16,250 litres, though the bulk of these were assumed to be in a dirty oil tank that could not be sounded. Finally, it was concluded that given the vessel's age, it was likely to contain asbestos.

The owner of the *Sikuk* submitted an acceptable plan to the CCG on 14 December 2017, to be engaged two weeks later, but this was delayed by weather. On 4 January 2018, under CCG supervision, a tug contracted by the owner arrived on scene and was secured alongside the *Sikuk*. A pumping operation began, with some oil being pumped onto the tug and the remainder into to a truck on shore. Sorbent booms were deployed as a precaution. The pumping operation was complete on 6 January 2018, with approximately 18,000 litres of fluids removed.

The CCG conducted an inspection of *Sikuk* on January 7, 2018 and confirmed that all accessible hydrocarbons had been removed. Various other pollutants and barrels were also removed by the owner's contractor. A Transport Canada inspector arrived on scene to review the tow plan. The following day, after Transport Canada approval and under CCG supervision, the owner's contracted tug began towing the *Sikuk* to Springdale. The CCG departed the scene the following day, and the *Sikuk* was reported to have arrived at Springdale on 10 January 2018 with no release of pollution.

### **The Claim**

On 1 March 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$195,109.00, seeking compensation for costs and expenses arising from the response to the incident involving the *Sikuk*.

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

## **Assessment and Offer**

On 4 March 2019, the Administrator informed the CCG that given the involvement of two vessels in the same response and the resulting issue of apportionment of costs, assessment and investigation of the *Sikuk* claim would be held in abeyance until submission of the *Françoise* claim.

On 12 September 2019, the CCG submitted the *Françoise* claim and the Administrator began her investigation and assessment of the two claims together. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator found that the initial measures taken by the CCG to secure the *Sikuk* were reasonably taken with respect to a demonstrated oil pollution threat. However, storage costs associated with the vessel that extended beyond one month were rejected, resulting in substantial reductions.

The Administrator made an offer of compensation to the CCG in the amount of \$79,826.14, plus accrued interest, on 10 June 2020.

The CCG accepted the offer on 7 August 2020, and payment from the Fund in the amount of \$88,540.68, including interest, was made on 17 August 2020.

## **Recovery Action**

On 14 December 2018, prior to receiving the *Sikuk* claim, the Administrator obtained the vessel's historical transcript from Transport Canada. The transcript showed that the vessel's Canadian registration had been closed in 2009 to allow it to be registered in St. Vincent and the Grenadines. On 5 March 2019, the Administrator obtained the *Sikuk*'s transcript of registry from St. Vincent and the Grenadines, which showed that it had ceased to be registered there on 27 September 2017. In both Canada and St. Vincent Grenadines, the registered owner of the vessel had been the same Canadian corporation, representatives of which had dealt with the CCG throughout its response.

On 26 November 2019, the Administrator learned that the *Sikuk* remained moored at a private wharf in Springdale.

In August 2020, the Administrator issued two *Inquiries Act* subpoenas to Newfoundland and Labrador utility companies in an attempt to obtain a viable address for one of the directors of the corporate owner of the *Sikuk*. The responses to these subpoenas were inconclusive. In addition, demand letters were sent to another of the company's directors. A response was received on 3 September 2020.

On 17 September 2020, in-house counsel to the Administrator filed an action in the Federal Court against the *Sikuk*, its owner, and the owner of the *Françoise*.

Counsel for the owner of the *Françoise* filed a Statement of Defence on 11 December 2020, and counsel engaged by the *Sikuk* and its owner filed a Statement of Defence on 18 December 2020.

On 7 January 2021, the owner of the *Françoise* commenced third party proceedings against the

CCG and the owners of the shipyard that had tied the *Françoise* to the *Sikuk* in Clarendville Harbour. The CCG filed a Statement of Defence to the third party claim on 22 February 2021.

As of 31 March 2022, litigation remains ongoing.

### **Status**

The file remained open at the end of the fiscal year.

### **Related Files**

120-725-C1 – *Françoise* : same date and location, same type of incident (dragging anchor), same claimant

## **Stelie II (2016)**

Location: Port Saunders, Newfoundland and Labrador

Case number: 120-687-C1

### **The Incident**

On 23 March 2016, the CCG was informed that a 25-metre wooden fishing vessel, identified as the *Stelie II*, had broken free of its moorings and started to list heavily in icy waters in Port Saunders, Newfoundland and Labrador.

On 25 March 2016, the CCG dispatched personnel to the scene. It was observed that the vessel had taken on considerable volumes of water, and that this water ingress was oily. The entity thought to be the owner of the vessel had failed to take action as directed, so the CCG resolved to pump out the vessel and remove it from the marine environment. This was done on 25 and 26 March 2016, with the assistance of a local contractor. The *Stelie II* was then placed in storage on land.

Over the months that followed, the CCG attempted unsuccessfully to solicit action from the owner or owners of the vessel. On 18 August 2016, the CCG had the vessel surveyed. The survey report noted that the vessel was partially full of oily water, and that the condition of the hull was poor.

On 26 October 2016, the CCG hired a contractor to remove the oily water from the vessel. In total, 25,300 litres were removed, though some remained in inaccessible parts of the vessel.

The CCG continued to attempt to solicit action from the owner or owners of the vessel, which had become the subject of an ownership dispute. On 14 February 2018, the CCG placed two advertisements in local newspapers seeking proposals for the purchase and/or deconstruction of the *Stelie II*. No proposals were received. As a result, the CCG began to actively seek quotes for the dismantlement of the vessel.

On 7 March 2018, a Deputy Sherriff contacted the CCG, advising that the *Stelie II* had been placed under arrest as part of Federal Court proceedings initiated by one of the parties claiming to be its owner. The vessel was released from arrest on 21 March 2019 following a third-party motion made by the CCG.

On 31 July 2019, the CCG awarded a contract for the dismantlement and disposal of the *Stelie II*, which was completed in August 2019.

### **The Claim**

On 1 May 2018, the Administrator received from the CCG, on behalf of the Minister of Fisheries and Oceans, the first part of a claim for costs and expenses incurred in response to the incident. As this submission represented only part of CCG's response, the Administrator advised CCG that the file would be held in abeyance pending receipt of the full claim. In addition, the Administrator informed the CCG that the limitation period would not be suspended as a result of its partial submission.



On 8 October 2020, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totaling \$114,897.43, seeking compensation for costs and expenses arising from the response to the incident involving the *Stelie II*.

On preliminary review, the Administrator considered that the CCG's submission may have been time limited, as it appeared that the pumping operation of 25 and 26 March 2016 may have resulted in a discharge of oils from the *Stelie II*. The Fund put an inquiry to the CCG on this point on 26 February 2021, and a response asserting that no discharge of oils had occurred was received on 31 March 2021.

On 26 May 2021, the claim was disallowed. The rejection was made on the basis that the claim was not submitted within two years of a discharge which caused oil pollution damage. Canada challenged the disallowance by way of both an application for judicial review and an appeal. The hearing of those challenges is scheduled for July of 2022.

### **Status**

The file remains open.

### **Related file**

120-685-C1 – *Baffin Sound* (related owner).

## **Sweven (2019)**

Location: St. John's, Newfoundland and Labrador

File number: 120-886-C1

### **The Incident**

On 12 March 2019, the Canadian Coast Guard (CCG) was notified that a 33-foot pleasure craft, identified as the *Sweven*, had sunk in St. John's Harbour. A CCG response crew attended the scene and found that the vessel was partially submerged. They placed a sorbent boom around it.

The CCG contacted the owner of the *Sweven*, who initially failed to take appropriate or any steps to address the incident. A CCG crew had the vessel removed from the water.

On 16 March 2019, the owner of the *Sweven* removed it from the scene. The CCG ended its response to the incident.

### **The Claim**

On 11 March 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$6,134.57, seeking compensation for costs and expenses arising from the response to the incident involving the *Sweven*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, finding it to be established in full.

On 23 April 2021, the Administrator made an offer of compensation to the CCG in the amount of \$6,134.57, plus statutory interest. The CCG accepted the offer on 30 April 2021, and payment from the Fund in the amount of \$6,576.93, including interest, was made shortly thereafter.

### **Recovery Action**

In an attempt to locate the owner of the *Sweven*, several *Inquiries Act* subpoenas were issued. A demand letter was then posted, but no response was received.

On 11 March 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Sweven*.

As of 31 March 2022, efforts to serve the Defendant were underway.

### **Status**

The file remained open at the end of the fiscal year.

## **Unknown name (sunken pleasure craft) (2020)**

Location: Cupids, Newfoundland and Labrador

File number: 120-896-C1

### **The Incident**

On 18 January 2020, the Canadian Coast Guard (CCG) was informed that a pleasure craft had sunk at Cupids, Newfoundland and Labrador, with a small sheen visible in the surrounding water. The name and owner of the vessel were unknown.

Two days later, two CCG personnel traveled to Cupids and found the vessel still partially submerged. They estimated that the vessel contained about 40 gallons of diesel. The oily sheen had begun to disperse. The owner of the vessel was identified, and the CCG worked with him to form a response plan.

On 22 January 2020, CCG personnel deployed sorbent boom around the vessel. As the owner had not provided a satisfactory response plan, the CCG took charge of the response. The following day, it engaged two contractors to remove the vessel from the marine environment.

On 24 January 2020, the CCG used pumps to partially dewater the vessel and, along with one of the contractors, partially raised it. A vacuum truck was then used to remove pollutants from the interior of the vessel.

The following day, two CCG personnel again assessed the vessel at Cupids, where they found the owner cleaning some of the debris. The CCG personnel found additional water in the vessel's bilge, which was believed to have come from waterlogged items in the cabin. They helped the owner move the vessel to a berth.

Days later, the CCG personnel returned to Cupids to retrieve the soiled sorbent materials and recovered oil for disposal.

### **The Claim**

On 15 June 2021, the Administrator received a submission from CCG, on behalf of the Department of Fisheries and Oceans. The submission included a claim totalling \$14,826.38, seeking compensation for its response operation.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, and an offer of compensation was made to the CCG on 1 September 2021 in the amount of \$14,766.79, plus accrued interest.

The CCG accepted the offer on 3 September 2021, and a payment from the Fund in the amount of \$15,536.57, representing the principal plus \$769.78 in statutory interest, was made shortly thereafter.

### **Recovery Action**

A demand letter was sent to the owner of the vessel on 28 March 2022. No response had been received as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

# Nova Scotia

## *Cormorant (2015)*

Location: La Have River, Bridgewater, Nova Scotia  
File number: 120-672-C1

### **The Incident**

On March 18, 2015, the Canadian Coast Guard (CCG) was notified that the *Cormorant*, a 2,174-tonne former Royal Canadian Navy diving support ship that had been decommissioned and sold in 1997, was listing heavily at the dock in LaHave River, Bridgewater, Nova Scotia, and leaking oil. CCG provided the vessel owner with a Notice of Intent informing him of his responsibilities under the *Marine Liability Act* (MLA) and a Direction Order to develop a salvage plan to refloat the vessel. The owner engaged a salvage company. CCG assumed the role of Federal Monitoring Officer. The local fire department assisted by using water pressure to blast the snow and ice off the partially sunken vessel, and a containment boom was deployed around the wreck.

On May 5, CCG took over the role of On-Scene Commander after having been informed by the salvage company representatives that the salvage operations would not be continued until the issue relating to the ownership of the vessel was settled. RMI Marine Limited (RMI) was engaged to take care of the salvage operations. With the help of divers, RMI removed 5,850 litres of waste oil from the engine-room bilge and 350 litres of hydraulic oil from several tanks.

On May 27, the *Cormorant* was refloated, and all the absorbent pads and containment boom were recovered.

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

When CCG took over the role of On-Scene Commander on May 5, 2015, the Administrator engaged a marine technical surveyor to attend the site and observe the measures being taken. The surveyor made visits to the site and reported on the progress of the salvage operations.

### **The Claim**

On November 2, 2015, 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 \$549,581.18, pursuant to the MLA.

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

### **Assessment and Offer**

Additional supporting information was requested for assessment purposes. After investigation and assessment of the claim, the daily rates claimed for some of the equipment were reduced to the rates specified in CCG document “EKME 3315540” Edition 1 that had been provided to

the Ship-source Oil Pollution Fund. An offer for the established amount of \$515,267.25 was sent to DFO/CCG on March 29, 2016. The offer was accepted by DFO/CCG and, on or about August 19, 2016, a payment in the amount of \$534,340.76 including interest was made to DFO/CCG as full and final settlement.

### **Recovery Action**

On September 1, 2016, counsel for the Administrator filed a Statement of Claim and an Affidavit to Lead Warrant with the Federal Court. The *Cormorant* was subsequently arrested.

The Port of Bridgewater brought a motion for permission to have certain maintenance bills paid and to be paid off the top of the proceeds of sale, without bringing a formal motion for sale. The Administrator objected, seeking for a formal motion for sale be filed, and the conditions that the vessel be removed from Canada by a financially capable new owner. By Order dated April 26, 2017, the Court granted time to the Port to produce a valuation survey, the result of which ultimately concluded the value of the vessel was not worth the time or money to bring it to sale.

The Administrator brought motion for summary judgment on the issue of ownership (not liability) which was heard in June 2018, along with the motion of the Port of Bridgewater for judgment on default of payment for outstanding berthage. After the motion, the Court requested further submissions. All counsel made written submissions by separate letters. The Court then requested a second oral hearing be held in March 2019. The second hearing on the summary judgment motion with respect to the issue of ownership took place on March 5, 2019. The Court dismissed the motion on April 30, 2019.

On July 22, 2019, the Port of Bridgewater brought a motion seeking judicial sale of the vessel based on its claim for berthage, pollution countermeasures, salvage and other damages. The Court dismissed the motion on July 23, 2019.

On October 29, 2019, the Administrator, the Port of Bridgewater and a numbered company related to the Port of Bridgewater entered into a settlement agreement. Pursuant to the settlement agreement, the parties agreed to a consent judgment in favour of the Administrator against the Port of Bridgewater and the numbered company, in the amount of \$375,000.00. Further, as between those parties, the Port of Bridgewater and the numbered company admitted ownership of the vessel. In exchange for those concessions, the Administrator agreed to an immediate release of certain property from arrest.

On November 8, 2019, the Court issued a consent judgment based on the settlement agreement. The Administrator then registered that judgment against lands held by the Port of Bridgewater.

On November 28, 2019, the remainder of the action was discontinued and all property under arrest within the action was released.

On 17 January 2022, the Administrator recovered \$375,000, following the sale of lands against which the judgment was registered.

## **Status**

The file was closed on 31 March 2022.

## **Related Files**

120-652-C1 – *Hannah Atlantic* (2014), (same location of incident)

120-653-C1 – *Ryan Atlantic II* (ex *Cape Rouge*) (2014), (same location of incident)

120-850-I-G – *Cormorant* (same vessel, same location, same potential claimant, for measures taken starting in the year 2019)

## **Cormorant (2019)**

Location: La Have River, Bridgewater, Nova Scotia  
File number: 120-850-I-G

### **The Incident**

On 18 March 2015, the Canadian Coast Guard (CCG) was notified that the *Cormorant*, a 2,174-tonne former Royal Canadian Navy diving support ship that had been decommissioned and sold in 1997, was listing heavily at the dock in LaHave River, Bridgewater, Nova Scotia, and leaking oil. CCG provided the vessel owner with a Notice of Intent informing him of his responsibilities under the *Marine Liability Act* and a Direction Order to develop a salvage plan to refloat the vessel. The owner engaged a salvage company. CCG assumed the role of Federal Monitoring Officer. The local fire department assisted by using water pressure to blast the snow and ice off the partially sunken vessel, and a containment boom was deployed around the wreck.

On 5 May, CCG took over the role of On-Scene Commander after having been informed by the salvage company representatives that the salvage operations would not be continued until the issue relating to the ownership of the vessel was settled. RMI Marine Limited (RMI) was engaged to take care of the salvage operations. With the help of divers, RMI removed 5,850 litres of waste oil from the engine-room bilge and 350 litres of hydraulic oil from several tanks.

On 27 May, the *Cormorant* was refloated, and all the absorbent pads and containment boom were recovered.

On 10 and 27 July, the CCG inspected the *Cormorant* and determined that the vessel was at risk of sinking. The CCG also determined that there was oil remaining on the vessel, notwithstanding the measures taken to remove oil in 2015.

In mid-March 2020, the CCG announced they would be issuing a request for proposals to remove the *Cormorant* from the Port of Bridgewater, and set a deadline of March 27 for those with interests in the vessel to make a claim.

On 7 July 2021, Canada announced that the *Cormorant* had been deconstructed.

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

The Administrator has retained a marine surveyor to review reports from the CCG concerning the incident.

### **The Claim**

No claim arising from this incident has been received by the Administrator.

### **Status**

The file remains open as of the close of the fiscal year.



### **Related Files**

120-652-C1 – *Hannah Atlantic* (2014), (same location of incident)

120-653-C1 – *Ryan Atlantic II* (ex *Cape Rouge*) (2014), (same location of incident)

120-672-C1 – *Cormorant* (same vessel, same location, same potential claimant, measures taken in 2015)

## **Farley Mowat (2015) (Town of Shelburne)**

Location: Shelburne Harbour, Nova Scotia

Case number: 120-679-C1-1

### **The Incident**

On 24 June 2015, Canadian Coast Guard (CCG) Environmental Response personnel were notified that the *Farley Mowat* was sinking at the wharf in Shelburne, Nova Scotia. The vessel was well down by the stern and was thought to be touching the bottom off the Harbour Authority dock. CCG responded to the pollution incident and engaged contractors (response measures are described in the summary related to the claim filed by CCG, 120-679-C1).

On 5 August 2015, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, the Shelburne Harbour Authority, and CCG personnel. All agreed that all reasonable measures had been taken to remove contaminants from the vessel. The owner was notified that CCG was finished with its response. The *Farley Mowat* was secured alongside and personnel departed the site.

During May 2016, the owner's contractors removed the main engines from the vessel, and left the main deck open and exposed to weather. Starting in October 2016 the town had to regularly pump out a significant volume of oily water to prevent further pollution of the harbour and the sinking of the vessel. On 7 June 2017, CCG ordered the vessel's owner to produce a response plan to eliminate the threat of pollution from the *Farley Mowat* by 12 June. The order included the following note: "The MV *Farley Mowat* currently secured alongside the wharf in Shelburne, Nova Scotia, threatening to release pollutants into the marine environment".

### **The Claim**

On 23 June 2017, the Town of Shelburne filed a claim in the amount of \$47,598.78 with the Administrator for costs and expenses incurred from 25 June 2015 to 12 June 2017.

The costs and expenses covered by the claim included:

- Cost of security services required by CCG during its operation to raise the vessel;
- Loss of berthage revenue from 25 June to 9 August (a period of 42 days), during the refloating of the *Farley Mowat* by CCG;
- Removal costs of the debris left on the wharf by the owner when he started to deconstruct the vessel; and
- Costs of pumping oily water from the vessel at regular intervals to prevent further pollution.

The claim of the Town of Shelburne covered two distinct incidents: one in 2015 (the sinking of the vessel), and the other, which created a new pollution risk, in 2016 (caused by the partial deconstruction of the vessel by the owner).

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

## **Assessment and Offer**

On 18 July 2017, after investigation and assessment of the claim, the Administrator sent an offer to the Town of Shelburne for the established amount of \$43,641.94, plus interest, in full and final settlement.

The disparity between the established amount and the claim was due to several factors, the most salient being loss of berthage revenue, which was disallowed, and minor costs related to debris removal and miscellaneous charges.

The offer was accepted, and on or about 6 November 2017 payment was made to the Town of Shelburne.

## **Recovery Action**

In July 2016, the Administrator tasked a professional locator service to investigate the assets of the owner. No significant financial assets were identified. The owner is, however, a repeat polluter whose vessels *Ryan Atlantic II*, *Hannah Atlantic* and *Farley Mowat* have generated claims against the Fund totalling over \$1 million. As a result, the Administrator commenced an action in the Federal Court. The owner filed a defence, and the case was heard on 20 December 2017.

On 4 February 2019, a favourable decision on the Administrator's motion for summary judgment in the amount of \$839,863.02 plus interest was rendered by the Federal Court.

The judgment has been registered in the Personal Property Registry and in Nova Scotia at Land Registration Office for Halifax County. A writ of seizure and sale was obtained in March 2019 but could not be enforced as no exigible assets could be identified or located.

## **Status**

The file remains open.

## **Related files**

*Farley Mowat* (2015) (CCG), file 120-679-C1 (same incident, different claimant)

*Farley Mowat* (2017), file 120-718-C1 (same incident, different claimant)

*Ryan Atlantic II* (2017), file 120-653-C1 (same owner)

*Hannah Atlantic* (2014), file 120-652-C1 (same owner)

## **Farley Mowat (2015) (CCG)**

Location: Shelburne Harbour, Nova Scotia

Case number: 120-679-C1

### **The incident**

On 24 June 2015, Canadian Coast Guard (CCG) Environmental Response personnel were notified that the MV *Farley Mowat* was sinking at the wharf in Shelburne, Nova Scotia. The vessel was well down by the stern and was thought to be touching the bottom off the Harbour Authority dock.

CCG personnel attended the site on 25 June and found that the *Farley Mowat* could not be boarded because it was unstable and some 20 feet off the side of the dock. A 600-foot containment boom was deployed around the vessel. The harbour was patrolled to locate debris and oil drums that had floated off the deck when the vessel sank. Transport Canada Marine Safety and Environment Canada Enforcement personnel were on site. A Transport Canada surveillance aircraft completed an over flight and reported 37 litres of oil in the harbour between the site and the shipyard. Several media interviews were conducted on site. A diving company was contracted to assess the vessel the following day. CCG arranged to deploy its regional mobile command post and security was posted at the dock gate.

On 26 June, sludge and an oil sheen were observed inside the containment boom and also extending 1000 feet off the dock outside the boom. An additional 200 feet of boom was deployed around the backside of the dock and absorbents were placed inside the booms. Divers assessed the condition of the vessel, the location of the hull leaks, and the amount of oil inside the structure. During the next several days, CCG conducted harbour patrols with two of its pollution response boats and inspected the local trout farm, which had not been affected by the spill. Transport Canada over flights reported 13 litres of oil sheen within the harbour itself.

On 27 June, a contractor arrived with a vacuum truck, which was used to remove oily waste that was floating within four accommodation spaces in the vessel. Oil was found in two separate holding tanks and removed by suction hose with the aid of the diving team. The total volume vacuumed out was 22,500 litres of oil mixture. It was estimated that 10 per cent of the total volume, or 2,250 litres, was fuel oil. In the meantime, CCG personnel recovered the last of the five oil drums that had floated away from the vessel during the sinking. An additional 1000 lbs of oil-soaked absorbents were recovered from the inside of the containment boom for a total recovery of 2000 lbs of absorbent materials.

The contractors continued daily salvage operations from 28 June to 2 August, when the wreck was raised and refloated alongside the pier. A contractor fabricated steel pilings which were driven into the harbour seabed adjacent to the wharf in preparation for the raising operation. These pilings were used as support for the vessel to stabilize it during the raising process. In addition, submersible pumps were used on the vessel once the hull was stabilized. During this extended salvage operation, CCG personnel continued to conduct daily harbour patrols with a pollution response boat, recovering stray oil pads found along the shoreline. CCG also tended to the containment booms and collected oil-soaked absorbent materials. Air patrols were conducted frequently and the overall monitoring of the contractor's salvage measures continued throughout.

On 3 August, a vacuum truck and hot water pressure washer were used to clean the interior of the vessel. Pumps and hoses were removed, and the divers fabricated and installed plugs on the sea bays. CCG removed the containment booms and demobilized its response boat.

On 5 August, a final inspection of the *Farley Mowat* was completed by Transport Canada Marine Safety, Environment Canada Enforcement, Shelburne Harbour Authority and CCG. It was agreed that all reasonable measures had been taken to remove pollutants from the vessel. The owner was notified that CCG was finished with its response. The *Farley Mowat* was secured alongside and CCG personnel departed the site.

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

This incident was initially brought to the Administrator's attention on 25 June 2015, by counsel in Halifax. The Administrator, therefore, instructed counsel to engage a marine technical surveyor to attend the scene of the operation during salvage of the sunken vessel. The surveyor had discussions with CCG personnel about the measures planned for the recovery operations. As a result, the surveyor was able later to advise the Administrator about the measures being taken by the contractors during the re-floating operations.

### **The Claim**

On 18 January 2016, CCG, on behalf of the Department of Fisheries & Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$814,815.05, pursuant to the *Marine Liability Act*.

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

### **Assessment and Offer**

On 29 June 2016, after investigation and assessment of the claim, the Administrator sent an offer to DFO/CCG for the established amount of \$813,316.15, plus interest, as full and final payment.

The offer was accepted and a payment of \$839,863.02 (including \$26,546.87 in accrued interest) was made to DFO/CCG on or about 23 August 2016.

### **Recovery Action**

In July 2016, the Administrator tasked a professional locator service to investigate the assets of the owner. No significant financial assets were identified. The owner is, however, a repeat polluter whose vessels *Ryan Atlantic II*, *Hannah Atlantic* and *Farley Mowat* have generated claims against the Fund totalling over \$1 million. As a result, the Administrator commenced an action in the Federal Court. The owner filed a defence, and the case was heard on 20 December 2017.

On 4 February 2019, a favourable decision on the Administrator's motion for summary judgment in the amount of \$839,863.02 plus interest was rendered by the Federal Court.

The judgment has been registered in the Personal Property Registry and in Nova Scotia at Land

Registration Office for Halifax County. A writ of seizure and sale was obtained in March 2019 but could not be enforced as no exigible assets could be identified or located.

### **Status**

The file remains open.

### **Related files**

*Farley Mowat* (2015) (Shelburne), file 120-679-C1-1 (same incident, different claimant).

*Farley Mowat* (2017), file 120-718-C1 (same ship, same location, same claimant, different incident).

*Ryan Atlantic II* (2017), file 120-653-C1 (same owner).

*Hannah Atlantic* (2014), file 120-652-C1 (same owner).

## **Hydra Mariner (2021)**

Location: Halifax, Nova Scotia

Case number: 120-883-I-G

### **The Incident**

On 16 January 2021, the *Hydra Mariner*, a steel vessel of 395 gross tons, broke free of its moorings at Wrights Cove, Nova Scotia, and grounded on a small island in the Bedford Basin. The Canadian Coast Guard (CCG) contacted the owner of the vessel, who was cooperative but unable to mount a response. The CCG engaged a marine contractor to inspect the vessel's hull.

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

A search of the Canadian Registry of Vessels identified an apparent sister ship, and a letter of inquiry was sent to the registered owner of the *Hydra Mariner* on 12 February 2021. No response was received.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.

## **Miss Mall Bay (2019)**

Location: Lunenburg, Nova Scotia

File number: 120-890-C1

### **The Incident**

On 22 March 2019, the Canadian Coast Guard (CCG) was notified that the roughly 13-metre fishing vessel *Miss Mall Bay* was dragging anchor at Lunenburg, Nova Scotia. The owner of the vessel later succeeded in securing it, but it broke free and grounded on 3 April 2019. The CCG was again alerted.

Two CCG personnel were dispatched to the scene, where they observed that the vessel was listing and rolling slightly. The owner attempted a refloating operation but was unsuccessful. At this stage, the CCG determined the *Miss Mall Bay* represented an oil pollution threat.

With the owner unable to respond further, the CCG determined that the *Miss Mall Bay* should be removed from the water. The CCG hired a contractor to remove all accessible oils from the vessel, and roughly 950 litres were pumped off on 5 April 2019. Some inaccessible oils remained on board.

On 8 April 2019, another contractor engaged by the CCG refloated the vessel and towed it to a local dock, where it was secured. It showed no signs of water ingress at this time. The CCG was unsuccessful in contacting the owner.

Having received reports that the *Miss Mall Bay* appeared to be low in the water, CCG personnel returned to the vessel on 17 May 2019. Those personnel noted that there had been water ingress into the vessel's bilge spaces. A vacuum truck was hired, and over 9,000 litres of oily water were pumped out of the vessel. The CCG later speculated that the water ingress was a result of rainwater entering the hull through the vessel's deck planking.

Over the roughly 22 months that followed, the CCG was in sporadic communication with the owner of the *Miss Mall Bay*, who repeatedly failed to comply with CCG directions to have the vessel towed away. He stated that he planned to sell it. Over the same period, CCG contractors pumped substantial quantities of oily water from the vessel on multiple occasions. The CCG bore the costs of storing the vessel throughout this entire period.

On 10 January 2020, the CCG had the vessel surveyed while it was in the water. The surveyor reported that the vessel had reached the end of its useful life. The surveyor also noted that the vessel and its components had minimal value.

On 8 March 2021, a contractor engaged by the CCG removed the vessel from the water and deconstructed it.

### **The Claim**

On 1 April 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$183,859.32, seeking compensation for costs and expenses arising from the response to the incident involving the



*Miss Mall Bay*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding that the CCG's response operation was unreasonably drawn out. Further, it was concluded that the evidence had failed to show that large portions of the CCG's costs were directed at preventing oil pollution. As a result, most of the claimed costs incurred from 9 April 2019 on were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$35,824.08, plus accrued statutory interest, on 15 November 2021.

The CCG accepted the offer on 23 December 2021, and payment from the Fund in the amount of \$39,193.09, including interest, was made shortly thereafter.

### **Recovery Action**

On 16 April 2021, in-house Legal Counsel to the Administrator obtained from Transport Canada a registration transcript and additional documents with respect to the *Miss Mall Bay*. Though the individual identified as the vessel's owner was never listed as its registered owner, additional documents provided by Transport Canada showed that he had purchased it from its last registered owner in 2018.

In an attempt to obtain a current address for the owner of the *Miss Mall Bay*, the Administrator issued *Inquiries Act* subpoenas to Nova Scotia Power Inc. and the Nova Scotia Department of Transportation and Infrastructure Renewal. The responses provided several possible physical and email addresses for the owner. Further investigation efforts also turned up potentially useful leads.

Counsel sent a total of four demand letters to the various addresses obtained through investigation, but no reply was received from the owner.

On 22 March 2022, the Administrator filed an action against the owner of the *Miss Mall Bay* in the Federal Court.

As of 31 March 2022, the Administrator's attempts to locate the owner of the *Miss Mall Bay* continued.

### **Status**

The file remained open at the end of the fiscal year.

## **Miss Tricia Lynn (2019)**

Location: Chéticamp, Nova Scotia

File number: 120-893-C1

### **The Incident**

In the early morning hours of 19 May 2019, the *Miss Tricia Lynn*, a wooden fishing vessel of approximately 14 metres in length, caught fire while moored at Chéticamp, Nova Scotia. The vessel began to drift and ultimately burned to the waterline. Oil was discharged into the water as a result.

Canadian Coast Guard (CCG) personnel were dispatched to the scene later in the day on 19 May 2019. They deployed sorbent materials around the vessel and met with the owner, who was mounting a response with the assistance of the vessel's insurer.

Over the following days, the CCG personnel returned to the scene on three occasions, mostly in a monitoring capacity. Ultimately, the owner had the vessel removed, and 23 May 2019 the CCG disposed of the sorbent materials that had been soiled in the course of the response.

### **The Claim**

On 18 May 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$10,812.75, seeking compensation for costs and expenses arising from the response to the incident involving the *Miss Tricia Lynn*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. Nearly the entire claimed amount was found to be established, with only a minor reduction being made to the CCG's claim for administration costs.

The Administrator made an offer of compensation to the CCG in the amount of \$10,803.86, plus accrued statutory interest, on 27 July 2021.

The CCG accepted the offer on 30 July 2021, and payment of \$11,639.68, which included the principal plus \$835.82 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

A demand letter was sent via registered mail to the registered owner of the *Miss Tricia Lynn*, a First Nations Band, on 26 August 2021. The letter was delivered, but no reply was received.

Attempts to contact the owner of the *Miss Tricia Lynn* continued as of 31 March 2022.

**Status**

The file remained open at the end of the fiscal year.

## **Primo (2021)**

Location: Lunenburg, Nova Scotia

File number: 120-884-I-G

### **The Incident**

On 9 February 2021, a fishing vessel known as the *Primo* partially sank at the Lunenburg Harbour in Nova Scotia. The office of the Administrator learned of the incident through media reports.

It is understood that the Canadian Coast Guard (CCG) responded to the incident.

### **The Claim**

No claim has yet been received on this matter.

On 21 February 2021, the office of the Administrator sent a letter to the owners of the *Primo*, requesting that they provide information regarding the incident. As of 31 March 2022, no response has been received.

### **Status**

The file remained open at the end of the fiscal year.

## **Ryan Atlantic II (formerly Cape Rouge) (2014)**

Location: Bridgewater, Nova Scotia

Case number: 120-653-C1

### **The Incident**

On 10 March 2014, the Canadian Coast Guard (CCG) received a report that the *Cape Rouge*, a 120-foot old steel trawler, was sinking by the stern with a 30-degree list to starboard at the wharf in Bridgewater, Nova Scotia, and leaking oil. The river area has been recorded as a habitat for all stages of salmon, eel and whitefish development, and for ducks and bald eagles as well. The local fire department was on-site and placed an absorbent boom around the stern of the wreck. According to the owner, the vessel had approximately 1,000 gallons of diesel fuel and 40 gallons of lube oil. CCG gave the owner a verbal “Notice” of his legal responsibility to take measures to prevent further pollution damage from the *Cape Rouge*. The owner was to have an elderly gentleman on the dock pump the boat out, but this was refused by CCG who, judging the vessel unstable, did not allow anyone on board.

Due to the owner’s lack of response, CCG took control of the response and assumed the role of On-Scene Commander. On 11 March, with the use of a boat from the local fire department, CCG deployed 1,000 feet of 18” containment boom around the wreck, which was still releasing an oil sheen. On 12 March, CCG arrived on site with a mobile command post unit and a Pollution Response Vessel (PRV1). Environment Canada was also on site to collect oil samples.

Having determined that the situation was severe, CCG engaged a contractor to raise the partially sunken *Cape Rouge*. Professional divers and a vacuum truck were utilized to pump out the fuel tanks, from which some 10,900 litres of fuel/water mixture were pumped. Meanwhile, CCG personnel conducted river patrols with the PRV1 to ensure that released oil did not escape the containment boom. A boom truck was hired to lift the hatches off the submerged wreck as part of the recovery plan, and another subcontractor was also engaged on two occasions to sand the ice-covered dock.

On 25 March, the contractor commenced pumping out the forepeak and the accommodation space of the vessel, with the approval of Environment Canada’s Environmental Emergencies personnel. By the end of the day, the *Cape Rouge* was floating with a five-degree port list. When the vessel began to right itself, the divers identified two leaks of water entering the engine room, which were subsequently remediated with neoprene and clamps. On 28 March, Transport Canada Marine Safety inspected the vessel and determined that it was at risk of sinking again. CCG finished the response operation on 7 April.

### **The Claim**

On 26 June 2014, 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 \$362,575.38, pursuant to the *Marine Liability Act*.

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

### **Assessment and Offer**

Additional information and documentation were requested for assessment purposes. However, CCG failed to respond to some requests, specifically those relating to the contractors’ invoices. The Administrator therefore retained a technical marine surveyor to review the invoices of the contractors’ charges from an industry practices perspective. The consultant was also instructed

to carry out an overall survey of the condition of the temporary repairs done on the *Cape Rouge* and found that all was in order with respect to the water tightness of the hull; but he recommended that a regular monitoring of the vessel's condition be implemented by the party responsible for the vessel and that any deterioration be reported to the authorities in a timely fashion.

After investigation and assessment, the amount claimed relating to the pollution countermeasures equipment was reduced to take into account the days during which the PRV1 was placed on a standby mode due to winter storm conditions. Furthermore, the rate used for the administration charges was adjusted to the one that had been agreed to between CCG and the Administrator on 30 January 2012. On 19 March 2015, the Administrator made an offer for the established amount of \$358,117.79, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on 29 April 2015 and, on or about 27 July 2016, a payment in the amount of \$382,353.33 including interest was made to DFO/CCG.

### **Recovery Action**

In July 2016, the Administrator tasked a professional locator service to investigate the assets of the owner of the *Cape Rouge*. No significant financial assets were identified. However, noting that the vessel owner was a repeat polluter, the Administrator decided to pursue recovery action and filed a Statement of Claim with the Federal Court on 4 October 2016. The Motion for Summary Judgment was heard by teleconference on 20 December 2017.

On 4 February 2019, a decision on Motion for Summary Judgment (\$382,353.33 plus interest) was rendered in favor of the Administrator.

The judgment has been registered in the Personal Property Registry and in Nova Scotia at the Land Registration Office for Halifax County. A writ of seizure and sale was obtained in March 2019 but could not be enforced as no exigible assets could be identified or located.

### **Status**

The file remains open.

### **Related files**

*Hannah Atlantic* (2014), Case number: 120-652-C1 (same owner and same location of incident)  
*Farley Mowat* (2015), Case numbers: 120-679-C1 and 679-C1-1 (same owner)  
*Cormorant* (2015), Case number: 120-672-C1 (same location of incident)

## **Stephanie & Darrel (2007)**

Location: Shelburne, Nova Scotia

Case number: 120-530-C1

### **The Incident**

On 11 April 2007, the Port Manager of the Shelburne Marine Terminal in Nova Scotia informed the Canadian Coast Guard (CCG) that a 45-foot fishing vessel secured to its wharf, the *Stephanie & Darrel*, had been abandoned by its owner. The vessel contained approximately 3,500 litres of fuel plus hydraulic oils and had been pumped out several times to prevent it from sinking alongside the terminal. With no word from the vessel's owner, on 17 April, CCG personnel met with Environment Canada and Transport Canada personnel at the terminal to determine the action to be taken. All parties agreed that the pollutants should be removed from the vessel.

On 1 June 2007, a contractor was engaged to remove and dispose of all the oils and other contaminants onboard the *Stephanie & Darrel*. This operation was completed on 8 June 2007.

### **The Claim**

On 9 February 2008, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), for costs and expenses in the amount of \$13,627.73, 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 Administrator made an offer to DFO/CCG for the established amount of \$13,627.73 plus interest, as full and final settlement. DFO/CCG accepted the offer and a payment of \$14,505.11, including interest was sent to DFO/CCG on or about 14 May 2008.

### **Recovery Action**

A recovery action was commenced by the Administrator in the Supreme Court of Nova Scotia on 10 December 2008, from which he obtained an encumbrance against any property the owner of the *Stephanie & Darrel* may have or yet acquire. A Certificate of Judgment was registered in both the Land Registry and Personal Property Security Registry in Nova Scotia in December 2008. The registration in the Personal Property Security Registry was extended until 5 January 2019.

A search was conducted in October 2018, but no exigible assets were found. The registration of the judgment was extended until 10 December 2028.

### **Status**

The file remains open.

# New Brunswick

## *L'Épaulard (2018)*

Location: Black's Harbour, New Brunswick  
File number: 120-876-C1

### The Incident

On 4 November 2018, the Canadian Coast Guard (CCG) was notified that an approximately 54-foot wooden fishing boat known as the *L'Épaulard* had sunk at the wharf in Black's Harbour, New Brunswick. The report indicated there was oil pollution visible on the harbour's waters.

The CCG dispatched environmental response personnel to attend the scene. The CCG personnel communicated with the *L'Épaulard*'s owner, who confirmed he would be responding to the incident in conjunction with his insurer. The CCG proceeded to monitor the salvage effort over several days. CCG personnel also deployed sorbent materials to support the salvage effort and capture oil pollution from the harbour.

### The Claim

On 3 November 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$7,821.73, seeking compensation for costs and expenses arising from the response to the incident involving the *L'Épaulard*.

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

### Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding generally that the CCG's response and monitoring efforts were reasonable in the circumstances. A moderate reduction was made with respect to the CCG salary claim for the last two days of response. On the last two days of the response, no further recoverable oil pollution was present. The only task remaining was to monitor the owner's salvage efforts, an effort which would reasonably have required only one CCG officer.

The Administrator made an offer of compensation to the CCG in the amount of \$7,674.80, plus accrued statutory interest, on 26 January 2021.

The CCG accepted the offer on 12 March 2021, and payment from the Fund in the amount of \$8,344.69, including \$669.89 in interest, was made shortly thereafter.



### **Recovery Action**

The office of the Administrator sent a demand letter to the vessel's owner at an address provided by the CCG. No response was received.

On 3 November 2021, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *L'Épaulard*.

A process server was hired to personally serve the Defendant. Several attempts by the process server in January 2022 were unsuccessful. Copies of the Statement of Claim were left at the Defendant's apparent residence. In addition, copies were posted to that address and another address that had been uncovered by way of an *Inquiries Act* subpoena.

Ultimately, it was decided to prepare materials in support of a motion to validate service on the Defendant. Preparation of those materials was underway as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **SBI Carioca (2017)**

Location: Port of Belledune, New Brunswick

Case number: 120-724-R

### **The Incident**

On 11 October 2017, the Marshall Islands-registered bulk carrier *SBI Carioca* (43,301 GT) grounded while entering the Port of Belledune, New Brunswick. The extent of the damage to the vessel's hull was uncertain but no pollution was reported. The vessel was carrying a cargo of petcoke at the time.

On 25 October 2017, the Canadian Coast Guard (CCG) obtained a Letter of Undertaking (LOU) from the owner's P&I club.

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

The Administrator and the P&I club have agreed that the LOU obtained by CCG would cover the Fund in the event that CCG would file a claim with the Administrator.

### **The Claim**

As of 31 March 2022, no claim had been received by the Administrator.

### **Status**

The file remains open.

# Quebec

## **Federal Leda (2019)**

Location: Beauharnois, Quebec

File number: 120-852-C1

### **The Incident**

On 21 November 2019, the Canadian Coast Guard (CCG) received a report of pollution in Lock #4 at Beauharnois, Quebec. It was determined that the source of the pollution was the *Federal Leda*, a Marshall Islands-flagged bulk carrier of 22,654 gross tons, the last ship that passed through the locks. The pollution was being contained by the St. Lawrence Seaway Authority.

The CCG's response consisted of remote monitoring while other entities conducted the containment and clean up. A liaison agent from the CCG's Environmental Response team was deployed to maintain communications between all parties. There was some discussion of the CCG providing a helicopter for surveillance of the pollution, but this never took place due to weather conditions.

The owner of the *Federal Leda* engaged the Eastern Canada Response Corporation to respond to the spill, including by containing the pollution and by providing divers to identify and plug the leak. The leak was stopped by 08:30 on 22 November 2019. Its source was identified as cooling water that had inadvertently mixed with diesel fuel.

The CCG imposed a ban on departure on the *Federal Leda* on the afternoon of 22 November 2019. The St. Lawrence Seaway Authority conducted the clean-up of the spill in the locks, which was completed by 18:30 on 22 November 2019. The locks were reopened that evening and the CCG lifted the departure ban on the *Federal Leda* the next day.

No other spill was reported concerning the *Federal Leda* in the following days. The CCG closed the case on 25 November 2019.

### **The Claim**

On 20 November 2021, the Administrator received a submission from the Canadian Coast Guard, on behalf of the Minister of Fisheries and Oceans. The submission advanced a claim in the amount of \$2,956.29, seeking compensation for the costs and expenses incurred in the course of responding to the incident caused by the *Federal Leda*.

The Administrator began an investigation and assessment of the claim that was ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **GRT Synergie (2018)**

Location: Baie des Chaleurs, Québec

File number: 120-865-C1

### **The Incident**

On 13 May 2018, the Canadian Coast Guard (CCG) was notified that an approximately 35-foot fiberglass-hulled fishing vessel, identified as the *GRT Synergie*, had sunk at Quai des Pêcheurs in Baie des Chaleurs, near Carleton-sur-Mer, Québec. No one witnessed the sinking, which occurred abruptly shortly after the vessel, which had apparently been in good condition, was placed in the water.

A CCG environmental response crew arrived at the scene. After being unable to contact the owner of the vessel, they retained a local environmental contractor to initiate a response. The contractor placed a boom and sorbent materials. The *GRT Synergie* was righted using a backhoe, and preparations were made to remove the vessel from the water.

That evening, the owner attended at the scene. The owner confirmed the presence of 1,000 litres of hydrocarbons aboard the vessel. The owner confirmed he would take over the response.

The owner made an attempt to remove the *GRT Synergie* from the water using a trailer via a boat ramp. That effort failed when the boat trailer proved to be too small. Thereafter, the owner engaged a contractor to make repairs to the vessel where it sat in the water, with a plan to have the vessel towed to another location for more complete repairs. This effort succeeded.

### **The Claim**

On 12 May 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$10,449.01, seeking compensation for costs and expenses arising from the response to the incident involving the *GRT Synergie*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the unknown quantity of oil pollutants on board the *GRT Synergie*.

The initial costs for contractor work to place a boom and right the vessel were not included in the claim, having apparently been paid by the vessel's owner or the owner's insurer.

A large part of expenses included in the CCG claim turned out to be expenses incurred by the environmental response contractor after the owner took over the response. It appeared that the owner did not pay that part of the contractor's bill, and that the CCG had determined it was appropriate to pay the contractor's unpaid invoices.

Without deciding whether it was appropriate to compensate the CCG for paying contractors for work done by others, generally, it was determined the expenses should be rejected in this case. The nature of the work paid for appeared to be to prepare the *GRT Synergie* to sail for repairs. It had been determined that the cause of the sinking was a faulty bilge pump which pumped water into the vessel rather than removing it. As such, repairs to the ship were not accepted as measures taken with respect to oil pollution or the threat thereof in this case. This part of the claim was therefore not payable irrespective of the issue of to whom the bills were properly directed.

The other aspects of the claim were for CCG personnel time to respond to the incident and monitor the owner's response, as well as administrative costs. These parts of the claim were accepted without deduction.

The Administrator made an offer of compensation to the CCG in the amount of \$1,297.67, plus accrued statutory interest, on 12 November 2020.

The CCG accepted the offer on 16 December 2020, and payment from the Fund in the amount of \$1,426.46, including \$128.79 in interest, was made shortly thereafter.

### **Recovery Action**

Demand letters were sent to the representative of the insurer of the *GRT Synergie*.

On 7 May 2021, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *GRT Synergie*. The Defendant was served with the Administrator's Statement of Claim on 5 July 2021, but the process server hired by counsel was delayed in providing an affidavit of service. Accordingly, a motion was brought to request an extension of time to file proof of service. The Court granted the requested extension on 21 January 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Kathryn Spirit (2014)**

Location: Beauharnois, Quebec

File number: 120-642-R

### **The Incident**

In 2011, the *Kathryn Spirit*, a bulk hauler 153.4 m in length and of 9,261 GRT, was sold to a Quebec company to be scrapped. The company planned to carry out the demolition at Beauharnois, Quebec, and arranged for the vessel to be landed on the shores of Lac Saint-Louis.

After the vessel arrived at Beauharnois, quantities of oil were removed from the vessel. Before substantive deconstruction took place, opposition to the project at both the municipal and provincial level halted the process. The Quebec company sold the vessel to a Mexican company, who planned to have the vessel towed to Mexico for demolition.

The Mexican company arranged for a tug to tow the *Kathryn Spirit* to Mexico. However, while en route to Beauharnois, the tug was detained by Transport Canada over safety and crew accommodation issues. Subsequently the vessel was arrested by creditors. The tug's crew returned home to Central America, with the assistance of charity from individual Canadians. The *Kathryn Spirit* remained on the shore of Lac Saint-Louis.

In May of 2013, further problems affected the *Kathryn Spirit*. Water infiltrated the vessel. The Mexican company was unable to develop a plan to move the vessel that met environmental requirements. The vessel remained where it had been since 2011.

In early 2016, concerns were publicly raised about the stability of the vessel. Measures were taken to stabilize the vessel using mooring lines. In September of 2016, municipal leaders in and around Montreal began calling on the federal government to take steps to deal with the *Kathryn Spirit*. Subsequently, a panel composed of representatives from various governments determined that the vessel should be deconstructed where it sat.

Deconstruction work started in January of 2018. On 10 April 2018, the vessel caught fire while deconstruction efforts were ongoing. The deconstruction was completed in October of 2018.

### **The Litigation**

On 18 June 2019, the federal government initiated a lawsuit with respect to costs and expenses incurred with respect to stabilizing and deconstructing the *Kathryn Spirit*. The proceeding has been assigned court file no. T-988-19.

The lawsuit names as defendants the Mexican company that apparently owns the *Kathryn Spirit* and the Administrator of the Ship-source Oil Pollution Fund.

As of 31 March 2022, the Mexican company had yet to be served with the lawsuit. Discussions between the parties were ongoing.

### **The Claim**

On 29 April 2021, the federal government submitted a claim to the Administrator in respect of this incident under s. 103 of the MLA. The claim has been held in abeyance pending ongoing discussions in the litigation.

### **Status**

The file remained open at the close of the fiscal year.

## **Le Sept Ilien (2018)**

Location: Gros-Morne, Québec

File number: 120-866-C1

### **The Incident**

On 22 June 2018, the Canadian Coast Guard (CCG) was notified that an approximately 41-foot lobster fishing craft, identified as the *Le Sept Ilien*, had grounded near Gros-Morne, Québec.

The CCG initially responded to the incident in a life-saving capacity. The crew of the *Le Sept Ilien* safely escaped from the vessel. Thereafter, the CCG transitioned its response into an environmental response which relied on remote monitoring.

The CCG coordinated with the vessel's owner and the representative of its insurer. This included an effort to re-establish contact after the representative of the vessel's insurer was unexpectedly hospitalized for reasons unrelated to the incident.

A small release of oil occurred during the owner-led response to the incident. This discharge was contained by a boom placed in anticipation of such a discharge. On June 29, the remaining oil aboard the vessel was pumped off and the owner made preparations to dismantle the vessel. The deconstruction of the *Le Sept Ilien* was completed by 21 July 2018.

### **The Claim**

On 22 June 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$3,087.54, seeking compensation for costs and expenses arising from the response to the incident involving the *Le Sept Ilien*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the presence of oil pollutants on board the *Le Sept Ilien* and its distressed state.

Some of the CCG claim for salary and overtime was not accepted. The owner or its insurer implemented all measures taken in response to the environmental aspects of the incident. While it was reasonable for the CCG to monitor that effort remotely, some of the activities carried out by CCG personnel were considered to be duplicative of the owner's efforts or those of other CCG personnel.

The Administrator made an offer of compensation to the CCG in the amount of \$1,996.69, plus accrued statutory interest, on 19 October 2020.

The CCG accepted the offer on 17 December 2020 and payment from the Fund in the amount



of \$2,186.11, including \$189.42 in interest, was made shortly thereafter.

### **Recovery Action**

The office of the Administrator sent demand letters to the representative of the insurer of the *Le Sept Ilien*. A response was received, and requested documents were sent to the representative.

On, 11 May 2021 in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Le Sept Ilien*. Attempts to serve the Defendant were complicated by his remote location on Quebec's Gaspé Peninsula, where it proved difficult to find a process server. It was later determined that the Defendant was incarcerated, and he was ultimately served in prison.

Counsel filed a motion to extend time for service on the Defendant, which the Court granted on 17 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## ***Ocean Uannaq (2016)***

Location: Montreal, Quebec

File number: 120-889-C1

### **The Incident**

On 1 April 2016, the Canadian Coast Guard (CCG) was notified that a tug known as the *Ocean Uannaq* had capsized and sunk immediately downstream from the Champlain Bridge in Montreal, Quebec.

Prior to capsizing, the tug was being used for construction of the bridge. The tug was understood to contain approximately 500 litres of diesel fuel and 60 litres of engine oil at the time of the sinking, and it also had a generator aboard.

The owner of the *Ocean Uannaq* took responsibility for the ship and coordinated response efforts with the CCG, whose personnel monitored that response.

On 27 May 2016, the owner of the *Ocean Uannaq* attempted to raise the tug from the riverbed. During the effort, a blueish black oil slick was observed on the surface of the water. Efforts were made to contain the oil slick. The tug was successfully raised during this effort.

On 28 May 2016, the tug was removed from the water.

### **The Claim**

On 31 March 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$5,074.17, seeking compensation for costs and expenses arising from the response to the incident involving the *Ocean Uannaq*.

The Administrator determined that the *Ocean Uannaq* had caused oil pollution damage on or about 27 May 2016 and that the CCG's claim had been made more than two years after the occurrence of that damage.

On 14 October 2021, the Administrator notified the CCG that the claim was inadmissible under Part 7 of the *Marine Liability Act* because the applicable limitation period had expired prior to submission.

### **Status**

The file was closed on 31 January 2022.

## **Réjane (2020)**

Location: Rapides du Cheval Blanc, Rivières des Prairies, Quebec

File number: 120-891-C1

### **The Incident**

On 10 October 2020, the Canadian Coast Guard was notified that the *Réjane*, a small tug with 600 litres of diesel fuel on board, had run aground at Rapides du Cheval Blanc, Rivières des Prairies, Quebec the previous day after striking a buoy.

At first, the CCG struggled to identify the owner of the vessel. The owner eventually came forward, however, and began to mount a response. The CCG initially ordered that the vessel not be moved until the oils could be removed from it.

Over the 33 days that followed, the CCG worked with the owner and other stakeholders. Finally, the vessel was removed by its owner on 10 November 2020. No release of oil was reported.

### **The Claim**

On 13 April 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$3,428.93, seeking compensation for costs and expenses arising from the response to the incident involving the *Réjane*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, finding the entirety of claimed amounts to be established. An apparent CCG miscalculation in the amount claimed for administration costs resulted in an established amount slightly higher than the amount claimed by the CCG.

The Administrator made an offer of compensation to the CCG in the amount of \$3,441.79, plus accrued statutory interest, on 8 August 2021.

The CCG accepted the offer on 19 August 2021, and payment of \$3,530.09, which included the principal plus \$88.30 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

Demand letters were sent to the owner of the *Réjane* and an insurance broker identified by the CCG on 31 August 2021. No responses were received.

Attempts to locate the owner of the *Réjane* continued as of 31 March 2022.

**Status**

The file remained open at the end of the fiscal year.

# Ontario

## **SEA-Q-TI (2021)**

Location: Humber Bay Park, Etobicoke, Ontario

File number: 120-904-C1

### **The Incident**

On 8 February 2021, the Canadian Coast Guard (CCG) was advised of a pleasure craft sinking in icy water at Toronto's Humber Bay Park. The vessel had been abandoned and was awaiting disposal funded by the Transport Canada Navigation Protection Plan. A strong fuel smell was reported.

On 10 February 2021, two CCG personnel were deployed to Humber Bay Park, where they found the vessel locked in ice. They were unable to board it and assess its tanks. Toronto municipal authorities placed sorbent pads in the surrounding area and secured the vessel to a wall under the direction of the CCG.

The CCG engaged a contractor to pump and remove the vessel from the water. This work was completed on 13 February 2021.

### **The Claim**

On 8 November 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$35,614.93, seeking compensation for costs and expenses arising from its response operation.

The office of the Administrator identified the subject vessel as the *SEA-Q-TI* based on correspondence with the vessel's owner that was included with the CCG's claim.

The Administrator's investigation and assessment was ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Tecumseh (2019)**

Location: Detroit River, Windsor, Ontario

File number: 120-910-C1

### **The Incident**

On 15 December 2019, the Canadian Coast Guard (CCG) was advised that the *Tecumseh*, a Canadian-flagged bulk carrier of 18,049 gross tons, had caught fire while in transit in the Detroit River. The CCG participated in a teleconference with relevant parties including the United States Coast Guard, Transport Canada, and the Port of Windsor, during which it was determined to tow the *Tecumseh* to a marine terminal in Windsor, Ontario, to assess the fire damage.

On 16 December 2019, the *Tecumseh* was secured at the marine terminal, the fire was extinguished, and sorbent boom was deployed. Approximately 33,500 liters of oil were removed from the vessel on 20 December 2019, and an additional 151 metric tons of fuel were removed in the following days.

The parties determined to leave the remaining oil onboard the *Tecumseh* to maintain its generators during the winter. Response operations ceased on 24 December 2019.

### **The Claim**

On 14 December 2021, the Administrator received a submission from the CCG. The submission included a claim totalling \$9,752.43, seeking compensation for costs and expenses arising from the response to the incident involving the *Tecumseh*.

The Administrator began an investigation and assessment of the claim that was ongoing as of 31 March 2022. Additional information from the CCG was requested in January 2022, and a response was received the following month.

### **Status**

The file remained open at the end of the fiscal year.

## **Unknown name (Toronto pleasure craft) (2021)**

Location: Bluffer's Park, Toronto, Ontario

File number: 120-902-C1

### **The Incident**

On 13 April 2021, municipal authorities alerted the Canadian Coast Guard (CCG) that an abandoned pleasure craft had grounded at Toronto's Bluffer's Park and was taking on water. The vessel's engine was only partially intact and was at risk of being damaged or detached by the wind, waves, and rocky shoreline. The following day, municipal authorities assessed the vessel and found an approximately three-inch hole in the hull. They secured the vessel to nearby rocks but were unable to access its interior due to safety concerns about hazardous and noxious substances onboard.

Ownership of the vessel had changed several times in the years leading up to the grounding. The CCG contacted two former owners, one of whom provided a bill of sale purporting to show a transfer to yet another individual. After unsuccessfully attempting to contact that person, the CCG took charge of the response operation and engaged a contractor to remove the vessel from the water and deconstruct it.

### **The Claim**

On 13 October 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim seeking compensation for costs and expenses in the amount of \$9,982.18, incurred in the course of the CCG's response operation.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, determining that substantial reductions were necessary on the basis that the evidence did not show that the measures taken were proportionate to the oil pollution threat posed by the vessel. An offer of compensation was made to the CCG on 16 February 2022 in the amount of \$2,294.64, plus accrued interest.

The CCG accepted the offer on 15 March 2022, and a payment in the amount of \$2,356.33, representing the principal plus \$61.69 in statutory interest, was made shortly thereafter.

### **Recovery Action**

As of 31 March 2022, the office of the Administrator was investigating the whereabouts of the vessel's owner.

### **Status**

The file remained open at the end of the fiscal year.

# British Columbia

## *Alaska Plaza and Sea Lander (2020)*

Location: Port McNeill, British Columbia  
Case number: 120-888-I-G

### **The Incident**

On 24 December 2020, the approximately 80-foot barge *Alaska Plaza*, an American-registered vessel, capsized and sank at Port McNeill. The same day, a smaller barge, the *Sea Lander*, broke free of its moorings and washed up against the harbour breakwater. Hydrocarbons were observed in the area.

On 25 December 2020, the Western Canada Marine Response Corporation was engaged, deploying boom.

On 28 December 2020, the Canadian Coast Guard (CCG) hired a salvor for the *Alaska Plaza*, and the *Sea Lander* was recovered and removed from the area.

Following weather delays, the *Alaska Plaza* was raised on 8 January 2021, but weather conditions again caused the barge to capsize and sink, leading to another discharge of oils. Sorbent materials were deployed, and by 10 January 2021 it was determined that minimal recoverable pollutants were being discharged.

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

On 1 March 2021, the Administrator opened a file with respect to the incidents involving the *Alaska Plaza* and the *Sea Lander* and began investigating.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.



## **Alhena (2018)**

Location: Alert Bay, British Columbia

File number: 120-875-C1

### **The Incident**

On 1 November 2018, the Canadian Coast Guard (CCG) was notified that an approximately 37-foot fishing vessel, identified as the *Alhena*, was sinking at the Namgis Dock, in Alert Bay, British Columbia. The CCG deployed an officer from Port Hardy to respond to the incident.

The CCG hired a local contractor to remove fuel and oil from the *Alhena*. While this was ongoing, and after the contractor had removed approximately 200 litres of fluids from the *Alhena*, the owner attended at the scene. The owner indicated he wanted to do that work himself, and the CCG issued an order directing him to do so.

The owner pumped water from the *Alhena* but did not promptly remove the oil. The CCG had the vessel removed from the water and assessed. The CCG concluded the vessel should be deconstructed. The *Alhena* was sent to landfill for deconstruction after a delay of three months, attributable to ground conditions at the site of the landfill.

### **The Claim**

On 30 October 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$12,654.91, seeking compensation for costs and expenses arising from the response to the incident involving the *Alhena*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable.

The narrative provided by the CCG included a reference to a determination that the *Alhena* was saturated with oil, which necessitated its deconstruction. The evidence included was insufficient to allow a determination that that was the case.

The Administrator made an offer of compensation to the CCG in the amount of \$5,440.03, plus accrued statutory interest, on 6 January 2021.

The CCG accepted the offer on 26 January 2021, and payment from the Fund in the amount of \$5,896.89, including \$456.86 in interest, was made shortly thereafter.

### **Recovery Action**

The office of the Administrator sent a demand letter to the owner of the *Alhena*. No response was received.

In October 2021, in-house counsel to the Administrator filed an action against the owner of the *Alhena* in the Federal Court. Attempts to serve the Defendant by registered mail were unsuccessful.

On 31 March 2022, *Inquiries Act* subpoenas were issued to the Insurance Corporation of British Columbia and a telecommunications company in an attempt to locate the Defendant.

As of 31 March 2022, the Administrator's recovery efforts continued.

### **Status**

The file remained open at the end of the fiscal year.

## **Anapaya (2017)**

Location: The Dog Patch, Ladysmith, British Columbia

File number: 120-797-C1

### **The Incident**

On 21 October 2017, the Canadian Coast Guard (CCG) was advised that a vessel had sunk in an area known as the “Dog Patch”, near the Community Marina in Ladysmith, British Columbia. The report indicated that the sunken vessel was actively upwelling pollutants into the marine environment.

A contractor retained by the CCG attended at the scene of the sinking the same day and identified the sunken vessel as the *Anapaya*, a 90-foot wooden ex-fishing vessel. The contractor deployed a boom-fence to contain the oil pollution being released from the vessel.

The CCG attempted to contact the vessel’s apparent owner, without success.

A CCG crew attended at the scene on 22 October 2017 and determined that the *Anapaya* should be raised to halt the discharge of oil pollution. A contractor was retained for that purpose.

An underwater survey was conducted on 24 October 2017 in advance of raising the vessel. Significant hull damage was identified which would require patching prior to the lift. While preparations for the lift were carried out, pollution mitigation efforts were continued. On 2 November 2017, the *Anapaya* was raised and hooked to a salvage barge.

After it was raised, the *Anapaya* was inspected. It was determined to have no residual value and to pose a continuing risk of oil pollution due to its oil-soaked hull. A decision was made to deconstruct it. Because of its size, the vessel could not be landed at a local facility. The CCG determined that the vessel should be deconstructed on a barge floating in the water. Pollution containment efforts would need to be maintained through the deconstruction process as a result.

The deconstruction process was completed on 31 December 2017.

### **The Claim**

On 10 September 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$311,073.37, seeking compensation for the response to the incident involving the *Anapaya*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, including requesting supplemental information from the CCG about the arrangements with the contractor who carried out the deconstruction. The investigation included efforts to locate the owner of

the vessel, including internet searches, the issuance of a subpoena to a telecommunications company and the issuance of a subpoena to a social network company.

On 5 December 2019, the Administrator made an offer of compensation to the CCG in the amount of \$296,024.24, plus statutory interest. The CCG accepted the offer on 20 December 2019, and payment from the Fund in the amount of \$317,467.67, including statutory interest, was made on 24 December 2019.

### **Recovery Action**

At the time the Administrator became subrogated, the address of the apparent owner of the *Anapaya* was unknown. Efforts to secure that information were made, including via a subpoena issued to a social networking company.

The office of the Administrator made contact with the apparent owner of the *Anapaya* on 7 July 2020. The apparent owner denied ownership of the vessel at the relevant time. He identified another individual as the owner. Efforts were commenced to locate that identified owner.

On 19 October 2020, The Administrator commenced a legal claim in the Federal Court against multiple persons who may be the owner of the *Anapaya*.

The Administrator exhausted all reasonable efforts to locate the purported owner of the *Anapaya*. Those efforts were not successful. As a result, the purported owner could not be served as required by the applicable court rules. The legal claim was discontinued.

### **Status**

The file was closed on 9 September 2021.

## **Atanook (2018)**

Location: Ganges Harbour, Salt Spring Island, British Columbia

File number: 120-872-C1

### **The Incident**

On 5 October 2018, the Canadian Coast Guard (CCG) was notified that an approximately 42-foot sailboat with a ferro-cement hull, identified as the *Atanook*, was sinking in Ganges Harbour, on Salt Spring Island, British Columbia.

The CCG dispatched an environmental response crew to assess the incident. Working with contractors, they placed pumps onboard the *Atanook* to prevent it from capsizing.

The CCG determined that the *Atanook* should be towed to a marine facility and removed from the water. Eventually contact was made with the vessel's owner. The owner declined to take any steps with respect to the *Atanook*.

A marine survey was carried out on the *Atanook*. Subsequently the CCG had a contractor deconstruct the ship.

### **The Claim**

On 5 October 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$19,017.43, seeking compensation for costs and expenses arising from the response to the incident involving the *Atanook*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the threat of discharge and unknown quantity of oil pollutants on board the *Atanook*.

Vessel deconstruction can constitute a measure taken with respect to oil pollution where the subject vessel is itself an oil pollution threat. Most often this occurs because a wooden vessel has become saturated in oil. In the case of the *Atanook*, the evidence was insufficient to establish the ship itself posed an oil pollution threat.

Logs submitted by the CCG refer to oil-soaked planking aboard the *Atanook*. However, in context this was not determinative. The *Atanook* was a sailboat, and was never equipped with substantial quantities of oil. As well, its hull type was ferro-cement rather than wood. This means that there were limited quantities of oil which could have saturated limited amounts of wood. The one log note on that point was considered insufficient to accept that the *Atanook* itself might cause oil pollution if returned to the water.

The Administrator made an offer of compensation to the CCG in the amount of \$4,905.93, plus accrued statutory interest, on 24 December 2020.

The CCG accepted the offer on 26 January 2021, and payment from the Fund in the amount of \$5,330.30, including \$424.37 in interest, was made shortly thereafter.

### **Recovery Action**

The office of the Administrator sent a demand letter to the owner of the *Atanook*. It turned out that the owner did not live at the address registered with Transport Canada. However, the current occupant of the home was able to arrange to have the demand letter forwarded to the owner of the sailboat.

On 6 October 2021, in-house counsel to the Administrator filed an action against the owner of the *Atanook* in the Federal Court. The Statement of Claim was subsequently served on the Defendant, who did not file or serve a defence within the time permitted by the *Federal Courts Rules*.

Efforts to locate the owner of the *Atanook* continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Atrevida No. 1 (2018)**

Location: Maple Bay, British Columbia

File number: 120-835-C1

### **The Incident**

On 20 December 2018, the Canadian Coast Guard (CCG) was notified that a 60-foot ex-ferry known as the *Atrevida No. 1* had grounded near Arbutus Point, in Maple Bay, British Columbia.

The CCG dispatched an environmental response crew who found the vessel washed against a rocky shore and listing severely. CCG personnel noted that there was a sheen on the water, but the weather conditions were too severe to immediately take steps in response.

The next day, contractors retained by the CCG began efforts to refloat the *Atrevida No. 1*. These efforts were successful. After the vessel was refloated, the owner contacted the CCG and said he would assume responsibility. The owner failed to produce a plan to deconstruct the vessel. The CCG retained contractors who deconstructed the vessel on-site.

### **The Claim**

On 23 December 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$223,719.10, seeking compensation for costs and expenses arising from the response to the incident involving the *Atrevida No. 1*.

On 10 March 2021 the Administrator notified the CCG that the claim was inadmissible under Part 7 of the *Marine Liability Act* because the applicable limitation period had expired prior to receipt of the claim. The Administrator determined that the subject incident involved oil pollution damage and that the claim had been made more than two years after the occurrence of the oil pollution damage.

On 29 November 2021, the office of the Administrator reached out to the CCG to inform it that it may still be able to obtain compensation with respect to its response operation from the Fund, if it were to file legal proceedings against the owner of the *Atrevida No. 1*. No response was received.

### **Status**

The file was closed on 20 May 2021.

## **Aura Lee (2018)**

Location: Cowichan Bay, British Columbia

File number: 120-880-C1

### **The Incident**

On 13 December 2018, the Canadian Coast Guard (CCG) was notified that an approximately 35-foot ex-fishing vessel, identified as the *Aura Lee*, was sinking at Cowichan Bay, British Columbia. The cause of the sinking was not known, and it was believed that another smaller vessel had been moored to the *Aura Lee* and that it had been dragged down as a result of the sinking.

The CCG dispatched personnel to the scene. By the time the response crew arrived, the *Aura Lee* was entirely sunken. A sheen was observed on the water. The CCG retained a contractor to raise the vessel. That effort was successfully completed on 17 December 2018. The other vessel believed to have been moored to the *Aura Lee*, a 16-foot speedboat, could not be located.

The *Aura Lee* was removed from the water and then deconstructed.

### **The Claim**

On 8 December 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$42,176.45, seeking compensation for costs and expenses arising from the response to the incident involving the *Aura Lee*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the discharge and unknown quantity of oil pollutants on board the *Aura Lee*. As a result, costs associated with the deployment of sorbent materials and the raising and removal of the vessel, were accepted.

Based on the evidence, the Administrator accepted that the *Aura Lee* itself posed a risk of oil pollution. The costs of deconstruction could therefore be accepted as measures reasonably taken with respect to a risk of oil pollution.

The Administrator made an offer of compensation to the CCG in the amount of \$33,908.13, plus accrued statutory interest, on 31 March 2021.

### **Recovery Action**

After exhausting all possible avenues to identify the owner of the *Aura Lee*, the file was closed on 18 November 2021.



### **Status**

The file was closed on 18 November 2021.

## **Barges King Arthur and SL 104 (2016)**

Location: Mamquam Blind Channel, Squamish, British Columbia

File number: 120-689-C1

### **The Incident**

On April 14, 2016, the Administrator was informed by the Canadian Coast Guard (CCG) of an incident that occurred on April 10, 2016, involving two barges, the *SL 104* and the *King Arthur*, in the Mamquam Blind Channel, in Squamish, British Columbia. The derelict barges were deemed a pollution threat by CCG. The owners of the barges were no longer able to control the situation, and CCG took over the response. Booms were deployed to contain any potential release of pollution. Environment and Climate Change Canada provided sensitivity mapping products for the area around the barges. Transport Canada Marine Safety was also on scene.

CCG hired AMIX Marine Services to evaluate the stability of the *King Arthur*, and an additional independent surveyor to oversee the assessment. The Western Canada Marine Response Corporation was also contracted to provide additional resources on standby. On April 15, 2016, the *King Arthur* was moved away from the Squamish shoreline and secured to a local spud barge to prevent grounding and the possibility of hull damage at low tide.

A substantial quantity of solid waste was removed and approximately 135,700 litres of oily liquids were pumped from the *King Arthur*. All of the waste was transferred onto another barge for sampling.

On July 27, 2016, CCG confirmed that the *King Arthur* had been deconstructed.

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

On June 7, 2016, the Administrator engaged a firm to complete a locate and asset search on the owner of the *King Arthur*.

### **The Claim**

On April 4, 2018, the Canadian Coast Guard filed a claim with the Administrator for costs and expenses incurred in the amount of \$819,134.67, pursuant to section 103 of the *Marine Liability Act* (MLA).

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. During the assessment, he requested additional information and documentation from the CCG, which was provided. On October 31, 2018, the Administrator made an offer to CCG for the established amount of \$814,012.78, plus interest, as full and final settlement. CCG accepted the offer on November 19 and, on November 22, 2018, payment in the amount of \$876,798.87, including interest, was made to CCG.

### **Recovery Action**

On April 2, 2019, counsel for the Administrator filed a Statement of Claim with the Federal Court of Canada under court file number T-569-19. The claim named several persons identified as owners of the barges as defendants.

After entering a defence, one defendant has issued a claim against Her Majesty the Queen in right of Canada as a third-party defendant. The defendant claims that if they are found to be an owner of the barges, they were misled into ownership by representatives of the CCG.

The legal proceeding remains ongoing. It is at the stage of documentary discovery.

### **Status**

The file remained open as of the close of the fiscal year.

### **Related file**

120-665-C1 – *Spudnik* (same owner)  
120-856-I-G – *Spudnik* (same owner)  
120-833-C1 – Darrell Bay Incident (same owner)  
120-885-C1 – Unknown name (Deck Barge) (same owner)

## **Big Kahuna (2017)**

Location: Port Hardy, British Columbia

File number: 120-799-C1

### **The Incident**

On 29 November 2017, the Canadian Coast Guard (CCG) received a report that a 40-foot sailboat identified as the *Big Kahuna* was in distress while moored at a facility operated by the Port Hardy Harbour Authority, in Port Hardy, British Columbia.

That day, a CCG crew from the Port Hardy Lifeboat Station attended at the scene. The crew observed the vessel to be sitting low in the water. They pumped water from the vessel.

CCG Environmental Response officers made contact with the Port Hardy Harbour Authority and learned that the vessel had been sitting abandoned for an extended period of time. The CCG was unable to contact the owner.

The CCG towed the vessel and then had it removed from the water by contractors. The vessel was found to be in poor condition, and the CCG determined it should be deconstructed.

### **The Claim**

On 30 September 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$9,016.06, seeking compensation for the costs and expenses incurred in response to the incident involving the vessel.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. During the investigation, it was determined that the vessel identified as the *Big Kahuna* did not match the biographical details for the vessel registered with Transport Canada under that name. Specifically, the vessel type, hull materials and dimensions were all different. It was concluded that the vessel identified by the CCG as the *Big Kahuna* was in fact an unregistered vessel.

Subpoenas were issued to the Port Hardy Harbour Authority and to a telecommunications company to attempt to identify the vessel and its owner.

On 24 December 2019, the Administrator made an offer of compensation to the CCG in the amount of \$6,811.45, plus statutory interest. The CCG accepted the offer on 6 February 2020, and payment from the Fund in the amount of \$7,346.20, including interest, was made on 14 February 2020.

### **Recovery Action**

Searches carried out by the Fund and *Inquiries Act* subpoenas issued by the Administrator identified the apparent owner of the *Big Kahuna*, but no current address was obtained. Further searches indicated that the owner was facing various criminal charges in Port Alberni.

On 24 November 2020, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Big Kahuna*.

After exhausting investigatory avenues into the owner of the ship, the Administrator determined that there were no further reasonable steps towards recovery available. The legal action was discontinued.

### **Status**

The file was closed on 9 September 2021.

## **Blue Pacific No. 1 (2016)**

Location: Salt Spring Island, British Columbia

File number: 120-800-C1

### **The Incident**

On 3 December 2016, the Canadian Coast Guard (CCG) received a report that the derelict vessel *Blue Pacific No. 1* was listing heavily while at anchor in Fulford Harbour, Salt Spring Island, British Columbia. The vessel was a 68-foot, Canadian-registered former commercial fisher with a wooden hull. Upon receiving the report, the CCG dispatched a lifeboat to the scene. It was observed that the deckhouse of the *Blue Pacific No. 1* had been completely destroyed by a fire that had apparently occurred some years prior. Damage from this fire also extended to the interior of the hull. The vessel's deck and interior were in disarray, strewn with detritus and several buckets and barrels of hydrocarbons. The engine room was exposed to rainwater.

At this time, the CCG pumped out the vessel and reported no pollution. The CCG contacted the registered owner of the vessel on at least two occasions in December of 2016 and instructed him to remove pollutants and set up pumps. He indicated that he lacked both the financial and physical capacity to act as directed.

On 25 December 2016, the CCG received a second report that the *Blue Pacific No. 1* was listing. A lifeboat was again dispatched to the scene and 5,000 litres of water were pumped from the vessel's bilge.

On 28 December 2016, the CCG pumped another 10,000 litres of water from the vessel and tasked two of its Environmental Response (ER) personnel to attend on scene. The ER personnel found that the engine room of the *Blue Pacific No. 1* had substantially flooded, with the space coated in oily sludge. Furthermore, the bilge was contaminated with fuel and oils. On sounding of the fuel tanks, it was estimated that the vessel contained 3,000 litres of fuel and oil in its tanks and machinery. Buckets and barrels on the vessel contained an additional 500 litres. At this stage, an unrecoverable sheen was observed by the ER personnel, who deployed sorbent boom around the vessel's port side, the apparent source of the discharge.

Given the increasing rate of water ingress from both sea and rainwater, the decrepit state of the *Blue Pacific No. 1*, and the inaction of the owner, the CCG determined the vessel posed a substantial pollution risk and resolved to remove it from the marine environment. On 29 December 2016, the vessel was towed by a contractor to Ladysmith.

The CCG arranged for an in-water survey of the *Blue Pacific No. 1* to be conducted on 31 December 2016.

The CCG decided to deconstruct the vessel based on pollution risk from the fuel and oil contained in its tanks, the oil-saturated timbers of the engine room, and the charred wood left by fire. The vessel was removed from the water and deconstruction was complete as of 13 March 2017.

## **The Claim**

On 9 October 2018, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$132,339.06, seeking compensation for costs and expenses arising from the response to the incident involving the *Blue Pacific No. 1*.

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

## **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. Additional documentation was requested from and provided by the CCG. The Administrator found that the CCG response had been generally reasonable given the demonstrated pollution threat posed by the *Blue Pacific No. 1*.

In light of evidence that the survey report procured by the CCG had not informed the ultimate decision to deconstruct the *Blue Pacific No. 1*, the amount claimed for this contracted service was rejected. Further reductions were made to the claims for contracted services to account for various discrepancies. In the absence of justifying evidence, the claim for the cost of 58 days of vessel storage was reduced. Finally, various reductions to CCG salary, travel, and vessel costs were made to account for evidentiary shortcomings and measures found to be duplicative.

The Administrator made an offer of compensation to the CCG in the amount of \$114,129.56, plus accrued interest, on 23 January 2019.

The CCG accepted the offer on 12 February 2019, and payment from the Fund in the amount of \$122,089.99, including interest of \$7,960.43, was made two days later.

## **Recovery Action**

The Administrator contracted a private investigations service to run an asset search on the registered owner of the *Blue Pacific No. 1*. The results were received on 24 January 2019.

On 19 February 2019, in-house legal counsel to the Administrator sent demand letters to two addresses known to be associated with the owner. No response was received.

On 19 March 2019, in an attempt to reliably locate the owner of the *Blue Pacific No. 1*, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company. A response to the subpoena was received on 25 March 2019.

The owner of the *Blue Pacific No. 1* responded to the demand letters sent in February of 2019 by telephone on 29 March 2019.

On 1 May 2019, the Administrator retained external legal counsel, who issued a further demand to the owner of the *Blue Pacific No. 1*.

The Administrator instructed external counsel to file an action in the Federal Court against the owner, which was done on 5 June 2019.

The Defendant was personally served with the Administrator's Statement of Claim on 26 June 2019. Settlement discussions ensued, but these were inconclusive.

As the Defendant had neither filed nor served a Statement of Defence, affidavits were prepared in support of a motion for default judgment in March 2020.

The Administrator's default judgment motion was filed by external counsel on 25 September 2020.

On 30 September 2020, the Federal Court issued a judgment in the amount of \$127,841.12, plus interest, against the owner of the *Blue Pacific No. 1*.

The Administrator's in-house lawyers contacted the owner, who claimed to be impecunious. He supported his impecuniosity claim with financial documentation. Discussions then began, with the aim of determining what amount, if any, the owner might be able to pay in settlement of the Administrator's claim. Those discussions remain ongoing as of the end of the fiscal year.

### **Status**

The file remained open at the end of the fiscal year.



## **Central Isle (2016)**

Location: French Creek, British Columbia

File number: 120-744-C1

### **The Incident**

On 1 June 2016, the Canadian Coast Guard (CCG) was informed that the 35-foot former fishing vessel *Central Isle*, was taking on water and in danger of sinking at French Creek, British Columbia. The CCG was initially unable to locate the owner of the vessel. A lifeboat crew was dispatched to conduct a preliminary assessment, finding the vessel in derelict condition and in immediate danger of sinking and discharging pollutants. Two pumps were deployed to keep the vessel afloat.

The owner of the *Central Isle* eventually contacted the CCG, stating that he lacked the means to act appropriately. As a result, the CCG resolved to have the vessel removed from the marine environment. Meanwhile, the CCG kept the pumps on the vessel operational to ensure that it would not sink.

On 4 June 2016, the CCG engaged a contractor to tow the *Central Isle* to a yard in Ladysmith, where it was hauled out of the water and placed on blocks.

On 9 June 2016, the CCG engaged a marine surveyor to inspect the *Central Isle*. The surveyor found that the vessel's wooden hull had deteriorated to the extent that it could not be safely placed back in the water without significant repairs. The surveyor also found that the vessel's interior was fouled with oil.

On 10 June 2016, the CCG instructed its Ladysmith contractor to proceed with the deconstruction of the vessel, which was completed on 22 June 2016.

### **The Claim**

On 20 February 2018, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$25,035.02, seeking compensation for costs and expenses arising from the response to the incident involving the *Central Isle*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim and made a request to the CCG seeking further information, which was received.

On 4 April 2018, the Administrator made an offer of compensation to the CCG in the amount of \$24,108.07, plus interest.

The CCG accepted the offer on 6 April 2018, and payment from the Fund in the amount of \$25,344.78, including interest, was made on 26 April 2018.

### **Recovery Action**

In-house legal counsel to the Administrator sent a demand letter to the owner of the *Central Isle* on 23 May 2018. No response was received.

The Administrator contracted a private investigations service to run an asset search on the owner of the *Central Isle*, the results of which were received on 12 December 2018.

On 4 January 2019, the Administrator retained external legal counsel, who was instructed to issue a further demand letter to the owner of the *Central Isle*.

The Administrator instructed external counsel to file an action in the Federal Court against the owner of the *Central Isle*, which was done on 2 April 2019.

The Defendant was personally served with the Administrator's Statement of Claim on 5 May 2019.

The Administrator instructed external counsel to file a motion seeking default judgment against the Defendant, who had neither filed nor served a Statement of Defence. This was done on 31 July 2020.

On 10 August 2020, the Federal Court issued a default judgment in favour of the Administrator, in the amount of \$25,344.78, plus pre- and post-judgment interest.

Through external counsel, the Administrator filed for costs. On 9 October 2020, the Administrator's judgment was against real property owned by the judgment debtor.

### **Status**

The file remained open at the end of the fiscal year.

## **Darrell Bay Incident (2018)**

Location: Squamish, British Columbia

File number: 120-833-C1

### **The Incident**

On 12 December 2018, the Canadian Coast Guard (CCG) was notified that a flotilla of vessels had gone adrift during a storm and now posed a risk of oil pollution in Darrell Bay, near Squamish, British Columbia. A CCG environmental response crew was dispatched to assess the situation.

The CCG determined that the vessels involved in the Darrell Bay Incident included:

- The ex-fishing vessel *Zena*,
- The motor vessel *Sea Angel II*,
- The ex-fishing vessel *La Rata Bastarda*,
- An unnamed sailing Vessel (identified in some documents as the *Tantis*),
- An unnamed 18-foot pleasure craft, and
- The ex-tug *J.S. Polhemus*.

The vessels were in different circumstances. *La Rata Bastarda* was inadequately moored to questionable pilings; the unnamed sailing vessel, although secured to a dock, had sunk; the pleasure craft was partially sunken and pinned under a ferry ramp; and the *J.S. Polhemus* had sunk and was discharging pollutants. The CCG was concerned about the *Sea Angel II* and the *La Rata Bastarda*, but no particular peril respecting them was identified.

Efforts were made to place a containment boom around the *J.S. Polhemus* to contain the oil pollution upwelling from the sunken vessel. Those efforts were not effective owing to the underwater geography. A dive team hired by the CCG inspected the *J.S. Polhemus* where it had sunk in approximately 100 feet of water. However, before any decision could be made on raising the vessel, currents caused the *J.S. Polhemus* to slip off of an underwater shelf and further sink to a depth of 300 feet. The CCG ultimately determined that in light of the limited amounts of oil aboard, it was not practical to take further steps to deal with the continuing discharge from that vessel.

Separately, the CCG took steps to have a number of the other vessels involved in the incident removed and disposed of. A containment boom was placed around the *Zena* as it was believed to be leaking oil. The *Zena*, the *Tantis* and the pleasure craft were deconstructed at the site of the Incident. The *Sea Angel II* and the *La Rata Bastarda* were removed from the scene by contractors and later deconstructed.

The CCG response was made more difficult by the fact that a number of other incidents were caused by the same storm. In addition, the apparent owner of the vessels at Darrell Bay was not cooperative.

### **The Claim**

On 17 December 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$202,213.22, seeking compensation for costs and expenses arising from the response to the incident involving the Darrell Bay Incident.

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

### **Assessment and Offer**

On 10 May 2021, an offer letter was issued. Significant portions of the claim were found to arise from measures taken with respect to vessels which were never documented as constituting an oil pollution threat. The portions of the claim deemed eligible amounted to \$43,721.14, and the offer was made in that amount plus statutory interest.

The offer was accepted and paid with interest shortly thereafter.

### **Recovery Action**

The CCG documentation identified the owner of all of the vessels involved in the incident as one individual, who is known to the Fund from other files.

The Administrator commenced an action against the owner in the Federal Court on 20 December 2021. As of the end of the fiscal year, efforts to serve the Defendant remained ongoing.

### **Status**

The file remained open at the end of the fiscal year.

### **Related File**

Unknown Name (Deck Barge), Case number: 120-885-C1 (same owner)

## **Delphinus (2018)**

Location: Gowlland Island, British Columbia

File number: 120-859-C1

### **The Incident**

On 19 February 2018, the Canadian Coast Guard (CCG) received a report of a sailing vessel washed ashore on Gowlland Island, British Columbia. The vessel was described as 42 feet in length, with a green hull and an inboard engine. The CCG Campbell River Lifeboat Station sent a crew to assess the situation.

When the CCG crew arrived, they saw that the vessel was sitting on a beach completely out of the water at low tide. The vessel was listing and appeared unstable. It was believed that this same vessel had been found adrift in January and anchored at that time.

On 20 February 2018, a CCG Environmental Response crew attended at the scene. They determined that the vessel had a 100 litre fuel tank and a four cylinder diesel engine full of oil. There were also loose containers of oil scattered about. The CCG crew was able to remove 75 litres of oil from the fuel tank and four litres from the engine.

On 21 February 2018, the CCG began working with the Royal Canadian Mounted Police to locate the owner of the vessel. This effort did not succeed. The same day, the CCG made arrangements with a salvage contractor to remove the vessel.

On 22 February 2018, the salvage contractor retained by the CCG removed the vessel from the beach and towed it to Freshwater Marina, where it was removed from the water. The vessel was then surveyed and identified as the *Delphinus*.

On 26 February 2018, the CCG determined that the vessel should be deconstructed and obtained a quote for that to be done.

On 30 July 2018, the vessel was deconstructed.

### **The Claim**

On 5 February 2020, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$25,579.91, seeking compensation for costs and expenses arising from the response to the incident involving the *Delphinus*.

The submission provided a narrative and evidence relating to the incident.

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

## **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. The bulk of the claim related to the costs of deconstructing the vessel. The vessel's hull was constructed of ferro-cement, which generally resists contamination by oil, and the claim documents did not otherwise identify how deconstructing the vessel constituted a measure taken with respect to mitigating oil pollution. As a result, the deconstruction elements of the claim were rejected.

Other parts of the claim, relating to the cost of towing and removing the vessel from the water for examination, were deemed admissible.

On 31 July 2020, the Administrator made an offer of compensation to the CCG in the amount of \$4,378.08, plus statutory interest.

The CCG accepted the offer on 25 September 2020. Payment from the Fund in the amount of \$4,819.28, including statutory interest, was made 30 September 2020.

## **Recovery Action**

On investigation, the office of the Administrator found that the *Delphinus* was never registered in Canada, but that the vessel had carried a pleasure craft license in the 1980s, with two individuals listed as its owners. A letter was sent to the last known address for those individuals, but no response was received.

Further investigations turned up no useful leads on the possible owner of the vessel.

With all reasonable measures having been taken to identify and locate an owner, the Administrator decided to close the file.

## **Status**

The file was closed on 18 November 2021.

## **Elva M II (Steveston Harbour Authority) (2016)**

Location: Steveston Harbour, British Columbia

Case number: 120-704-C1

### **The Incident**

On the night of 4/5 November 2016, the 55-tonne fishing vessel *Elva M II*, a wooden vessel built in 1927, sunk while alongside in Steveston Harbour, British Columbia. The local Harbour Authority attended the scene along with the Canadian Coast Guard (CCG) to respond to the incident. They deployed booms and equipment to deal with the pollution. Diving services and local contractors were hired to raise the sunken vessel. The recovery operation took place the same day, and in the evening, the *Elva M II* was removed from the water. Once raised, the vessel was hauled ashore and deconstructed.

### **The Claim**

On 9 February 2017, the Steveston Harbour Authority filed a claim with the Administrator for costs and expenses in response to the incident, in the amount of \$7,649.63, pursuant to the *Marine Liability Act* (MLA).

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 Administrator made an offer to the Steveston Harbour Authority for the established amount of \$7,649.63 plus interest on 22 February 2017, as full and final settlement. The offer was accepted on 6 March 2017, and on 21 March, a payment in the amount of \$7,736.30 including interest was sent to Steveston Harbour Authority.

### **Recovery Action**

On 31 May 2017, a demand letter was sent to the vessel owner, from which a response was received. On 27 June, counsel for the Ship-source Oil pollution Fund (SOPF) informed the vessel owner of the strict liability provisions of the MLA and advised him that action would be commenced by the SOPF in seven days, unless a satisfactory settlement offer was received. In addition, on 29 June, a proposal was sent by counsel to the vessel owner. However, the latter replied that he was unable to pay.

In July 2017, a locator service was engaged to complete an asset search on the vessel owner, and in October 2017, a Statement of Claim was filed. As no Statement of Defence was received, a Motion for Default Judgment was filed with the court, following which a judgment against the vessel owner was received. The Examination in Aid of Execution was held on 22 December 2017.

In August 2018, Counsel for the Administrator filed a Federal Court Garnishment Order. The Court made an order attaching all further payment from the owner's employer to the judgment debtor. By 24 December 2018, the Administrator received a total amount of \$3,266.46 for her subrogated claims of CCG and of Steveston Harbour Authority.

Given the impecuniosity and the age of the owner, the Administrator has assessed that the defendant has reached his ability to pay for the time being and she has decided to suspend further collection. This decision will be subject to review and the Administrator will resume collection in respect of the outstanding judgment should the financial status of the owner improve.

**Status**

The file remains open.

**Related file**

*Elva M II* (CCG claim), case number 120-704-C1-1 (same incident, different claimant)



## **Elva M II (CCG) (2016)**

Location: Steveston Harbour, British Columbia

Case number: 120-704-C1-1

### **The Incident**

On the night of 4/5 November 2016, the 55-tonne fishing vessel *Elva M II*, a wooden vessel built in 1927, sunk while alongside in Steveston Harbour, British Columbia. The Canadian Coast Guard (CCG) attended the scene along with the local Harbour Authority. The vessel owner advised CCG that he was not financially able to respond to the incident. Hence, CCG assumed the role of On-Scene Commander and advised the owner that he would be liable for the costs and expenses incurred.

CCG and the Harbour Authority deployed booms and equipment to deal with the pollution. Diving services and local contractors were hired to raise the sunken vessel. The recovery operation took place the same day, and in the evening, the *Elva M II* was removed from the water. Once raised, the vessel was hauled ashore and deconstructed.

### **The Claim**

CCG's request for payment for costs and expenses incurred having been declined by the vessel owner, it then filed a claim pursuant to the *Marine Liability Act* (MLA), with the Administrator on 28 February 2017 in the amount of \$46,351.57.

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 Administrator made an offer to CCG for the established amount of \$46,351.57 plus interest on 31 March 2017, as full and final settlement. The offer was accepted on 24 April 2017, and on 15 May 2017, a payment in the amount of \$46,967.15 including interest was sent to CCG.

### **Recovery Action**

On 31 May 2017, a demand letter was sent to the vessel owner, to which a response was received. On 27 June, counsel for the Ship-source Oil pollution Fund (SOPF) informed the vessel owner of the strict liability provisions of the MLA and advised him that action would be commenced by the SOPF in seven days, unless a satisfactory settlement offer was received. In addition, on 29 June, a proposal was sent by counsel to the vessel owner. However, the latter replied that he was unable to pay.

In July 2017, a locator service was engaged to complete an asset search on the vessel owner, and in October 2017, a Statement of Claim was filed. As no Statement of Defence was received, a Motion for Default Judgment was filed with the court, following which a judgment against the vessel owner was received. The Examination in Aid of Execution was held on 22 December 2017.

In August 2018, Counsel for the Administrator filed a Federal Court Garnishment Order. The Court made an order attaching all further payment from the owner's employer to the judgment debtor. By 24 December 2018, the Administrator received a total amount of \$3,266.46 for her subrogated claims of CCG and of Steveston Harbour Authority.

Given the impecuniosity and the age of the owner, the Administrator has assessed that the defendant has reached his ability to pay for the time being and she has decided to suspend further collection. This decision will be subject to review and the Administrator will resume collection in respect of the outstanding judgment should the financial status of the owner improve.

### **Status**

The file remains open.

### **Related file**

*Elva M II* (Steveston Harbour Authority), case number 120-704-C1 (same incident, different claimant).

## **Foss 153 (2020)**

Location: Dinan Bay, Haida Gwaii, British Columbia  
Case number: 120-862-I-G

### **The Incident**

On 22 April 2020, a valve feeding diesel fuel to a generator on the accommodation barge *Foss 153*, failed, spilling diesel fuel into the waters of Dinan Bay, Haida Gwaii, British Columbia. Shoreline effects were observed. The owner of the barge began a response.

A Transport Canada overflight on 23 April 2020 estimated that 1,970 litres had been spilled. It was later reported that the spill may have been as large as 4,500 litres.

A virtual Unified Command was formed, consisting of the owner of the barge, the Canadian Coast Guard (CCG), the British Columbia Ministry of Environment and Climate Change Strategy (BCMOE), and the Haida Nation.

The owner engaged contractors that conducted impact assessments and environmental sampling. Sorbent materials were also deployed. The Unified Command response concluded on 30 April 2020, with continued environmental monitoring in place thereafter.

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

On 6 May 2020, the office of the Administrator contacted the CCG in order to collect additional information on the incident involving the *Foss 153*.

The CCG responded on 21 May 2020, indicating that it expected to file a claim with respect to its response.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.

## **Friday While (2019)**

Location: Tsehum Harbour, Sidney, British Columbia

File number: 120-881-C1

### **The Incident**

On 9 January 2019, the Canadian Coast Guard (CCG) was notified that an approximately 30-foot fibreglass pleasure craft, identified as the *Friday While*, had sunk near the Van Isle Marina, in Tsehum Harbour. The harbour is located in Sidney, British Columbia.

The CCG dispatched a response crew who found the vessel mostly sunken, with a small portion protruding above the water. A small, unrecoverable sheen was observed. Pollution countermeasures were deployed.

The amount of oil aboard the sunken vessel was not known. To prevent possible future discharges of oil, the CCG determined the *Friday While* should be raised and removed from the marine environment. A contractor was retained for that purpose.

After the vessel was removed from the water, the CCG had it deconstructed on the basis that the vessel itself posed an oil pollution risk.

### **The Claim**

On 31 December 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$27,442.55, seeking compensation for costs and expenses arising from the response to the incident involving the *Friday While*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the sinking and the unknown quantity of oil pollutants on board the *Friday While*. As a result, costs associated with the deployment to inspect the vessel and to remove it were approved. The costing for the use of the CCG response craft involved in the response was not accepted, and a lesser amount was paid for the use of the response craft as a result.

The claims for CCG personnel time were generally accepted, but some reductions were made as the CCG escalated its personnel deployment on the second day of the response, and the evidence did not support such a decision.

The evidence did not establish that the *Friday While* in fact posed an oil pollution threat once it was removed from the water. The costs relating to the deconstruction of the vessel were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$10,531.22, plus accrued statutory interest, on 3 March 2021.

The CCG accepted the offer on 16 April 2021, and payment of \$11,329.39, which included the principal plus \$798.17 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

The office of the Administrator is attempting to contact the person believed to have been the owner of the *Friday While* at the time of the incident.

A number of possible addresses for the individual in question were found, but further investigation revealed that the individual was likely deceased. In an attempt to make contact with a representative of that individual's estate, several letters of inquiry were posted. No response was received.

Attempts to make contact with the apparent owner's estate continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **George H. Ledcor (2018)**

Location: Deering Island, Vancouver, British Columbia  
Case number: 120-806-R

### **The Incident**

On 13 August 2018, the 81-tonne Canadian-flagged tugboat, *George H. Ledcor* capsized and sank off Deering Island in the Fraser River, British Columbia. The *George H. Ledcor* was successfully raised following a salvage effort on 16 August 2018.

The Canadian Coast Guard (CCG) responded to the incident and pumped out the tug into barges for appropriate disposal. Furthermore, the CCG advised the media that they had used pollution containment and recovery equipment, and that absorbent booms had been deployed. CCG advised that it remained in place until the tug was towed for removal from the marine environment.

According to CCG, the tugboat had a fuel capacity of 22,000 litres. It remained unclear how much fuel was spilled into the river.

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

When informed of the incident, the office of the Administrator contacted the CCG and the British Columbia Ministry of Environment (BCMOE) in order to get an estimated cost of the response operation so that the Administrator could demand security from the shipowner.

In October 2018, in-house counsel for the Administrator reached out to the counsel for the P&I club requesting security. In December 2018, the P&I counsel advised that they had approached the relevant government agencies for information as to the amount of their claims and that they would make recommendations with respect to Letters of Undertaking from the club once this information was provided.

In March 2020, counsel for the Administrator reached out to counsel for the P&I club who advised that discussions with BCMOE and CCG were ongoing.

In March 2021, counsel for the Administrator again contacted counsel for the P&I, seeking an update. It was communicated that discussions with the BCMOE and the CCG had not progressed.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.

## **Go-Getter (2019)**

Location: Port Hardy, British Columbia

File number: 120-906-C1

### **The Incident**

On 2 December 2019, Canadian Coast Guard (CCG) personnel at Port Hardy observed the small fishing vessel *Go-Getter* listing alongside a dock. Water was observed in the vessel's bilge, and an oily sheen was sighted around the vessel. An electric pump was deployed to dewater the vessel.

CCG personnel determined that there was a small volume of fuel and engine oil on board the *Go-Getter*, and that the water in the vessel's bilge was oily. The CCG determined that the vessel should be removed from the water. The owner was contacted, but he was unable to respond.

On 3 December 2019, the CCG hired a contractor to remove the *Go-Getter* from the water. This was done the following day, and the vessel was towed over land to a storage facility. Significant damage was noted to the vessel's hull.

On 11 December 2019, the CCG issued a notice to the owner, requiring that he pay the CCG's costs to that point before he would be allowed to retake possession of the vessel. The owner informed the CCG that he would be unable to pay.

On 13 December 2019, the CCG had the vessel surveyed. Ultimately, the CCG chose to deconstruct the vessel, which work was completed in January 2020.

### **The Claim**

On 24 November 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$12,623.68, seeking compensation for costs and expenses arising from the response to the incident involving the *Go-Getter*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding that the evidence had failed to show that large portions of the CCG's costs, including those associated with the removal and deconstruction of the *Go-Getter*, were directed at preventing oil pollution.

The Administrator made an offer of compensation to the CCG in the amount of \$2,123.68, plus accrued statutory interest, on 18 February 2022.

The Administrator's offer of compensation was outstanding as of 31 March 2022.

**Status**

The file remained open at the end of the fiscal year.



## **Halary No. 1 (2018)**

Location: Campbell River, British Columbia

File number: 120-873-C1

### **The Incident**

On 11 October 2018, the Canadian Coast Guard (CCG) was notified that an approximately 35-foot former fishing vessel, the *Halary No. 1*, had sunk alongside the dock at Discovery Harbour, in Campbell River, British Columbia.

Personnel from the CCG's local Lifeboat Station were dispatched to the scene, where they observed oil pollution upwelling from the sunken vessel. They deployed sorbent materials, alongside the Harbour Master. The owner of the vessel, who was also on scene, estimated that as much as 200 gallons of fuel were on board. The owner stated that he was unable to provide assistance to the CCG, financial or otherwise.

CCG Environmental Response, acting remotely from Victoria, determined that the sunken vessel would need to be raised in order to mitigate any oil pollution threat. A local contractor was engaged to this end, and work began immediately. Divers from another contractor were brought in to assist with the raising operation, and the *Halary No. 1* was refloated on the afternoon of 11 October 2018. With no surveyor available, it was decided to have the vessel removed from the water immediately.

The CCG's contractor removed the *Halary No. 1* on the morning of 12 October 2018, and the vessel was transported to a storage facility belonging to another contractor. Soiled sorbent materials were disposed of.

On 23 October 2018, the CCG had the *Halary No. 1* surveyed while it sat on blocks. The surveyor observed light oil fouling in the vessel's machinery space bilge and noted that oils probably remained in its fuel tanks and machinery. The vessel was found to be in poor condition and valueless.

On 30 October 2018, the CCG engaged the owner of the storage facility to deconstruct and dispose of the *Halary No. 1*. This operation was completed by 22 December 2018.

### **The Claim**

On 9 October 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$25,413.44, seeking compensation for costs and expenses arising from the response to the incident involving the *Halary No. 1*.

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

## **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the raising and removal portions of the CCG's operation involving the *Halary No. 1* were reasonable given the active pollution threat posed by the vessel. With respect to costs associated with the deconstruction of the vessel, however, the Administrator found that insufficient evidence had been provided in support of the CCG's decision-making process. As a result, this portion of the claim was rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$17,021.27, plus accrued statutory interest, on 28 January 2021.

The CCG accepted the offer on 12 March 2021, and payment from the Fund in the amount of \$18,551.74, including interest, was made on 17 March 2021.

## **Recovery Action**

On 25 January 2021, in-house Legal Counsel to the Administrator obtained from Transport Canada a registration transcript for the *Halary No. 1*. The transcript showed that the registered owner of the vessel was not the same individual as the owner identified by the CCG.

The same day, counsel sent a letter of inquiry to the registered owner of the vessel, who responded explaining that he had sold the vessel to the individual identified by the CCG several years prior to its sinking. Though he had no documentation of the alleged sale, the registered owner did eventually provide an invoice from Discovery Harbour that suggested the alleged purchaser was in fact the owner of the *Halary No. 1* at the time of the sinking.

On 9 March 2021, counsel obtained further documentation linking the alleged purchaser to the *Halary No. 1*.

In an attempt to obtain a current address for the apparent owner of the *Halary No. 1*, the Administrator issued *Inquiries Act* subpoenas to BC Hydro and the Insurance Corporation of British Columbia on 10 March 2021. Responses were received shortly thereafter.

On 19 March 2021, counsel sent a demand letter to the individual whose address was obtained via subpoena.

In the course of investigations into the apparent owner, it was learned that he was suffering from extremely poor health. He appeared to have been hospitalized for some time.

In light of the high cost and complexity of litigating against some severely ill persons, and in considering that there was no evidence that the apparent owner of the *Halary No. 1* had any meaningful financial resources, it was determined that all reasonable measures to recover on this file had been exhausted.

## **Status**

The file was closed on 21 October 2021.

## **Knot (2021)**

Location: Todd Inlet, British Columbia

File number: 120-901-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving a former fishing vessel known as the *Knot* on or about 26 September 2021. The Administrator's understanding is the ship had been abandoned at anchor for some time. The vessel took on water and sank, or substantially sank, prompting a response by the CCG.

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

The vessel appears to be unregistered. Its present owners are not known and it appears to have been used for illicit purposes for some time prior to its sinking. Consequently, it is not possible to take steps to obtain security at this time.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Lady Candy (2022)**

Location: Bella Coola, British Columbia

File number: 120-914-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving the fishing vessel known as the *Lady Candy* on or about 1 January 2022. The Administrator's understanding is that the ship sank while at a dock. It was subsequently refloated and towed. Some discharge of oil is believed to have occurred during the incident.

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

Following the incident, the Administrator investigated the ownership status of the vessel. Based on the available information, it was determined that obtaining security with respect to the ship was not feasible.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Laurier II (2014)**

Location: Deep Bay, British Columbia

File number: 120-742-C1

### **The Incident**

On 14 July 2014, the Canadian Coast Guard (CCG) was informed by the Harbour Authority at Deep Bay, British Columbia, that the *Laurier II*, an abandoned vessel of 201 GT that had long been at anchor in the area, posed an oil pollution threat.

On 31 July 2014, the CCG sent a Direction under the *Canada Shipping Act, 2001* to the presumed owner informing him of his responsibilities. This individual responded, declaring that he was a representative of the registered corporate owner of the vessel. He informed the CCG that the vessel was being monitored and that repairs were planned.

Throughout the next two years, the CCG periodically checked on the *Laurier II*. It was moored in a sensitive area. On occasion, the CCG pumped water ingress out of the vessel.

On 23 June 2016, the CCG contracted a marine consultant to survey the *Laurier II* to assess its condition and locate and quantify the pollutants on board. Two CCG Environmental Response (ER) personnel were on scene during the survey.

The survey report indicated that the *Laurier II* was in poor condition. Significant quantities of diesel and lubricating oils were present in its fuel tanks, fuel lines, engines, and engine beds. The surveyor recommended dry-docking the vessel in order to ensure its integrity and reduce the risk of pollution.

On 30 August 2016, the Deep Bay Harbour Authority advised the CCG that the *Laurier II* was low in the water and likely to sink. CCG personnel stationed nearby were tasked to pump out the vessel and take further measures as needed. The vessel was dewatered, and the CCG personnel identified a baseball-sized hole in the starboard bow about a foot below the waterline. A temporary plug was installed and the water ingress was stopped.

On 1 September 2016, the CCG sent a further Direction under the *Canada Shipping Act, 2001* to the owner's representative, ordering him to take measures to prevent oil pollution damage from the *Laurier II*. A response was required by 7 September 2016. On 2 September 2016, the owner's representative replied that a crew would be on site on 6 September 2016 to conduct interim repairs.

On 6 September 2016, the CCG observed that the crew working on the *Laurier II* appeared to be removing items from the vessel rather than making the required repairs. Satisfied that the vessel now posed an imminent pollution threat, the CCG decided to have it towed out of Deep Bay to a location where it could be more easily monitored. The owner's representative was informed that the owner would be liable for the costs incurred by the CCG.

On 6 September 2016, a contractor hired by the CCG towed the *Laurier II* to Ladysmith.

On 12 September 2016, a second survey of the *Laurier II* was conducted and Transport Canada Marine Safety (TCMS) conducted its own inspection. The surveys found that the vessel was at high risk of spontaneous foundering, which would lead to oil pollution.

A final Direction was issued to the owner's representative on 24 October 2016, ordering him to remove the *Laurier II* from the marine environment. With no timely response, the CCG contracted to have the vessel removed and deconstructed. Deconstruction began on 7 November 2016 and was completed on 31 January 2017.

### **The Claim**

On 22 January 2018, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$384,365.01, seeking compensation for costs and expenses arising from the response to the incident involving the *Laurier II*.

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

### **Assessment and Offer**

The Administrator carried out investigation and assessment of the claim, during which several requests were made to the CCG for additional information and documentation.

The Administrator was satisfied that the oil pollution threat posed by the *Laurier II* justified the measures undertaken by the CCG, including removal and deconstruction of the vessel. However, the Administrator found that some of the claimed costs arising from contracted services were not justified. Reductions were made accordingly.

On 7 February 2019, the Administrator made an offer to the CCG in the amount of \$265,768.99, plus accrued interest of \$17,892.23.

The CCG accepted the offer on 8 April 2019, and payment in the amount of \$283,661.22, including interest, was made on 18 April 2019.

### **Recovery Action**

On 8 July 2019, the Administrator engaged external legal counsel to provide an opinion on the viability of recovery on this file. The opinion was received on 15 August 2019.

On 18 September 2019, in-house counsel to the Administrator sent a demand letter to the registered owner of the *Laurier II*. No response was received.

On 8 July 2020, in-house counsel to the Administrator filed an action in the Federal Court against the corporate registered owner of the *Laurier II*. The Administrator's Statement of Claim was personally served on the Defendant on 17 August 2020.

On 4 September 2020, counsel for the Defendant filed and served a Statement of Defence.

On 18 February 2021, the Administrator's Affidavit of Documents was sent to counsel for the Defendant. At the end of the fiscal year, no response had been received.

As of 31 March 2022, the Administrator's efforts to recover on this file continued.

**Status**

The file remained open at the end of the fiscal year.

## **Maverick IV (2018)**

Location: Cowichan Bay, British Columbia

File number: 120-871-C1

### **The Incident**

On 5 October 2018, the Canadian Coast Guard (CCG) was notified that an approximately 55-foot pleasure craft, identified as the *Maverick IV*, was sinking at Cowichan Bay, British Columbia. Local marina personnel had deployed several small pumps on board the vessel, and contact had not been made with the owner.

The CCG dispatched personnel from the Ganges Lifeboat Station to assess the situation. It also dispatched Environment Response (ER) personnel from Victoria, who were equipped with a Pollution Response Vessel (PRV). In addition, a local contractor was engaged. The contractor was first to arrive on scene. It reported that the *Maverick IV* had broken loose from the dock and was still slightly buoyant. A slight oil sheen was present. The contractor towed the vessel into shallower water, grounding it, and Ganges Lifeboat Station personnel deployed sorbent materials around the vessel.

When ER personnel arrived on scene, they deployed additional sorbents and relieved the Lifeboat Station personnel. The *Maverick IV* was deemed a continuing oil pollution threat, and the contractor was engaged to raise it and remove it from the water.

The *Maverick IV* was raised at low tide on 6 October 2018, under the supervision of ER personnel. Subsequently, pumps were placed on the vessel and the CCG's contractor towed it to the Sidney facilities of another contractor, where it was removed from the water. ER personnel escorted much of the tow in their PRV.

Though the CCG's narrative terminated at that stage, invoices submitted as part of the claim showed that the *Maverick IV* was ultimately surveyed and deconstructed by contractors engaged by the CCG. The survey report found that the vessel's fuel tanks and machinery were estimated to be full of oils and water. The surveyor could not access much of the vessel's interior, as it was full of detritus, but it was concluded based on leaking lower hull planks that oily water was present in the bilge.

### **The Claim**

On 24 September 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$52,522.45, seeking compensation for costs and expenses arising from the response to the incident involving the *Maverick IV*.

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



## **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the early stages of the CCG's response were reasonable given the discharge and unknown quantity of oil pollutants on board the *Maverick IV*. As a result, costs associated with the deployment of sorbent materials, the raising, and removal of the vessel were accepted. Due to a lack of evidence showing that the vessel was saturated with oils and in the absence of any explanation of the CCG's decision-making process, however, the deconstruction costs were largely rejected. To the extent that they could be clearly linked with oil pollutants, some of the claimed disposal costs were accepted.

The Administrator made an offer of compensation to the CCG in the amount of \$18,905.55, plus accrued statutory interest, on 17 December 2020.

The CCG accepted the offer on 26 January 2021, and payment from the Fund in the amount of \$20,439.56, including \$1,534.01 in interest, was made shortly thereafter.

## **Recovery Action**

On 28 September 2020, in-house Legal Counsel the Administrator obtained the registration transcript for the *Maverick IV* from Transport Canada.

The same day, counsel spoke to the manager of the marina where the *Maverick IV* incident occurred. The manager wrote back on 30 September 2020, providing a name and contact details for an individual who he understood to be the owner of the vessel. That individual was not the registered owner of the vessel.

On 7 and 8 October 2020, the Administrator issued *Inquiries Act* subpoenas to BC Hydro in an attempt to obtain a current address for the registered owner of the *Maverick IV* as well as the individual identified by the marina manager. Responses were received shortly thereafter, appearing to disclose a viable address for the registered owner but not for the other individual.

On 15 October 2020, counsel sent a letter of inquiry to the registered owner of the *Maverick IV*.

Counsel wrote to the CCG on 29 October 2020 to request further detail on an unnamed individual identified in the CCG's claim documentation as a possible owner of the *Maverick IV*. On 8 November 2020, the CCG replied, stating that the individual its personnel had spoken to turned out not to be the owner, and that the vessel's registered owner was deceased by the time of the incident. Further details on the CCG's interactions with the unnamed individual were requested, along with an explanation of how that individual was ruled out as a possible owner.

On 11 November 2020, counsel received an email from the registered owner of the *Maverick IV*, who was not in fact deceased. The registered owner stated that he had sold the vessel nearly a decade prior to its sinking. He was not able to offer documentation of the transfer, but he provided a physical description of the alleged purchaser and confirmed that he recognized the name provided by the marina manager.

On 27 November 2020, the Administrator issued an *Inquiries Act* subpoena to the Insurance

Corporation of British Columbia, in an attempt to locate the individual identified by the marina manager and the registered owner of the *Maverick IV*. A response was received on 8 December 2020.

On 12 April 2021, counsel sent a demand letter to the apparent owner of the *Maverick IV*. The individual responded shortly thereafter, providing documentation of correspondence between himself and the registered owner. Though he had entered into an agreement to purchase the vessel in 2012, paid for it in part, and taken possession, the individual took the position that he was not the owner at the time of the *Maverick IV* at the time of its sinking. A list of follow-up questions was put to the individual, but no response was received.

On 30 September 2021, in-house counsel to the Administrator filed an action in the Federal Court against the apparent owner of the *Maverick IV*. Initial attempts to serve him were unsuccessful, as it appeared he had moved house since April 2021. Follow-up *Inquiries Act* subpoenas were issued, and a current address for service was obtained. Ultimately, the Defendant was served just outside the time period allowed under the *Federal Courts Rules*, so a motion was filed with the Court on 23 December 2021 to retrospectively extend that time period. In early January 2022, the Defendant hired a lawyer.

As of 31 March 2022, the Administrator was awaiting a determination from the Court with respect to her motion to extend time for service.

### **Status**

The file remained open at the end of the fiscal year.

## **Miss Terri (2018)**

Location: Discovery Harbour, Campbell River, British Columbia

File number: 120-869-C1

### **The Incident**

On 23 February 2018, the Canadian Coast Guard (CCG) was notified that an approximately 67-foot fishing vessel, identified as the *Miss Terri*, was taking on water at an excessive rate at Discovery Harbour, Campbell River, British Columbia.

The CCG dispatched a crew to the scene of the incident. The CCG installed supplemental pumps to dewater the *Miss Terri* and instructed its owner to take measures to address the threat of oil pollution.

On 11 September 2018, a CCG environmental response crew was inspecting another vessel at Discovery Harbour when they observed that the *Miss Terri* was sitting low in the water. They contacted the *Miss Terri*'s owner who advised he could not immediately attend to the situation because he was at sea aboard another vessel.

On 18 September 2018, the harbour master at Discovery Harbour called the CCG and advised that the *Miss Terri*'s pumps were running continuously. The CCG deployed an environmental response crew and hired a contractor to tow the *Miss Terri* to another facility where it could be continuously monitored.

The CCG made efforts to get the *Miss Terri*'s owner to take responsibility for the vessel. The owner did not take appropriate actions. Rather, he began threatening legal action against CCG personnel involved in the incident response.

The CCG instructed its contractor to begin deconstructing the *Miss Terri*, and on 29 November 2018 that process began. Deconstruction was completed on 14 December 2018.

### **The Claim**

On 4 September 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$88,576.24, seeking compensation for costs and expenses arising from the response to the incident involving the *Miss Terri*.

The Administrator determined that the claim might be time limited under Part 7 of the *Marine Liability Act*.

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. 23 February 2020, the Administrator issued a draft offer letter to the CCG. The draft offer noted that it was possible that the incident involved discharges of oil and that, drawing appropriate inferences from the evidence, some of those discharges may have taken place more than two years before the CCG claim was submitted to the Administrator. If the claim was submitted more than two

years after an event of oil pollution damage, it may not be admissible.

The CCG provided a response letter on 30 March 2021.

On 17 May 2021, the claim was disallowed. The rejection was made on the basis that the claim had not been submitted within two years of a discharge which caused oil pollution damage. The Canada challenged the disallowance by way of both an application for judicial review and an appeal. The hearing of those challenges is scheduled for July of 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Mistann (2011)**

Location: Prince Rupert, British Columbia

Case number: 120-608-C1

### **The Incident**

On 14 October 2011, the 37-foot fibreglass fishing vessel, *Mistann*, sank at the Yacht Club in Prince Rupert with approximately 1200 litres of diesel fuel and an unknown quantity of lube oil on board. The owner was informed of his responsibilities, but he replied that he could not respond since he had no insurance. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander. The CCG Environmental Response (CCG ER) personnel, judging that the vessel was a risk to the marine environment, deployed boom to contain the spill.

A local contractor was engaged to assess the vessel and mitigate the pollution. Divers assessed the vessel and noted that it was sitting upright with vents plugged. Meanwhile, the vessel was still polluting and it was difficult to determine the amount of pollutants still on board. A decision was subsequently taken to raise the vessel to remove the remaining hydrocarbons. The work was hindered by strong gusting winds, the tidal currents and the local Yacht Club traffic. Late on 17 October, the vessel was finally raised to surface, dewatered, refloated and taken to the contractor's shipyard for further assessment. Repairs were made to the vessel engines.

On 9 December 2011, a Notice of Intent to put the vessel up for sale was sent by CCG to the vessel owner. However, it was returned to CCG as undeliverable. In January 2012, the *Mistann* was sold by CCG for \$1,200.

### **The Claim**

On 26 April 2012, the Administrator received a claim, made pursuant to the *Marine Liability Act* (MLA), in the amount of \$113,787.48 from CCG, on behalf of the Minister of Fisheries and Oceans (DFO/CCG).

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

### **Assessment and Offer**

Investigation and assessment of the claim were carried out. A part of the Contract Services portion of the claim was disallowed since the vessel salvage operation over the weekend, which incurred premium costs, was not considered necessary. The costs relating to the repairs of the vessel engines were not accepted as reasonable either. Besides, the rate for the calculation of administration charges was adjusted.

On 12 September 2012, an offer for the established amount of \$100,462.51 plus interest was made by the Administrator to DFO/CCG as full and final settlement. DFO/CCG accepted the offer and received payment of \$103,428.74 (inclusive of interest) on or about 27 September 2012.

### **Recovery Action**

On or about 16 October 2012, the counsel for the Ship-source Oil Pollution Fund (SOPF) sent a letter to the registered owner of the *Mistann* requesting payment of the amount paid by the

SOPF to CCG. The letter was returned to the sender, marked with “moved/unknown”. In order to try to locate the registered owner and identify assets that may be available for recovery purposes, a professional locator firm was engaged by the Administrator.

On 20 September 2013, counsel for the SOPF served a Statement of Claim on the vessel owner at Port Edward near Prince Rupert. No Statement of Defence was filed. On 29 January 2014, a default judgment against the defendant was issued by the Prothonotary of the Federal Court in Vancouver.

In 2016, the Administrator learned that the owner of the *Mistann* also owned two other vessels. A legal action was subsequently taken to seize those assets. In February 2017, three vessels, generator sets and one vehicle belonging to the vessel owner were seized and sold, from which sale the SOPF recovered \$18,080.42, after costs.

In July 2018, a further search was conducted but no new pursuable assets or streams of income could be identified.

### **Status**

The file remains open.

## **Nathan E. Stewart (2016)**

Location: Bella Bella, British Columbia

File number: 120-697-C1

### **The Incident**

On 13 October 2016, the tug *Nathan E. Stewart* ran aground, sank, and spilled diesel fuel at the entrance to Seaforth Channel, near Bella Bella, British Columbia. 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. 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.

### **The Claim**

On 11 October 2019, the Administrator received a submission from lawyers for the Heiltsuk Tribal Council. The submission made complex submissions to the effect that the Heiltsuk Tribal Council sought to advance claims under s. 107 of the *Marine Liability Act* to the Administrator for the benefit of the members of the Heiltsuk Nation or, in the alternative, submit claims on behalf of the individual members of the Heiltsuk Nation in a collective fashion.

The letter also requested that a determination of the Heiltsuk Tribal Council submission not be made at present time as evidence not currently available may become available as separate court proceedings continue.

The Administrator is developing a response to the Heiltsuk Tribal Council's submission and requests. The expected response may necessitate increased interactions with individual claimants, and has therefore been delayed in light of the ongoing COVID-19 pandemic.

### **Status**

The file remained open at the close of the fiscal year.

**Related File**

120-697-L-S – *Nathan E. Stewart* (Litigation arising out of the same incident)



## **Nathan E. Stewart (2016)**

Location: Bella Bella, British Columbia

File number: 120-697-L-S

### **The Incident**

On October 13, 2016, the tug *Nathan E. Stewart* ran aground, sank, and spilled diesel fuel at the entrance to Seaforth Channel, near Bella Bella, British Columbia. 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.

### **The Administrator as a 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*.

On April 1, 2019, the owners filed a "Jurisdictional response" (Court Form 108), pursuant to Rule 21-8 of the *British Columbia Supreme Court Civil Rules*. Effectively the owners disputed the jurisdiction of the British Columbia Supreme Court to determine the claims initiated by the Heiltsuk Nation.

On May 1, 2019, the owners filed a Notice of Application in the British Columbia Supreme Court seeking an order staying or dismissing that action as against the owners. At the same time, the owners initiated an action in the Federal Court of Canada, under court file T-733-19. They also sought an order constituting a limitation fund and enjoining other proceedings.

On May 31, 2019, the Heiltsuk Nation filed a Notice of Application before the British Columbia Supreme Court seeking an order that that court confirm its jurisdiction to adjudicate the Heiltsuk Nation's claims.

On June 14, 2019, the Chief Justice of the Federal Court issued a direction to the Heiltsuk Nation to bring a motion seeking to stay the Federal Court proceeding and for that motion to be heard on July 8, 2019.

On July 3, 2019, the Administrator, as a party by statute to the Federal Court proceedings, filed a Notice of Appearance and submitted motion records in response to the enjoining motion and the motion to stay the Federal Court Proceedings.

On July 26, 2019, the Federal Court issued an order granting the owners motion to constitute a limitation fund and granting the order to halt other proceedings — but only in part. Certain of the Heiltsuk Nation's claims in the British Columbia proceeding were allowed to proceed in parallel with the Federal Court proceeding.

Both sets of legal proceedings remain ongoing.

### **The Administrator as a Defendant**

The Heiltsuk Nation issued a counterclaim in the Federal Court proceeding against the Administrator, the owners, and the Federal Crown. All defendants to the counterclaim have defended, and the Heiltsuk Nation has issued a number of replies to the defences to counterclaim.

The litigation has not advanced during the COVID-19 pandemic.

### **Status**

The file remained open at the close of the fiscal year.

### **Related File**

120-697-C1 – *Nathan E. Stewart* (Submission under s. 107 to the Administrator by the Heiltsuk)

## **Nika (2017)**

Location: Campbell River, British Columbia

File number: 120-808-C1

### **The Incident**

On 12 May 2017, the Canadian Coast Guard (CCG) was notified that the approximately 50-foot pleasure craft *Nika* was discharging oil at Fresh Water Marina, in Campbell River, British Columbia.

CCG personnel were dispatched from the Campbell River lifeboat station. They observed a substantial diesel sheen around the vessel, which was sitting low in the water. On boarding the vessel, they observed diesel throughout the bilge and engine compartments, noting that this was being pumped overboard. Fresh Water Marina pumped diesel from inside the vessel into waste drums. The CCG contacted the registered owner of the vessel, who agreed to have it removed from the water and to conduct repairs to the fuel lines.

On 16 May 2017, the CCG was informed that the vessel was again discharging diesel. CCG personnel arrived on scene and determined that the bilge pump was again the cause. Unsuccessful attempts were made to contact the owner, and the CCG directed Fresh Water Marina to remove the vessel from the water.

On 17 May 2017, two CCG Environmental Response (ER) personnel travelled from Victoria to Campbell River to assess the situation. They observed diesel saturation throughout the vessel's interior, and soft spots in the hull. Further, they noted that the fuel line had not been repaired. The CCG engaged a surveyor to inspect the vessel, which was done on 21 May 2017. The surveyor noted oil fouling throughout the interior of the *Nika*.

The CCG made several attempts to contact the owner, but received no response until 1 June 2017, when the owner sent an email claiming to have paid Fresh Water Marina for the haul-out. The owner further indicated that he planned to have the vessel remediated in Nanaimo.

Throughout the above period, and extending to 6 July 2017, the CCG issued three Directions under the *Canada Shipping Act, 2001* to the owner stating that the *Nika* remained a threat to the marine environment and ordering him to make necessary repairs. Having received no satisfactory plan from the owner, the CCG opted to have the *Nika* deconstructed by a contractor. This was done by Fresh Water Marina on or about 19 July 2017.

### **The Claim**

On 26 March 2019, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$23,646.38, seeking compensation for costs and expenses arising from the response to the incident involving the *Nika*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the CCG operation involving the *Nika* was reasonable given the pollution threat posed by the vessel. Given the owner's persistent lack of cooperation, reductions were applied to the costs associated with storing the vessel on blocks after 6 July 2017.

The Administrator made an offer of compensation to the CCG in the amount of \$22,720.29, plus accrued interest of \$2,074.41, on 1 May 2019.

The CCG accepted the offer on 14 May 2019, and payment from the Fund in the amount of \$24,794.70, including interest, was made on the same date.

### **Recovery Action**

On 15 July 2019, the office of the Administrator sent a demand letter to the registered owner of the *Nika*, who replied by telephone on 31 July 2019, leaving a voice message. Further attempts to contact the owner were unsuccessful.

The Administrator contracted a private investigations service to run an asset search on the owner, the results of which were received on 21 August 2019.

On 8 May 2020, the office of the Administrator filed an action in the Federal Court against the owner of the *Nika*.

On 4 June 2020, counsel sent a demand letter enclosing a copy of the Administrator's Statement of Claim to the owner via registered mail. No response was received.

Counsel to the Administrator engaged a local process server, who effected personal service of the Administrator's Statement of Claim on the owner of the *Nika*, on 6 August 2020.

With no Statement of Defence filed or served on the Administrator, counsel filed written representations to the Federal Court on 5 March 2021, seeking default judgment against the owner of the *Nika*.

On 9 March 2021, the Federal Court issued a default judgment in favour of the Administrator in the amount of \$25,674.45. This amount included statutory interest accrued to the date of the judgment. The Administrator was also awarded post-judgment interest.

Measures to recover the amount of the judgment from the owner of the *Nika* were ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Pacific Fibre Barge No. 1 (2018)**

Location: Port Mellon, British Columbia

File number: 120-813-C1

### **The Incident**

On 31 January 2018, the Canadian Coast Guard (CCG) received a report of a strong odour of diesel emanating from a water lot adjacent to a log sort at Port Mellon, British Columbia. A floating structure at the water lot appeared to have recently sunk.

Using Google Maps, the CCG was able to identify the structure as part of a wood chip conveyor system connected to an apparently disused wood handling facility.

The CCG had some uncertainty as to whether the structure qualified as a “ship” pursuant to the *Marine Liability Act*. Notwithstanding those concerns, the CCG mobilized a response on the basis that an aggressive approach to environmental response is preferred, with jurisdictional issues being resolved at a later time.

A boom was deployed at the scene of the incident by a contractor before a CCG crew arrived at the incident scene.

During the response, the CCG involved various other parties and stakeholders, including a diving contractor, a remote operated vehicle contractor, the BC Ministry of the Environment, and Environment and Climate Change Canada.

The diving contractor initially expressed concern about carrying out work at the incident scene because of the danger posed by the overhead conveyor system which was attached to the sunken barge.

The CCG then attempted to have a remote operated vehicle contractor conduct an underwater survey of the vessel. This contractor had difficulty and ultimately was not able to complete a proper survey because of the presence of large numbers of underwater entanglement hazards, principally logs.

On 8 February 2018, the CCG crew returned to the scene to change out the boom.

Between 8 February and 18 May 2018, the CCG along with the BC Ministry of Environment were able to get in contact with the owner of the water lot. During that conversation, the CCG was able to get information that the structure they were dealing with was not a vessel, but rather a floating platform or dock. Based on this, the BC Ministry of the Environment took over from the CCG as lead agency responding to the incident. Notwithstanding the change in control to the response, the CCG arranged for the disposal of waste by retaining a waste disposal contractor.

On 18 May 2018, the BC Ministry of the Environment returned to the scene with a diving contractor. A revised assessment of the situation meant it was considered safe for divers to enter the water. Divers identified that the only remaining fuel/oil on the structure was a tank

attached to a log grapppler. That tank, and hoses associated with it, were discharging hydraulic oil into the natural environment.

On 24 May 2018, the CCG returned to the scene and removed 15 to 20 liters of diesel fuel and approximately 100 litres of hydraulic oil from the structure. On 14 June 2018, the CCG again returned to the scene to retrieve the boom it had left in place to contain the oil being discharged by the structure.

### **The Claim**

On 2 December 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$121,187.55, seeking compensation for the response to the incident involving the *Pacific Fibre Barge No. 1*.

The Administrator has yet to determine whether the CCG's claim is admissible under Part 7 of the *Marine Liability Act*.

### **Assessment**

The Administrator sent a draft decision to the claimant on 11 November 2020. The draft decision suggested that the submission was not admissible as a claim, on the basis that the *Pacific Fibre Barge No. 1* had been converted into a structure prior to the date of the incident. The Administrator cannot pay compensation where it is determined that the incident was not caused by a ship.

On 15 December 2020, the claimant provided comments on the draft offer. The comments provided pointed out that at the time the claimant incurred costs and expenses, it was not recognized that the *Pacific Fibre Barge No. 1* was a ship and that it was appropriate to incur costs until that determination was made.

On 8 March 2021, the claim was disallowed on the basis that the *Pacific Fibre Barge No. 1* was not a ship at the time of the incident and costs and expenses arising from the response were therefore inadmissible.

### **Status**

The file was closed on 20 May 2021.

## **Pacific Poet (2021)**

Location: Oak Bay Marina, British Columbia

File number: 120-911-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving a pleasure craft known as the *Pacific Poet* on or about 24 December 2021. The Administrator's understanding is the ship began taking on water while at Oak Bay Marina, in Oak Bay, British Columbia. Measures were required to keep the vessel from sinking. After the vessel was stabilized, it was towed and removed from the water.

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

The vessel is not registered. Information about an apparent owner of the vessel has been obtained from a third party. The available information suggests that security against future claims cannot presently be obtained.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Red Fir No. 9 (2019)**

Location: English Bay, Vancouver, British Columbia

File number: 120-900-C1

### **The Incident**

On 25 October 2019, the Canadian Coast Guard (CCG) was notified that the 47-foot motor vessel *Red Fir No. 9* was sinking in Vancouver's English Bay. Three CCG officers were dispatched to the scene to dewater the vessel and keep it afloat. They observed free-floating hydrocarbon oil in the vessel's engine space.

On 30 October 2019, the CCG directed the owner to clean all remaining hydrocarbons from the bilge to prevent further oil discharges and requested proof of completion. The owner did not provide such proof and subsequently moved the *Red Fir No. 9* to an unknown location.

On 9 November 2019, while responding to an unrelated incident in False Creek, which empties into English Bay, CCG officers observed the *Red Fir No. 9* surrounded by an oily sheen. They again contacted the owner, who stated that he was away but would return on 11 November.

The owner informed the CCG on 12 November 2019 that the *Red Fir No. 9*'s bilge had been cleaned but failed to produce photographic evidence when requested by the CCG.

CCG officers again attended at the scene on 15 November 2019, where they found the *Red Fir No. 9* discharging unrecoverable oil into the marine environment. They provided the owner's representative with pollution response materials and instructed him to act. When they returned on 19 November, they found the vessel's state unchanged and the materials unused.

The CCG officers used the sorbent materials at the scene to recover hydrocarbons from the vessel's engine room and engaged a contractor to tow the vessel to a marina, where it was removed from the water. A subsequent marine survey concluded that the *Red Fir No. 9* had no realistic market value. The CCG placed a detention order on the vessel and required the owner to pay the costs of its deconstruction.

In January 2020, the owner initiated and served a small claims legal action against the CCG, in opposition to its detention of his vessel. The legal proceeding delayed the CCG's vessel deconstruction plan. During this time, the CCG removed accessible hydrocarbons from the vessel.

In November 2020, the CCG determined to proceed with deconstruction despite the ongoing legal proceedings. Deconstruction was completed on 18 January 2021.

### **The Claim**

On 6 October 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$37,526.55, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Red Fir No. 9*.



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

### **Assessment and Offer**

The Administrator investigated and assessed the CCG's claim, determining that the CCG's long-term storage and deconstruction costs were not reasonably incurred with respect to mitigating oil pollution. On 31 January 2022, an offer of compensation was made to the CCG in the amount of \$15,058.53, plus accrued interest.

The CCG accepted the offer on 25 March 2022, and a payment in the amount of \$16,253.34, representing the principal plus \$1,194.81 in statutory interest, was made shortly thereafter.

### **Recovery Action**

As of 31 March 2022, the Administrator was making efforts to locate the owner of the vessel.

### **Status**

The file remained open at the end of the fiscal year.

## **Rolano (2019)**

Location: Cortes Island, British Columbia

File number: 120-882-C1

### **The Incident**

On 10 February 2019, the Canadian Coast Guard (CCG) was notified that a 70-foot wooden motor vessel, identified as the *Rolano*, had grounded at the western corner of Gorge Harbour, on Cortes Island, in the Province of British Columbia. The initial reports included mention of barrels and buckets of oil on the deck, and as much as 10,000 litres of oil in its fuel tanks. No oil slick was observed.

On 11 February 2019, the CCG retained the Western Canada Marine Response Corporation (WCMRC) to attend the scene and place a boom around the *Rolano*. WCMRC confirmed the presence of containers of oil on the deck of the vessel.

Later the same day a CCG crew arrived at the scene to inspect the *Rolano*. They confirmed that the vessel was grounded on a rocky shore. It was determined a contractor should be retained to shift the vessel at the next high tide, before being towed to Campbell River for further assessment.

The *Rolano* was successfully shifted from its position the next day and towed to Campbell River. On 14 February 2019, the vessel was towed to Ladysmith, arriving on 16 February.

On 11 March 2019, the CCG had a marine surveyor inspect the *Rolano* while it was still in the water. Subsequently, the CCG determined that the vessel should be deconstructed. That effort began on 26 August 2019, and was completed on 18 October 2019.

### **The Claim**

On 2 February 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$248,265.04, seeking compensation for costs and expenses arising from the response to the incident involving the *Rolano*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, which included correspondence with the CCG.

Ultimately, the Administrator concluded that the early stages of the CCG's response were reasonable given the size of the *Rolano*, the possible volume of oils on board, and the situation of the vessel. As a result, costs associated with refloating and towing the vessel to Campbell River were accepted, along with the costs associated with removing accessible oils. Given the

size and complexity of the vessel, the Administrator allowed for a 21-day assessment period, which would have enabled the CCG to determine whether the vessel continued to pose an oil pollution threat. Most of the CCG's costs during this period were allowed.

On the evidence, the Administrator determined that the *Rolano* did not in fact continue to pose an oil pollution threat following the removal of its accessible oils at Campbell River. Accordingly, the CCG's costs following the 21-day assessment period were not accepted.

The Administrator made an offer of compensation to the CCG in the amount of \$71,058.05, plus accrued statutory interest, on 28 September 2021.

The CCG accepted the offer on 25 November 2021, and payment from the Fund in the amount of \$77,627.43, including \$6,569.38 in interest, was made on 30 November 2021.

### **Recovery Action**

In the course of the Administrator's investigation and assessment of the CCG's claim, it was discovered that the British Columbia corporation that was registered as the owner of the *Rolano* had been dissolved prior to the subject incident for failure to file its annual reports. As a result, by operation of the British Columbia *Business Corporations Act*, it was determined that the Province of British Columbia was the likely owner of the vessel at the time of the incident, and therefore the liable party under the *Marine Liability Act*.

On 7 February 2022, in-house counsel to the Administrator filed an action against the Province of British Columbia in the Federal Court.

As of 31 March 2022, efforts were underway to effect service of the Administrator's Statement of Claim on the Province.

### **Status**

The file remained open at the end of the fiscal year.

## **Salerosa (2017)**

Location: Oak Bay, British Columbia

File number: 120-809-C1

### **The Incident**

On 6 February 2017, the Canadian Coast Guard (CCG) was notified that the *Salerosa*, a 45-foot sailboat of ferro-cement construction, was sinking at its moorings at Oak Bay, British Columbia. The CCG contacted the owner who indicated that he lacked the capacity to respond adequately.

The CCG engaged a contractor to assess the situation. The contractor reported that the vessel had sunk completely and was upwelling oil pollution. Booms were deployed.

On 7 February 2017, two CCG Environmental Response (ER) personnel attended on scene. They observed a sheen around the sunken vessel and replaced the soiled sorbent boom. The CCG resolved to remove the vessel from the marine environment, engaging a contractor to this end.

Weather and equipment constraints delayed the raising of the vessel to 11 February 2017, and the CCG monitored the situation in the intervening days. Once raised, the *Salerosa* was placed on a barge and towed to a facility at Bamberton. Two ER personnel monitored this operation.

The CCG arranged to have the *Salerosa* surveyed on 20 February 2017, while it lay on a barge at Bamberton. The CCG ultimately had the vessel deconstructed, citing oil saturation.

### **The Claim**

On 1 February 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$62,673.20, seeking compensation for costs and expenses arising from the response to the incident involving the *Salerosa*.

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

### **Assessment and Offer**

The Administrator conducted an investigation and assessment of the claim. On 19 February 2019, a request for further information and documentation was made to the CCG. No response was received.

On the claim documentation submitted by the CCG, the Administrator was not satisfied that the *Salerosa* remained an oil pollution threat by the time the delayed raising operation was conducted. As a result, many of the costs associated with contracted services were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$8,254.51, plus accrued interest of \$619.95, on 11 April 2019.

The CCG accepted the offer on 24 April 2019, and payment from the Fund in the amount of \$8,874.46, including interest, was made three days later.

### **Recovery Action**

In-house legal counsel to the Administrator sent a demand letter to the registered owner of the *Salerosa* at the address provided by the CCG on 21 May 2019. No response was received.

Additional investigatory work conducted by the Administrator's in-house legal team yielded no useful leads on the owner's address or contact information.

On 28 January 2020, the Administrator issued a subpoena under the *Inquiries Act* to a local utilities provider in an attempt to reliably locate the owner of the *Salerosa*. A response to the subpoena was received on 11 February 2020.

On 5 February 2020, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Salerosa*. On 29 June 2020, the Administrator's claim was served on the Defendant.

On 2 February 2021, the Court issued a Notice of Status Review. In-house counsel to the Administrator responded with written representations on 17 February 2021, proposing a timetable for proceeding with the action.

On 17 March 2021, the Federal Court responded with an order giving the Defendant until 20 April 2021 to file a defence. No defence was entered.

On 7 May 2021, the Federal Court granted the Administrator a judgment in default for the full amount of the claim.

The Administrator later determined that the defendant died after being served with the legal action. Efforts to locate a representative of his estate have not yet been successful.

### **Status**

The file remained open at the end of the fiscal year.

## **Salish Guardian (2019)**

Location: Goat Island, Ganges Harbour, British Columbia

File number: 120-898-C1

### **The Incident**

On 24 July 2019, the Canadian Coast Guard (CCG) was notified that the *Salish Guardian*, a fibreglass pleasure craft of approximately 15 metres in length, had grounded on Goat Island, in Ganges Harbour, British Columbia. The vessel had sustained considerable damage and was discharging oil. It was known to have capacity for 3,000 litres of fuel.

CCG personnel were dispatched to the scene, where they deployed sorbent materials. As the owner of the vessel could not be identified, the CCG engaged a contractor to refloat the vessel and remove it from the water. The owner was then identified, but it became apparent that he lacked the means to adequately respond. An attempt was made during the night of 24 July 2019 to refloat the vessel, but it was unsuccessful due to crew fatigue and low tides.

On 25 July 2019, a second attempt was made to refloat the vessel, and accessible oils were removed. It was discovered that the vessel was holed in its port side, so temporary repairs were necessary in order to allow it to be safely towed to Sidney, where it was removed from the water that evening.

The CCG had the vessel surveyed and ultimately decided to have it deconstructed, after several attempts to contact its owner. Deconstruction was completed on 4 October 2019.

### **The Claim**

On 21 July 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$98,810.32, seeking compensation for costs and expenses arising from the response to the incident involving the *Salish Guardian*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. In large part because the documentation submitted in support of some contractor costs was very limited, the Administrator disallowed large portions of the claim, including those with respect to removing the *Salish Guardian* from the water, surveying it, and deconstructing it. In addition, substantial reductions were made to the claimed amounts for CCG personnel overtime and equipment costs.

The Administrator made an offer of compensation to the CCG in the amount of \$38,662.05, plus accrued statutory interest, on 29 November 2021.

The CCG accepted the offer on 22 December 2021, and payment of \$41,823.42, which included the principal plus \$3,161.37 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

A demand letter was sent to the registered owner of the *Salish Guardian* on 22 February 2022. No reply was received.

Attempts to locate the owner of the *Salish Guardian* continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **San Jolyne III (2018)**

Location: Dusenbury Island, British Columbia

File number: 120-874-C1

### **The Incident**

On 19 October 2018, the Canadian Coast Guard (CCG) was notified of an oil slick between Dusenbury Island and the Francis Peninsula in British Columbia. The CCG investigated. On 21 October 2018, the CCG determined that the source of the slick was a sunken vessel, which it identified as the *San Jolyne III*, a 45-foot fishing vessel.

The owner of the *San Jolyne III* carried out an operation to raise it while the CCG monitored the operation. The owner was ultimately able to raise the vessel himself. The CCG issued a direction to the owner to not move the *San Jolyne III* until certain measures were taken. Ultimately, the *San Jolyne III* sunk a second time.

The CCG retained contractors to raise the *San Jolyne III* a second time. The operation was successful, and the CCG subsequently had the ship deconstructed.

### **The Claim**

On 16 October 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$181,475.67, seeking compensation for costs and expenses arising from the response to the incident involving the *San Jolyne III*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, which included requesting additional submissions from the CCG. The owner of the *San Jolyne III* was also contacted. On 18 August 2021, the Administrator made an offer of compensation to the CCG in the amount of \$127,118.46, plus statutory interest.

The CCG accepted the offer on 24 August 2021, and payment from the Fund in the amount of \$138,452.17, including statutory interest, was made on 27 August 2021.

### **Recovery Action**

*Inquiries Act* subpoenas were issued to BC Hydro and a telecommunications company in an attempt to obtain an address for the owner of the *San Jolyne III*.

On 15 October 2021, in-house counsel to the Administrator commenced an action in the Federal Court against the owner. Contact with the Defendant was established in December 2021, but service was effected on him just outside the time period allowed by the *Federal Courts Rules*.



A motion was brought on 4 March 2022 to extend the time allowed for serving the Defendant. The Court granted the requested order on 29 March.

**Status**

The file remained open at the end of the fiscal year.

## **SC 170 (2017)**

Location: Port McNeil, British Columbia

File number: 120-811-C1

### **The Incident**

On 22 August 2017, the Canadian Coast Guard (CCG) was notified that a wooden 35 or 40-foot fishing vessel was discharging pollution at Port McNeil, British Columbia. Personnel from the CCG's Port Hardy lifeboat station were tasked to conduct an assessment of the vessel, which was later identified as the *SC 170*.

The *SC 170* was found to be low in the water and surrounded by an oil sheen. CCG personnel dewatered the vessel and returned to base, unable to find the source of the water ingress.

The local harbour authority identified the owner of the vessel to the CCG, who contacted him. The owner informed the CCG that the vessel's fuel tanks were approximately 40% full and indicated that he would remove the vessel from the water to conduct necessary repairs. In the meantime, the harbour authority monitored the vessel.

On 5 September 2017, the harbour authority reported to the CCG that the vessel remained in the water, with its bilge pumps constantly pumping out seawater. The owner had not attended to his vessel.

On 6 September 2017, two CCG Environmental Response (ER) personnel drove to Port McNeil from Victoria to assess the situation. They observed that the *SC 170* was in poor condition and relying on shore power to remain afloat. The vessel's bilge and engine compartment were coated in oils. The owner was again contacted, and again indicated that he would take measures to have the vessel removed.

On 17 October 2017, the Harbour Authority informed the CCG that the vessel remained in the water with its bilge pumps operating under heavy strain. The CCG decided to have the vessel removed from the water, which was done by a contractor on 19 October 2017. The owner was updated.

The vessel was stored on blocks with a notice posted on it requiring action from the owner. A marine surveyor was engaged to inspect the vessel on 16 November 2017. Based on the findings of the surveyor, and the mounting storage costs, the CCG decided to have the *SC 170* deconstructed by the same contractor that had removed it from the water. This was done in early 2018.

### **The Claim**

On 4 June 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$11,606.93, seeking compensation for costs and expenses arising from the response to the incident involving the *SC 170*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, finding generally that the CCG response was reasonable in light of the pollution threat posed by the *SC 170*. Several costs associated with the lengthy storage of the vessel and duplicate charges from the contractor were the subject of reductions. In addition, the survey of the vessel was found to be duplicative, and therefore not compensable.

The Administrator made an offer of compensation to the CCG in the amount of \$8,528.54, plus accrued interest of \$451.38, on 11 July 2019.

The CCG accepted the offer on 15 August 2019, and payment from the Fund in the amount of \$8,979.92, including interest, was made on 20 August 2019.

### **Recovery Action**

On 8 October 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in an attempt to locate the owner of the *SC 170*. A response to the subpoena was received on 29 October 2019.

In-house counsel to the Administrator sent a demand letter to the owner of the *SC 170* on 30 October 2019. An individual representing the owner responded on 7 November 2019. Discussions with this individual continued for several months, but were ultimately inconclusive.

On 7 August 2020, the office of the Administrator filed an action in the Federal Court against the owner of the *SC 170*. The Defendant was personally served with the Administrator's Statement of Claim on 19 January 2021.

On 26 February 2021, the Court issued a Notice of Status Review. Counsel responded with written representations on 5 March 2021, proposing a timetable for proceeding with the action.

On 30 June 2021, the Administrator obtained default judgment in the full amount of the claim. On 3 August 2021, the Administrator received a payment from the owner in the full amount of the judgment, plus interest.

### **Status**

The file was closed on 26 August 2021.

## **Scotia River (2019)**

Location: Lax Kw'alaams, British Columbia

File number: 120-903-C1

### **The Incident**

On 10 November 2019, the motor vessel *Scotia River* sank at the Lax Kw'alaams marina and discharged diesel and hydraulic fluid. Canadian Coast Guard (CCG) personnel reported to the scene the following morning and, along with local first responders, deployed containment boom and sorbent pads around the vessel.

Days later, the CCG contacted the apparent owner of the *Scotia River*, who claimed to have sold it to an Alberta resident. The CCG requested the bill of sale and the individual responded that he would search for it. The vessel continued to discharge diesel and transmission fluid but remained stable within the boomed area.

In the next two weeks, CCG personnel deployed additional sorbent materials around the *Scotia River* and recover soiled materials three times. Meanwhile, the CCG engaged a contractor to raise and remove the *Scotia River* from the marine environment, with the operation occurring on 26 November 2019.

Once the vessel was raised from the water, the contractor deployed a team of divers to investigate the source of a water ingress. Several entry points were identified and sealed, but the water ingress continued from unknown points. The CCG began to remove the recoverable oil within the boomed area.

The operation continued the following day, when the CCG recovered the remaining oil from the boomed area and the *Scotia River* was secured on the contractor's barge for towing. Due to poor weather, the towing operation was briefly delayed.

The *Scotia River* was towed to the contractor's marina in the early morning of 28 November 2019 and was offloaded the following day. A marine survey was conducted on 2 December 2019. The surveyor concluded that the vessel had no residual value.

The CCG removed debris from the interior of the vessel, deployed additional sorbent materials in the bilge, drained the accessible tanks, and on 12 December 2019, transported the *Scotia River* to a recycling facility for disposal. CCG personnel returned to the recycling facility days later to oversee the removal of additional oil. An additional contractor disposed of the recovered waste.

### **The Claim**

On 3 November 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim seeking compensation in the amount of \$101,618.52, for costs and expenses incurred in the course of responding to the incident involving the *Scotia River*.

The Administrator began an assessment and investigation of the CCG's claim that was ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

### **Related File**

*Mistann* (2011), Prince Rupert, British Columbia, File Number 120-608-C1: (The Administrator seized the *Scotia River*, which then had the same owner as the *Mistann*, and had it judicially sold to aid in recovery against the owner of the *Mistann*)

## **Sea Lion VI (2021)**

Location: Maple Bay, British Columbia

File number: 120-912-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving the tug known as the *Sea Lion VI* on or about 1 January 2022. The Administrator's understanding is the ship was scrapped as an environmental hazard after sitting abandoned for several years.

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

Following the incident, the Administrator investigated the ownership status of the vessel. Based on the available information, it was determined that obtaining security with respect to the ship was not feasible.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Sea-Que (2016)**

Location: Sidney Marina, Sidney, British Columbia

File number: 120-701-C1

### **The Incident**

On 21 September 2016, the Canadian Coast Guard (CCG) was advised that an unidentified 42-foot wooden vessel had partially sunk at Vancouver Island Marina in Sidney, British Columbia the previous day. The report indicated that the vessel was actively discharging pollutants into the marine environment. The Marina had engaged a local contractor to raise the vessel and contain upwelling pollutants.

When CCG personnel arrived on scene later in the day on 21 September 2016, they observed an oil sheen around the vessel, which had been refloated with air bags and surrounded by sorbent boom. CCG personnel also observed that the vessel's machinery spaces were filled with oily water and debris and that its fuel tanks were at least partially full.

Attempts by the CCG to contact the owner were not successful. The CCG decided to remove the vessel from the marine environment.

The CCG engaged its own contractors to tow the vessel to a facility in Ladysmith on 26 September 2016. The vessel was removed from the water at Ladysmith the same day, and placed in temporary storage pending a survey, which was conducted on 28 September 2016.

The CCG made further unsuccessful attempts to contact the vessel owner. Based on the results of the survey, the CCG decided to have the vessel deconstructed, which was completed on 8 November 2016.

### **The Claim**

On 2 August 2018, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$18,730.67, seeking compensation for costs and expenses arising from the response to the incident involving the unidentified vessel.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim and made a request to the CCG seeking further information, which was received. In the course of investigation and assessment, the unnamed vessel was identified as the *Sea-Que*.

On 21 September 2018, the Administrator made an offer of compensation to the CCG in the amount of \$18,730.67, plus interest.

The CCG accepted the offer on 5 October 2018, and payment from the Fund in the amount of \$19,996.23, including interest, was made on 11 October 2018.

### **Recovery Action**

On 22 May 2019, in an attempt to reliably locate the owner of the *Sea-Que*, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company. A response to the subpoena was received on 24 May 2019.

The office of the Administrator sent a demand letter to the owner of the *Sea-Que* on 4 June 2019. No response was received.

The Administrator contracted a private investigations service to run an asset search on the owner of the *Sea-Que*, the results of which were received on 15 August 2019.

The office of the Administrator sent a second demand letter to the owner of the *Sea-Que* on 16 August 2019. Again, no response was received.

On 30 August 2019, the Administrator retained external legal counsel, who was instructed to file an action in the Federal Court against the owner of the *Sea-Que*. This was done on 16 September 2019.

The Defendant was personally served with the Administrator's Statement of Claim on 28 September 2019.

As the Defendant had neither filed nor served a Statement of Defence, a motion for default judgment was prepared and filed in December 2020. On 1 April 2021, the Federal Court dismissed the motion without prejudice to further submissions, finding that the evidence provided in support of the Defendant's ownership of the *Sea-Que* was insufficient.

Additional affidavit evidence of ownership was obtained by the Administrator's in-house counsel, and a second motion for default judgment was filed. On 16 June 2021, the Federal Court issued a judgment in favour of the Administrator for \$21,295.97 plus post-judgment interest.

As of 31 March 2022, the Administrator was considering steps to enforce or otherwise recover on her judgment.

### **Status**

The file remained open at the end of the fiscal year.



## **Seal Rock (2019)**

Location: Saturna Island, British Columbia

File number: 120-887-C1

### **The Incident**

On 4 April 2019, the Canadian Coast Guard (“CCG”) was notified that the *Seal Rock*, a 43-foot vessel which in the past had been used as a forestry services vessel, was at risk of sinking off of Saturna Island, British Columbia.

The CCG dispatched a crew who attended the scene. CCG personnel removed approximately 800 litres of oil from the *Seal Rock* and made temporary repairs so that the vessel would not sink when subjected to sea water.

The CCG requested that the vessel’s owner produce a plan to address the pollution threat posed by the vessel. The plan provided by the owner was deemed unsatisfactory. The CCG had the vessel towed to a contractor’s facility, where it was deconstructed.

### **The Claim**

On 15 March 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$51,805.59, seeking compensation for costs and expenses arising from the response to the incident involving the *Seal Rock*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. Substantial markdowns were deemed necessary, as the CCG had not provided sufficient evidence to show that the *Seal Rock* remained an oil pollution threat after it was removed from the water.

On 25 June 2021, the Administrator made an offer of compensation to the CCG in the amount of \$13,390.66, plus statutory interest.

The CCG accepted the offer on 30 July 2021. Payment from the Fund in the amount of \$14,260.86, including statutory interest, was made shortly thereafter.

### **Recovery Action**

In an attempt to locate the individual identified by the CCG as the owner of the *Seal Rock*, an *Inquiries Act* subpoena was sent to the Insurance Corporation of British Columbia. A demand letter was sent to the address yielded from the subpoena, but no response was received.

Attempts to locate the owner of the *Seal Rock* continued as of 31 March 2022.

**Status**

The file remained open at the end of the fiscal year.

## **Sheena M (2019)**

Location: Gibsons, British Columbia

File number: 120-848-I-G

### **The Incident**

On 1 October 2019, a 10-metre workboat identified as the *Sheena M* sank in Howe Sound, near Gibsons, British Columbia. At the time of the sinking, the workboat was towing a barge laden with wood chips. The workboat sank in deep water.

The Canadian Coast Guard (CCG) responded to the incident. It deployed booms to contain diesel fuel spilled from the sunken vessel. It is also understood that the CCG used aircraft for fly-over observations.

As the vessel sank in relatively deep water, and reports indicate that a small amount of fuel was spilled, limited amounts of fuel were observed at the scene of the sinking.

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

The Administrator's in-house counsel made contact with the vessel's owners, and subsequently the vessel's insurers. A Letter of Undertaking on behalf of the vessel owners was requested on 15 November 2019.

The vessel owner's insurer executed a Letter of Undertaking as requested and provided it to the Administrator on 4 February 2020.

### **The Claim**

No claim arising from this incident has been received by the Administrator.

### **Status**

The file remained open at the close of the fiscal year.

## **Spudnik (2014)**

Location: Howe Sound, British Columbia

Case number: 120-665-C1

### **The Incident**

On 12 November 2014, the 487 GT, ex-US Navy landing ship built in 1945, *Spudnik*, broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Seaspan tugs were hired to tow the *Spudnik* to a facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on 20 November 2014 and was completed on 4 December. A total of 120,000 litres of oil and water were removed from the vessel. At the completion of the hydrocarbon removal, all double bottom tanks were opened and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

### **The Claim**

On 28 April 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, for costs and expenses incurred in the cleaning of the *Spudnik* in the amount of \$149,043.60.

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 costs associated with moorage from 22 December 2014 through 31 March 2016 in the amount of \$17,979.15 were disallowed, since all work related to hydrocarbon removal had been completed by 9 December 2014, the daily moorage costs were only accepted from 12 November through 21 December 2014. Therefore, on 26 July 2016, the Administrator made a final offer to CCG for the established amount of \$131,064.45 plus interest, as full and final settlement. The offer was accepted by DFO/CCG on 8 September 2016 and a payment in the amount of \$137,747.51 including interest was sent to DFO/CCG on or about 13 September 2016.

### **Recovery Action**

A locator service was tasked to complete a locate and asset search on the *Spudnik*'s owners but it did not identify any exigible assets. Additionally, in December 2016, demand letters were sent to the vessel owners, but were returned as unclaimed.

On 27 March 2017, a Statement of Claim was filed with the Federal Court against both owners. Since no defence was received from any defendants, the Administrator filed a Motion for Default Judgment on 30 August 2017, following which a Default Judgment was rendered in favour of the Administrator. The Examination in Aid of Execution of one of the owners was held in November 2017.

As of 31 March 2022, the Administrator continued to monitor the judgment debtors' financial status.

**Status**

The file remains open.

**Related file**

120-689-C1 – *King Arthur* and *SL 104* (same owner)

120-856-I-G – *Spudnik* (same ship)

120-833-C1 – Darrell Bay Incident (same owner)

120-885-C1 – Unknown name (Deck Barge) (same owner)

## **Spudnik (2019)**

Location: Howe Sound, British Columbia

File number: 120-856-I-G

### **The Incident**

On 12 November 2014, the 487 GT, ex-US Navy landing ship *Spudnik* broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Tugs were hired to tow the *Spudnik* to a facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on 20 November 2014 and was completed on 4 December. A total of 120,000 litres of oil and water were removed from the vessel. At the completion of the hydrocarbon removal, all double bottom tanks were opened, and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

On 6 January 2020, the CCG announced that it was taking action to remove the *Spudnik* from the Fraser River. The stated reason for doing so was to prevent long-term impacts to the environment and public safety, as well as the discovery of oil aboard the vessel which was not removed during the 2014 operation. The measures to be taken may include deconstruction of the vessel.

### **Measures Taken by the Administrator**

On 10 January 2020, the Administrator opened a dedicated file on this matter.

### **The Claim**

The Administrator has yet to receive a claim with respect to the measures taken by the CCG with regard to the *Spudnik*, that commenced in January of 2020.

### **Status**

The file remained open at the end of the fiscal year.

### **Related File**

- 120-665-C1 – *Spudnik* (Same vessel, claim for measures taken in 2014)
- 120-689-C1 – *King Arthur* and *SL104* (same owner)
- 120-833-C1 – Darrell Bay Incident (same owner)
- 120-885-C1 – Unknown name (Deck Barge) (same owner)

## **Theresa N (2018)**

Location: Bamfield, British Columbia

File number: 120-867-C1

### **The Incident**

On 8 September 2018, the Canadian Coast Guard (CCG) was notified that an approximately 40-foot fishing boat initially identified as the “*Teresa Anne*” (but later identified as the “*Theresa N*”), was in poor condition and at risk of sinking at a marina facility in Bamfield, British Columbia.

The CCG initially dispatched a lifeboat crew to inspect the incident scene. That crew, along with the marina operator, took initial steps to deal with the *Theresa N* and keep it afloat. They also contacted the owner and asked him to respond to the situation. The owner did not comply with the directions issued by the CCG.

On 19 September 2018, the CCG then dispatched an environmental response crew to the scene, along with a marine surveyor. When they arrived at Bamfield, they discovered that the *Theresa N* was no longer there. The owner had moved the vessel up the coast and moored it to a dock at Grappler Inlet, British Columbia. The CCG personnel had to deal with an aggressive person after they located the vessel, and they were unable to undertake an appropriate inspection.

Shortly after the CCG departed Grappler Inlet, the CCG received a report that the *Theresa N* had sunk.

The CCG returned to the scene and confirmed that the *Theresa N* had sunk and was releasing oils. It appears that the ship had also damaged the dock during the sinking. The CCG deployed a boom to contain pollution and retained contractors to raise the vessel and remove it from the water.

The *Theresa N* was successfully refloated through use of divers and lift bags. The vessel was then towed to a local contractor for removal from the marine environment and for deconstruction.

### **The Claim**

On 24 July 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$28,656.55, seeking compensation for costs and expenses arising from the response to the incident involving the *Theresa N*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim and determined that the measures taken by the CCG were reasonable and taken with a view to responding to oil pollution damage or the threat of oil pollution damage.

The Administrator made an offer of compensation to the CCG in the amount of \$28,656.55, plus accrued statutory interest, on 22 October 2020.

The CCG accepted the offer on 16 December 2020, and payment from the Fund in the amount of \$31,130.13, including \$2,473.58 in interest, was made shortly thereafter.

### **Recovery Action**

In-house counsel to the Administrator sent a demand letter to a post office box associated with the registered owner of the *Theresa N.* in January 2021. No response was received.

In June 2021, two *Inquiries Act* subpoenas were issued in an attempt to locate the owner of the vessel. A possible physical address for the owner was obtained.

On 7 September 2021, in-house counsel to the Administrator filed an action in the Federal Court against the registered owner of the *Theresa N.* Attempts to effect personal service on the Defendant in October and November 2021 were unsuccessful.

Two further *Inquiries Act* subpoenas were issued in January and February 2022, to Canada Post and BC Hydro. A further possible physical address for the Defendant was obtained, and a copy of the Statement of Claim was posted to that address via registered mail. The Defendant signed a Canada Post receipt for the Statement of Claim on 9 February 2022 and called the Administrator's counsel the next day.

As service occurred outside the time period allowed under the *Federal Courts Rules*, counsel filed a motion with the Court seeking to have that period extended. The Court issued the requested order on 29 March 2022.

As of 31 March 2022, settlement discussions with the Defendant were underway.

### **Status**

The file remained open at the end of the fiscal year.



## **Tinker II (2018)**

Location: Campbell River, British Columbia

File number: 120-855-C1

### **The Incident**

On 20 January 2018, the Canadian Coast Guard (CCG) Campbell River Lifeboat Station was notified that a 36-foot Bayliner, identified as the *Tinker II*, was adrift in Discovery Passage, near the Campbell River ferry dock. By the time the CCG arrived, the vessel was stranded ashore.

The vessel remained stranded ashore through several tide cycles. During this time it sustained impacts from logs and rocks. The CCG determined the vessel should be removed from the marine environment as it posed an oil pollution risk. The CCG contacted the vessel's owner and determined that he was unable to mount a proper response. The CCG hired a local contractor to lift the vessel.

On 22 January 2018, the vessel was lifted further up the beach to dry land. The vessel was deemed to have no residual value. The fuel tanks and engine were removed from the vessel at the scene, and the rest of the vessel was trailered to a marine contractor's facility to complete deconstruction.

On 25 January 2018, deconstruction was completed.

### **The Claim**

On 7 January 2020, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$8,979.14, seeking compensation for the response to the incident involving the *Tinker II*.

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

### **Assessment and Offer**

The Administrator sent inquiries to the CCG about its response, and in particular the quantities of oil on board the vessel and about whether the correct documentation had been included in the submission. The CCG responded to the Administrator's requests, declining to provide situation reports.

The Administrator carried out an investigation and assessment of the claim, concluding that the evidence presented by the CCG did not establish that the *Tinker II* remained an oil pollution threat following its removal from the water. As such, considerable reductions were made to claim contract services costs.

The Administrator made an offer of compensation to the CCG in the amount of \$3,892.56, plus accrued interest, on 8 April 2020.

The CCG accepted the offer on 29 April 2020, and payment from the Fund in the amount of \$4,224.01, including interest, was made on 5 May 2020.

### **Recovery Action**

During the assessment and investigation process, the Administrator obtained a name and telephone number for the apparent owner of the *Tinker II* from the CCG. Online investigation turned up two possible physical addresses for this individual, to which demand letters were sent on 16 July 2020. No response was received.

In-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Tinker II* on 20 January 2021.

All reasonable avenues to locate the apparent owner of the *Tinker II* were exhausted, without success. The action before the Federal Court was discontinued and the matter was closed on 9 September 2021.

### **Status**

The file remained open at the close of the fiscal year.

## **Tymac No. 20 (2017)**

Location: Tsehum Harbour, Sidney, British Columbia

File number: 120-815-C1

### **The Incident**

On 12 September 2017, the Canadian Coast Guard (CCG) was notified that a wooden 40 or 45-foot wooden tug had sunk and was upwelling pollution at Tsehum Harbour, near Sidney, British Columbia. The Harbour deployed boom around the sunken vessel, which was later identified as the *Tymac No. 20*.

Initially, a single CCG Environmental Response (ER) Specialist was sent to the scene to conduct an assessment. The ER Specialist observed a large sheen extending throughout the Harbour. The CCG contacted the registered owner of the vessel, who explained that he lacked the resources to respond and that the vessel was uninsured. The CCG determined that it was necessary to raise the *Tymac No. 20*. A contractor was engaged.

On 13 September 2017, four CCG ER personnel arrived on scene to reassess the situation and monitor the raising operation, which was conducted using divers and air bags. By the evening, the *Tymac No. 20* had been removed from the water and placed on blocks awaiting inspection by a marine surveyor contracted by the CCG.

The survey of the *Tymac No. 20* was conducted on 18 September 2017. Based on the findings of the surveyor, the CCG ultimately resolved to have the oily vessel deconstructed by a third contractor, in a local yard.

### **The Claim**

On 9 July 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$36,177.31, seeking compensation for costs and expenses arising from the response to the incident involving the *Tymac No. 20*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, finding generally that the CCG response was reasonable in light of the pollution threat posed by the *Tymac No. 20*. Due to a lack of clarity and detail on the scope, costing, and specific tasking associated with the vessel's deconstruction and storage, however, these items were the subject of reductions.

The Administrator made an offer of compensation to the CCG in the amount of \$26,786.87, plus accrued interest of \$1,899.04, on 29 August 2019.

The CCG accepted the offer on 11 September 2019, and payment from the Fund in the amount

of \$28,685.91, including interest, was made on 16 September 2019.

### **Recovery Action**

In-house counsel to the Administrator sent a demand letter to the registered owner of the *Tymac No. 20* on 16 October 2019. No response was received.

Further investigatory work by the Administrator's in-house legal team identified a different potential owner of the *Tymac No. 20*. On 1 November 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in an attempt to obtain current contact information for this second individual. A response to the subpoena was received on 4 November 2019.

On 2 March 2020, in-house counsel to the Administrator contacted the CCG, seeking further details on the ownership status of the *Tymac No. 20*. A partial response was received on 16 March 2020. Further details and documentation followed on 27 April 2020.

On 8 May 2020, the Administrator issued a subpoena under the *Inquiries Act* to BC Hydro in an attempt to locate the registered owner of the *Tymac No. 20*. A response was received on 19 May 2020. It showed that the registered owner's most recent BC Hydro account was closed in 2011. Further investigatory work by the Administrator's in-house legal team was also unsuccessful in locating the registered owner.

On 16 July 2020, counsel sent a letter of inquiry to the other potential owner of the *Tymac No. 20*. Following discussions with this individual, it became apparent that the registered owner no longer resided in Canada. His exact location was uncertain, but he was thought to be in Europe. Initial attempts to contact the registered owner of the *Tymac No. 20* via email were unsuccessful.

On 9 September 2020, in-house counsel to the Administrator filed an action in the Federal Court against the registered owner of the *Tymac No. 20*.

On 11 November 2020, counsel established email contact with the Defendant, who was provided with a copy of the Administrator's Statement of Claim.

As no physical address for the Defendant could be obtained, counsel to the Administrator filed a motion seeking an order for substitutional service of the Statement of Claim. The requested order was granted on 30 April 2021, and the Defendant was duly served via email.

As the Defendant did not serve and file a statement of defence within the required time period, counsel to the Administrator filed a motion for default judgment. The Federal Court issued a judgment in the amount of \$30,384.14, plus post-judgment interest, on 20 July 2021.

As of 31 March 2022, the Administrator was considering steps to enforce or otherwise recover on her judgment.

### **Status**

The file remained open at the end of the fiscal year.

## **Unknown Name (Barge) (2020)**

Location: French Creek Harbour, Parksville, British Columbia

Case number: 120-879-I-G

### **The Incident**

On 23 November 2020, two unidentified vessels, a barge carrying a fuel truck and a fishing boat, collided at French Creek Harbour, Parksville, British Columbia. The collision resulted in the discharge of approximately 200 litres of diesel fuel.

The Canadian Coast Guard (CCG) responded, deploying sorbent materials to the extent that all recoverable oil pollution had been collected by the evening of 23 November 2020.

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

On 24 November 2020, the office of the Administrator contacted the CCG in order to collect additional information on the incident. As of 31 March 2021, no response had been received from the CCG.

### **The Claim**

As of the end of the fiscal year, no claim had been filed with the Administrator.

### **Status**

The file remains open.

## **Unknown Name (Black Gaff Cutter) (2018)**

Location: Comox, British Columbia

File number: 120-853-C1

### **The Incident**

On 17 January 2018, the Canadian Coast Guard (CCG) was advised that a vessel had drifted from its moorings and run aground on the Comox breakwater. The vessel was a sailboat equipped with a stern-mounted outboard motor. The vessel had no known name but was described as a black gaff cutter.

Several containers which might contain oil were observed on the deck of the vessel. A smell of diesel was reported in the vicinity of the stranded vessel. The CCG contacted a local contractor and sought to have the contractor remove the oil tanks from the deck of the vessel. However, the poor weather conditions made it unsafe to access the stranded vessel.

On 23 January 2018, the CCG reached the owner of the vessel and instructed him to provide a plan to recover the vessel and prevent oil pollution. The owner responded promptly. The CCG determined that the owner's proposed plan was unsatisfactory.

On 24 January 2018, the contractor was still unable to remove the portable oil tanks and outboard engine from the vessel. There were reports of a slight sheen in the vicinity of the vessel.

On 25 January 2018, water was removed from the vessel, and it was floated to Comox Marina where it was placed on a trailer and removed from the water.

Between 5 February 2018 and 6 March 2018, the CCG determined that the vessel posed an ongoing pollution risk and that it should be deconstructed.

### **The Claim**

On 17 December 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$30,993.43, seeking compensation for the response to the incident involving the vessel.

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

### **Assessment and Offer**

The Administrator sent inquiries to the CCG about its response. A response was sent in March 2020, but nothing was received until June 2020, owing to an email issue.

The Administrator carried out an investigation and assessment of the claim, ultimately concluding that the evidence failed to show that the vessel remained an oil pollution threat after being awash for more than a week in poor conditions. As such, the majority of claimed contractor costs were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$3,164.17, plus accrued interest, on 31 July 2020.

The CCG accepted the offer on 25 September 2020, and payment from the Fund in the amount of \$3,491.62, including interest, was made shortly thereafter.

### **Recovery Action**

On 17 November 2020, the office of the Administrator sent a demand letter to the owner of the subject vessel to an email address provided by the CCG. No response was received.

On 15 January, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the vessel.

On 26 January 2021, the Administrator issued a subpoena under the *Inquiries Act* to the Insurance Corporation of British Columbia in an attempt to locate the Defendant. A response was received on 3 February 2021, indicating that the most recent address for the individual in question was a post office on Quadra Island.

On 25 February 2021, counsel sent a demand letter and a copy of the Administrator's Statement of Claim to the Defendant via registered mail.

The Defendant sent an email reply on 13 March 2021, and a settlement agreement involving a payment schedule was reached on 16 March 2021. Though the Defendant had very limited means, he agreed to pay installments to the Administrator totalling \$2,000.00 over a three-month period.

All scheduled payments were received in a timely fashion and the Administrator discontinued her Federal Court action on 13 July 2021.

### **Status**

Having successfully recovered from the owner of the subject vessel, the Administrator closed the file on 29 July 2021.

## **Unknown Name (Blue Trawler) (2017)**

Location: Campbell River, British Columbia

File number: 120-814-C1

### **The Incident**

On 25 November 2017, the Canadian Coast Guard (CCG) was advised that a 45-foot ex-fishing vessel was sinking or had sunk in the Campbell River Estuary. Personnel from the Campbell River Lifeboat Station attended at the scene and found that an unidentified vessel was substantially sunken. The vessel was repositioned to prevent it from sinking further and an oil containment boom was deployed.

On 26 November 2017, the CCG mobilized an Environmental Response crew out of Victoria to attend at the scene of the sinking. When it arrived, the crew replaced sorbent materials and repositioned the containment boom. The CCG crew was then redeployed to respond to another incident and the Campbell River Lifeboat Station reassumed responsibility for the incident.

On 27 November 2017, a contractor retained by the CCG lifted the vessel and removed it from the water. The vessel was subsequently deconstructed.

### **The Claim**

On 30 September 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$26,640.92, seeking compensation for the response to the incident involving the vessel.

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

### **Assessment and Offer**

The Fund sent a number of inquiries to the CCG to better understand the incident and what was, and was not, being claimed for in the CCG submission.

The Administrator carried out an investigation and assessment of the claim, concluding generally that the CCG operation was reasonable given the demonstrated oil pollution threat posed by the vessel. Reductions were made with respect to vessel survey costs and some personnel expenditures, including overtime.

The Administrator made an offer of compensation to the CCG in the amount of \$23,505.95, plus accrued interest, on 27 April 2020.

The CCG accepted the offer on 16 June 2020, and payment from the Fund in the amount of \$26,640.92, including interest, was made shortly thereafter.



## **Recovery Action**

On 29 October 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in order to obtain a current address for the individual identified by the CCG as the owner of the subject vessel. A response was received shortly thereafter.

The office of the Administrator obtained possible email addresses for the owner of the vessel, and demand letters were sent to those addresses, as well as the physical address obtained via subpoena, on 26 August 2020. The physical letter was returned undeliverable, but the owner responded via email on 27 August 2020, indicating that he had changed physical addresses.

The office of the Administrator began discussions with the owner that were inconclusive, with the last communication from the owner received in November 2020.

On 23 November 2020, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the vessel.

Three additional subpoenas were issued, with inconclusive results. Thereafter, several attempts at service were made unsuccessfully, with the Defendant having evidently changed physical addresses yet again.

Ultimately, counsel to the Administrator filed a motion in the Federal Court seeking an order for substitutional service on the Defendant, which would be effected by emailing the Statement of Claim to the Defendant, as well as posting a copy to a post office box known to be used by him. The Federal Court issued the requested order on 19 April 2021 and the Defendant was duly served.

As the Defendant did not serve and file a statement of defence within the required time period, counsel to the Administrator filed a motion for default judgment. The Federal Court issued a judgment in the amount of \$26,348.27, plus post-judgment interest, on 17 June 2021.

As of the end of the fiscal year, the Administrator was taking steps to enforce or otherwise recover on her judgment.

## **Status**

The file remained open at the close of the fiscal year.

## **Unknown Name (Deck Barge) (2019)**

Location: Port Mellon, British Columbia

File number: 120-885-C1

### **The Incident**

On 7 March 2019, the Canadian Coast Guard (CCG) was notified that a steel-hulled deck barge with dimensions of 160 feet by 40 feet was listing in the vicinity of Port Mellon, British Columbia. The barge had no known name. The CCG mobilized a response.

The CCG determined that the barge posed a significant threat to the environment. The deck of the barge had a number of containers of potentially hazardous chemicals on it, including Brill Sheen, bromine chloride and corrosive adhesive vinyl. There was also an excavator aboard the barge, which was considered likely to have oil in its fuel tanks and hydraulic systems.

The apparent owner of the barge was well known to the CCG. His vessels have been the subject of a number of claims by the CCG to the Administrator of the Ship-source Oil Pollution Fund.

The CCG retained contractors to remove the hazardous substances and right the barge. On the evening of 7 March 2019, the excavator was removed. On 9 and 10 March, efforts continued to assess and remove the other chemicals and right the barge.

By 11 March 2019, the barge was turned over to the CCG Vessels of Concern Program, and the environmental response portion of the effort was completed.

### **The Claim**

On 26 February 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$396,954.40, seeking compensation for costs and expenses arising from the response to the incident involving the unknown name deck barge.

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

### **Recovery Action**

The Administrator commenced an action against the owner in the Federal Court on 20 December 2021. As of the end of the fiscal year, efforts to serve the Defendant remained ongoing.

### **Assessment and Offer**

On investigation and assessment, the Administrator determined that most of the CCG's response operation was not directed at mitigating oil pollution. As a result, only the costs associated with the initial response operation and removing the excavator from the barge were accepted. On 20 October 2021 an offer of compensation in the amount of \$57,102.91, plus interest, was issued to the CCG.

The CCG accepted the offer on the same day, and payment of \$62,613.93, including the principal and interest of \$5,511.02, was made shortly thereafter.

**Status**

The file remained open at the end of the fiscal year.

**Related File**

Darrell Bay Incident, Case number: 120-833-C1 (same owner)

## **Unknown Name (Trevor channel boom boat) (2021)**

Location: Trevor Channel, British Columbia

File number: 120-913-I-G

### **The Incident**

The Canadian Coast Guard (CCG) responded to an incident involving a boom boat with no known name on or about 7 December 2021. The Administrator's understanding is that the ship sank in Trevor Channel, British Columbia. It was subsequently refloated and removed from the marine environment.

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

The vessel is unregistered and as of 31 March 2022, no information is available about possible owners.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

## **Viking I (2016)**

Location: Nanaimo, British Columbia

File number: 120-716-C1

### **The Incident**

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed of the situation by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800 gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge were set up at the boat launch facility and the *Viking I* was brought to an upright position for dewatering.

On August 19, 2016, the vessel was lifted onto a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

### **The Claim**

On May 3, 2017, the Administrator received a claim from the NPA for costs and expenses in the amount of \$31,458.19, made pursuant to the *Marine Liability Act* (MLA).

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

### **Assessment and Offer**

On May 24, 2017, further information was requested from NPA in support of its claim. Several reminders were sent over the following months. On August 30, 2017, after investigation and assessment of the claim, the Administrator made an Offer to the NPA for the established amount of \$29,432.92, plus interest. On October 3, 2017, the offer was accepted by the NPA.

On October 12, 2017, the Administrator directed that the amount of \$30,484.30 (including \$1,051.38 in interest) be paid from the Fund to the NPA.

### **Recovery Action**

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship S/V *Full Circle* on October 22, 2018.

On November 20, 2018, the owner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the *Full Circle*. On January 15, 2019, counsel sent demand letters to both potential owners of the *Full Circle* asking them to provide all documents they had relating to both that vessel and the *Viking I*.

On March 12, 2019, counsel to the Administrator granted the person claiming to be the owner of the *Full Circle* a 30-day extension to retain counsel. This defendant subsequently filed a defence, without retaining counsel.

The parties to this matter exchanged documents pursuant to the *Federal Courts Rules* on documentary discovery. The Administrator examined the shipowner of the *Viking I* and the person claiming to be the owner of the *Full Circle*. The Administrator answered written questions posed by the defendants.

After reviewing the responses to her questions, the Administrator determined that no further steps could reasonably be taken with respect to the suspected sistership. The Administrator agreed to release the *Full Circle* from arrest and discontinue claims against its owners, on a without costs basis.

After a number of case conferences, the Court issued an Order on February 12, 2020, directing a summary trial to proceed. After a number of delays related to COVID-19, the matter proceeded to a summary trial. A decision issued on 26 October 2021 granted judgment to the Administrator in the full amount claimed.

The Administrator continues to monitor the debtor's ability to pay the judgment.

### **Status**

The file remained open at the close of the fiscal year.

### **Related File**

120-716-C1-1 – *Viking I* (same incident, different claimant)

## **Viking I (2016)**

Location: Nanaimo, British Columbia

File number: 120-716-C1-1

### **The Incident**

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed of the situation by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800-gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge were set up at the boat launch facility and the *Viking I* was brought to an upright position for dewatering.

On August 19, 2016, the vessel was lifted onto a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

### **The Claim**

On February 20, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses in the amount of \$128,246.91, pursuant to the *Marine Liability Act* (MLA).

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

### **Assessment and Offer**

During the assessment, the Office of the Administrator made requests to CCG for additional information and documentation, which was provided.

On April 24, 2018, after investigation and assessment of the claim, the Administrator made an offer for the established amount of \$128,246.91, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on April 30, 2018 and on May 17, 2018, a payment in the amount of \$134,694.56 including interest was made to DFO/CCG.

## **Recovery Action**

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship *S/V Full Circle* on October 22, 2018.

On November 20, 2018, the owner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the *Full Circle*. On January 15, 2019, counsel sent demand letters to both potential owners of the *Full Circle* asking them to provide all documents they had relating to both that vessel and the *Viking I*.

On March 12, 2019, counsel to the Administrator granted the person claiming to be the owner of the *Full Circle* a 30-day extension to retain counsel. This defendant subsequently filed a defence, without retaining counsel.

The parties to this matter exchanged documents pursuant to the *Federal Courts Rules* on documentary discovery. The Administrator examined the shipowner of the *Viking I* and the person claiming to be the owner of the *Full Circle*. The Administrator answered written questions posed by the defendants.

After reviewing the responses to her questions, the Administrator determined that no further steps could reasonably be taken with respect to the suspected sistership. The Administrator agreed to release the *Full Circle* from arrest and discontinue claims against its owners, on a without costs basis.

After a number of case conferences, the Court issued an Order on February 12, 2020, directing a summary trial to proceed. After a number of delays related to COVID-19, the matter proceeded to a summary trial. A decision issued on 26 October 2021 granted judgment to the Administrator in the full amount claimed.

The Administrator continues to monitor the debtor's ability to pay the judgment.

## **Status**

The file remained open at the close of the fiscal year.

## **Related File**

120-716-C1 – *Viking I* (same incident, different claimant)



## **Western Breeze (2019)**

Location: Steveston Harbour, British Columbia

File number: 120-897-C1

### **The Incident**

On 10 July 2019, the Steveston Harbour Authority notified the Canadian Coast Guard (CCG) that the roughly 18-metre wooden fishing vessel *Western Breeze* was taking on water at Paramount Pond, near Steveston, British Columbia. As it was tied to another vessel, the *Western Breeze* was moved to another location, where it later sank entirely.

The CCG spoke to a representative of the corporate owners of the vessel, who stated that there was no fuel on board, but that some hydraulic oils remained. The owners had hired a contractor to address any oil pollution from the vessel and to ultimately raise and remove it from the water.

The CCG dispatched Environmental Response (ER) personnel to the scene, who considered that the owners' measures were insufficient to contain and recover upwelling oils. ER personnel provided assistance to the owners' contractor.

On 11 July 2019, ER personnel returned to the scene, again taking issue with the owners' oil pollution mitigation efforts. A conference call was held involving several government authorities, including the CCG. Those authorities decided to reject the salvage plan put forward by the owners' contractor. The contractor was given a few hours to present a new plan but failed to do so. Ultimately, the CCG removed the owners' contractor and hired a contractor of its own to raise and remove the *Western Breeze*.

On 12 July 2019, the CCG's contractor conducted a diver survey of the *Western Breeze*.

On the morning of 13 July 2019, a Saturday, the CCG's contractor began its salvage operation. Complications during the raising operation resulted in the vessel sinking a second time. Ultimately, the vessel was raised and towed to Shelter Island, where it was removed from the water.

The CCG had the *Western Breeze* surveyed before the vessel was returned to its owners.

### **The Claim**

On 6 July 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$147,492.93, seeking compensation for costs and expenses arising from the response to the incident involving the *Western Breeze*.

The Administrator began an investigation and assessment of the claim that was ongoing as of 31 March 2022. In the course of that investigation and assessment, the office of the Administrator contacted several parties to procure additional information and documentation. Those parties included representatives of the owners of the *Western Breeze*, contractors involved in the response operation, the Steveston Harbour Authority, and the CCG.

**Status**

The file remained open at the end of the fiscal year.

## **Western Chief (2019)**

Location: Miners Bay, British Columbia

File number: 120-895-C1

### **The Incident**

On 24 June 2019, the Canadian Coast Guard (CCG) was notified that the roughly 82-foot fishing vessel *Western Chief* was taking on water. A contractor hired by the vessel's owner had been towing it from Sidney, British Columbia to Vancouver. When it discovered the water ingress, the contractor secured the vessel at Miners Bay, on Mayne Island and left the scene. A representative of the vessel's owner advised that it contained no fuel, but that an unspecified volume of hydraulic oils were on board.

Nearby CCG Search and Rescue (SAR) personnel were sent to assess the *Western Chief*. On arrival, they noted that the vessel was holed below the waterline and listing considerably. A contractor was hired to deploy pumps on board the vessel, and the situation gradually stabilized.

Because the SAR team might be called away at any moment, a team of four CCG Environmental Response (ER) personnel was sent to Miners Bay by boat. The ER personnel relieved the contractor, set up its own pump on the vessel, and deployed sorbent materials around the vessel to ensure that any discharges of oil would be recovered. The CCG contracted divers to conduct temporary repairs on the vessel's hull, and this work was completed in the early morning hours of 25 June 2019. ER personnel departed the scene and a representative of the owner remained on board through the night.

On the morning of 25 June 2019, ER personnel returned to the *Western Chief* to re-assess the vessel. The ER team noted that the vessel's bilge was oily and determined that—given the temporary nature of the hull repair job—the vessel would remain an oil pollution threat until it could be removed from the water.

The owner made arrangements for the *Western Chief* to be removed from the water near Vancouver, and ER personnel escorted the tow until satisfied that the vessel was not at risk of taking on water.

On 26 June 2019, the CCG learned that the *Western Chief* had not yet been removed from the water. The owner's representative reported that unfavourable tides had caused a delay, and that removal had been arranged for 2 July 2019. Further tide-related delays meant that the removal was ultimately delayed until 8 July 2019. Through this period, the CCG remained in contact with the owner's representative.

### **The Claim**

On 14 June 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$22,528.61, seeking compensation for costs and expenses arising from the response to the incident involving the *Western Chief*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding that the CCG's response operation and its costs had generally been reasonable. The only reductions made were with respect to costs associated with the use of a CCG vessel that was found to have been misclassified.

The Administrator made an offer of compensation to the CCG in the amount of \$16,498.07, plus accrued statutory interest, on 28 October 2021.

The CCG accepted the offer on 2 November 2021, and payment from the Fund in the amount of \$17,819.72, including interest, was made shortly thereafter.

### **Recovery Action**

In an attempt to obtain a current address for the representative of the corporate owner of the *Western Chief*, the Administrator issued *Inquiries Act* subpoenas to BC Hydro, the Insurance Corporation of British Columbia, and a telecommunications company on 19 October 2021. The responses provided a physical address and an email address.

On 8 November 2021 in-house Legal Counsel to the Administrator sent demand letters to the owner's representative by post and by email.

On 16 November 2021, counsel made contact with the owner's representative. Settlement discussions were ongoing as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **West Island 395 (2018)**

Location: Haida Gwaii, British Columbia

File number: 120-822-C1

### **The Incident**

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

### **The Claim**

On 14 January 2019, the shipowner, Haida Tourism Limited Partnership, presented a submission with the Administrator for costs and expenses incurred in the amount of \$1,857,314.06. The shipowner suggests that the incident was caused by sabotage perpetrated by a third party.

On 18 October 2019, the Administrator advised that he was prepared to consider the submission as a prospective claim under section 101 of the *Marine Liability Act*. The Administrator retained a naval architect to examine the technical evidence in this file. No settlement resulted.

After settlement talks ended, counsel for the owner filed what purported to be an appeal of the Administrator's decision not to settle the claim. After some discussion between counsels, the Administrator came to understand that Haico intended that its submission should be considered as one made under subsection 103(1) of the MLA. The Administrator confirmed that he would consider the submission as a filing into subsection 103(1) and render a decision, and the owner agreed to abandon its appeal.

On 16 March 2021, counsel for Haico provided submissions to address whether an owner can make a claim under subsection 103(1).

Four months later, Haico initiated an application for judicial review in July of 2021, seeking to compel the release of a decision on its subsection 103(1).

Before any steps were taken in the judicial review, the Administrator issued a decision on Haico's claim on 4 August 2021, dismissing it on the basis that Haico, as the owner of the only vessel involved in the incident, was incapable of suffering damages described in subsection 103(1).

Haico has initiated an appeal before the Federal Court of Canada. The hearing of the appeal is to take place in July of 2022.

### **Status**

The file remained open at the close of the fiscal year.

### **Related Files**

*West Island 395*, Case number: 120-822-C1-1 (same incident)

*West Island 395*, Case number: 120-822-C1-2 (same incident)

## **West Island 395 (2018)**

Location: Haida Gwaii, British Columbia

File number: 120-822-C1-2

### **The Incident**

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

### **Measures Taken by the Administrator**

In September 2018 the Administrator reached out to the CCG and the BCMOE for estimates of their response expenditures. The CCG provided two partial estimates, both in September 2018.

The Administrator engaged external counsel to enter security discussions with counsel for the owner of the barge, who advised that the owner was also considering submitting a claim for its own response expenses to the Administrator.

On 4 July 2019, counsel to the owners of the *West Island 395* provided the Administrator with a Letter of Undertaking in the amount of \$800,000.00 as security with respect to claims arising

from the September 2018 grounding incident.

### **The Claim**

On 1 September 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$64,697.02, seeking compensation for costs and expenses arising from the response to the incident involving the *West Island 395*.

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

### **Assessment and Offer**

On preliminary review of the claim, the Administrator found that the CCG had submitted neither a narrative nor copies of its personnel logs. The latter was particularly problematic, as the entirety of the claim was for personnel-related costs. On 9 September 2020, the Fund requested further documentation from the CCG.

On 18 September 2020, the CCG informed the Administrator that a narrative was being prepared.

On 28 September 2020, the CCG provided the Administrator with Incident Action Plan documentation, covering most of its response. A narrative was submitted on 12 November 2020, but no personnel logs were provided.

The Administrator conducted an investigation and assessment of the claim, concluding that insufficient evidence had been provided with respect to the specific tasking of CCG personnel. As a result, considerable reductions were made.

The Administrator made an offer of compensation to the CCG in the amount of \$36,521.88, plus accrued interest, on 25 February 2021. This offer was accepted and paid shortly thereafter.

### **Recovery Action**

In September of 2021, the Administrator commenced a subrogated claim against the owner of the polluting ship. As of 31 March 2022, that claim is on hold pending a judicial hearing in a related appeal.

### **Status**

The file remained open at the end of the fiscal year.

### **Related Files**

*West Island 395*, Case number: 120-822-C1 (same incident)

*West Island 395*, Case number: 120-822-C1-1 (same incident)



## **West Island 395 (2018)**

Location: Haida Gwaii, British Columbia

File number: 120-822-C1-1

### **The Incident**

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

### **Measures Taken by the Administrator**

In September 2018 the Administrator reached out to the CCG and the BCMOE for estimates of their response expenditures. The CCG provided two partial estimates, both in September 2018.

The Administrator engaged external counsel to enter security discussions with counsel for the owner of the barge, who advised that the owner was also considering submitting a claim for its own response expenses to the Administrator.

On 4 July 2019, counsel to the owners of the *West Island 395* provided the Administrator with a Letter of Undertaking in the amount of \$800,000.00 as security with respect to claims arising

from the September 2018 grounding incident.

### **The Claim**

On 29 July 2020, the Administrator received a submission from the BCMOE. The submission included a claim totalling \$114,463.99, seeking compensation for costs and expenses arising from the response to the incident involving the *West Island 395*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim, concluding generally that the BCMOE operation involving the *West Island 395* was reasonable given the pollution threat posed by the vessel. Some questions were posed with respect to whether there was duplication of effort as between testing carried out by the BCMOE and the owner. The BCMOE explanations of its effort were accepted as sufficient to establish that part of its claim.

Some elements of the BCMOE claim, including personnel time, overtime, and travel costs, were disallowed in part as a result of inadequate documentation. A claim for administrative costs at a rate of 25% was mostly rejected. Though that rate was based on a provincial statute and regulations, the BCMOE supplied no evidence that it had incurred significant overhead costs that were not specifically captured elsewhere in its claim. Finally, a claim for unsubstantiated GST costs was also rejected.

The Administrator made an offer of compensation to the BCMOE in the amount of \$72,996.90, plus accrued interest, on 31 March 2021. The offer was accepted and paid shortly thereafter.

### **Recovery Action**

In September of 2021, the Administrator commenced a subrogated claim against the owner of the polluting ship. As of 31 March 2022, that claim is on hold pending a judicial hearing in a related appeal.

### **Status**

The file remained open at the end of the fiscal year.

### **Related Files**

*West Island 395*, Case number: 120-822-C1 (same incident)

*West Island 395*, Case number: 120-822-C1-2 (same incident)

## **White Orca (2017)**

Location: Ladysmith, British Columbia

File number: 120-816-C1

### **The Incident**

On 15 November 2017, the Canadian Coast Guard (CCG) received a report that a 50-foot pleasure craft had sunk in the Dog Patch, near Ladysmith, British Columbia. According to the report, the sunken vessel was actively upwelling oil pollution into the marine environment.

An Environmental Response crew from the CCG was dispatched to the scene of the sinking. At the time the CCG crew arrived, a local marine services contractor was deploying an oil boom to contain the pollution from the sunken vessel.

The CCG identified the sunken vessel as the *White Orca*. The CCG contacted the person believed to be the owner of the vessel. That person denied ownership. The CCG proceeded to take steps with respect to the vessel on the basis that no owner could be located.

The CCG determined that the vessel should be raised and removed from the marine environment. A marine contractor was retained to carry out that project. While preparations to raise the vessel were underway, on 16 and 17 November 2018, both the CCG and the contractor deployed pollution containment measures to contain the pollution rising from the *White Orca*.

On 18 November 2018 the *White Orca* was raised and removed from the marine environment. The CCG determined that the vessel was in poor condition. They retained the contractor to deconstruct the *White Orca*. The deconstruction effort commenced on or about 15 December 2017 and was completed on 10 January 2018.

### **The Claim**

On 24 September 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$63,404.86, seeking compensation for the costs and expenses incurred in response to the incident involving the *White Orca*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim and made a request to CCG for further information, which information was provided. The supplemental information suggested a new potential owner for the vessel.

On 20 December 2019, the Administrator made an offer of compensation to the CCG in the amount of \$49,005.97, plus statutory interest. The CCG accepted the offer on 6 February 2020, and payment from the Fund in the amount of \$52,824.08, including interest, was made on 14 February 2020.

### **Recovery Action**

In February of 2020, research carried out by the office of the Administrator identified new information concerning the registered owner of the vessel. A letter requesting information from the registered owner was delivered. No response was received.

On 16 November 2020, in-house counsel for the Administrator issued a Statement of Claim in the Federal Court against the corporate owner of the *White Orca*. The claim was served on a director of the corporate defendant, who advised he would defend.

On 3 September 2021, the Administrator obtained a judgment in default for the full amount of the claim.

The Administrator has retained local counsel to pursue enforcement proceedings against the owner.

### **Status**

The file remained open at the close of the fiscal year.

## **Zac (2019)**

Location: Port Alberni, British Columbia

File number: 120-892-C1

### **The Incident**

On 27 May 2019, the CCG received a report that the *Zac*, a wooden fishing vessel of approximately 11 metres in length, had sunk at Port Alberni, British Columbia. Oil was leaking from the sunken vessel. The local harbour authority deployed sorbent materials and Canadian Coast Guard (CCG) personnel were dispatched to the scene.

The owner of the vessel informed the CCG that he was unable to mount an adequate response, so the CCG took over, hiring a contractor to raise and remove the vessel. This was done successfully on 28 May 2019, and the vessel was surveyed and ultimately deconstructed by one of the CCG's contractors, on the basis that its planking was saturated with oil.

### **The Claim**

On 22 April 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$43,758.69, seeking compensation for costs and expenses arising from the response to the incident involving the *Zac*.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. In general, the CCG's claimed costs were accepted, and only minor reductions were made, with respect to the costs of the survey and some unexplained delays during the salvage operation.

The Administrator made an offer of compensation to the CCG in the amount of \$40,277.24, plus accrued statutory interest, on 8 August 2021.

The CCG accepted the offer on 18 August 2021, and payment of \$43,410.71, which included the principal plus \$3,133.47 in accrued statutory interest, was made shortly thereafter.

### **Recovery Action**

A demand letter was sent to the last known address for the owner of the *Zac* on 31 August 2021. No response was received.

Attempts to locate the owner of the *Zac* continued as of 31 March 2022.

### **Status**

The file remained open at the end of the fiscal year.

## **Zidell Marine 277 & Jake Shearer (2017)**

Location: Goose Island, British Columbia

Case number: 120-732-R

### **The Incident**

On 26 November 2017, the US registered articulated tug & barge *Jake Shearer* (497 GT) and *Zidell Marine 277* (<6,000 GT) became separated because of mechanical failure of their push pin, while sailing in Queen Charlotte Sound, southwest of Bella Bella, British Columbia. *Zidell Marine 277* then went adrift in rough weather conditions, threatening to suffer a casualty on the rocks or reef. The barge was loaded with 468,000 litres of gasoline and 3.5 million litres of diesel. Crewmembers from the tug were able to board the barge and drop its anchor near Goose Island.

Canadian Coast Guard (CCG) environmental emergency response resources were dispatched and another tug, the *Gulf Cajun*, was able to connect to the barge the next day and continue the voyage from Seattle (Washington) to Alaska.

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

When advised of this incident, the Administrator instructed her in-house counsel to inquire about potential claimants and prospective amounts of their claims, and instructed external counsel to obtain security from the shipowners/insurers, pursuant to section 102 of the *Marine Liability Act*.

On 24 May 2018, a Letter of Undertaking in the amount of \$338,000 was received from the P&I Club.

### **The Claim**

As of 31 March 2022, no claim has yet been filed with the Administrator.

### **Status**

The file remains open.

## **Zodiac Light (2018)**

Location: Kitamaat Village, British Columbia

File number: 120-857-C1

### **The Incident**

On 14 February 2018, the Haisla Nation Council (HNC) found that a vessel had sunk at the harbour it operates at Kitamaat Village, British Columbia. The sunken vessel was identified as the *Zodiac Light*, a 58-foot wooden-hulled fishing vessel. The vessel apparently sank as a result of excessive snow loading.

The Canadian Coast Guard (CCG) was contacted and sent a crew to respond. In the interim, HNC personnel deployed a boom to contain the oil pollution upwelling from the sunken vessel and took steps to secure the vessel.

When the CCG crew arrived, they worked together with HNC personnel to contain the oil pollution and prepare the vessel for removal from the water. The CCG contacted the vessel owner, who advised that he was unable to remove the vessel itself or to fund its removal.

A contractor retained by the CCG removed the *Zodiac Light* from the water on 17 February 2018. The vessel was removed from the Kitamaat Village harbour via barge, and was eventually deconstructed.

After the *Zodiac Light* was removed from the water, HNC personnel cleaned the docks to remove oil contamination.

The *Zodiac Light* was deconstructed in Prince Rupert over a protracted period of time. The CCG and its contractor experienced difficulty in securing the necessary disposal permits.

### **The Claim**

On 15 January 2020, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for \$176,462.73, seeking compensation for the response to the incident involving the *Zodiac Light*.

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

### **Assessment and Offer**

The Administrator found that the CCG claim was generally admissible. Most of the CCG claim was accepted without deduction. However, the evidence did not show that the *Zodiac Light* was itself an oily waste so as to justify vessel deconstruction as a measure against oil pollution. The costs and expenses associated with deconstruction were deemed inadmissible.

The Administrator made an offer of compensation to the CCG in the amount of \$133,879.10, plus accrued interest, on 1 June 2020.

The CCG accepted the offer on 6 July 2020, and payment from the Fund in the amount of \$147,436.68, including interest, was made on 7 July 2020.

### **Recovery Action**

The office of the Administrator conducted an asset search on the owner and investigated his whereabouts. After locating an address, a demand letter was sent. Counsel responded on behalf of the owner and settlement discussions ensued.

In order to protect the Administrator's right to claim, in-house counsel initiated an action before the Federal Court of Canada on 10 February 2021. The defendant has filed a defence. Settlement discussions remain ongoing.

### **Status**

The file remained open at the close of the fiscal year.

### **Related File**

120-857-C2 – *Zodiac Light* (same incident, different claimant)



## **Zodiac Light (2018)**

Location: Kitamaat Village, British Columbia

File number: 120-857-C2

### **The Incident**

On 14 February 2018, the Haisla Nation Council (HNC) found that a vessel had sunk at the harbour it operates at Kitamaat Village, British Columbia. The sunken vessel was identified as the *Zodiac Light*, a 58-foot wooden hulled fishing vessel. The vessel apparently sank as a result of excessive snow loading.

The Canadian Coast Guard (CCG) was contacted and sent a crew to respond. In the interim, HNC personnel deployed a boom to contain the oil pollution upwelling from the sunken vessel and took steps to secure the vessel.

When the CCG crew arrived, they worked together with HNC personnel to contain the oil pollution and prepare the vessel for removal from the water. The CCG contacted the vessel owner, who advised that he was unable to remove the vessel itself or to fund its removal.

A contractor retained by the CCG removed the *Zodiac Light* from the water on 17 February 2018. The vessel was removed from the Kitamaat Village harbour via barge, and was eventually deconstructed at Prince Rupert, British Columbia.

After the *Zodiac Light* was removed from the water, HNC personnel cleaned the docks to remove oil contamination.

### **The Claim**

On 15 January 2020, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission provided evidence relating to the incident involving the *Zodiac Light*, including the involvement of HNC personnel in responding to the incident.

The Administrator's office reached out to the Haisla Harbour Authority to inquire as to whether the HNC would be submitting a claim for the incident. On 12 February 2020, the Administrator received a submission from the Haisla Harbour Authority on behalf of the HNC. The submission provided additional evidence about the incident involving the *Zodiac Light*, and advanced claims for costs and expenses arising from the incident which totalled \$14,028.00.

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

### **Assessment and Offer**

The Administrator carried out an investigation and assessment of the claim. The office of the Administrator verbally sought, and received, additional information from the HNC about the nature of the vessel and what led to its sinking.

On 26 March 2020, the Administrator made an offer of compensation to the HNC in the amount of \$14,028.00, plus statutory interest. The HNC accepted the offer on 27 March 2020, and payment from the Fund in the amount of \$15,195.61, including statutory interest, was made on 19 May 2020.

### **Recovery Action**

The office of the Administrator conducted an asset search on the owner and investigated his whereabouts. After locating an address, a demand letter was sent. Counsel responded on behalf of the owner and settlement discussions ensued.

In order to protect the Administrator's right to claim, in-house counsel initiated an action before the Federal Court of Canada on 10 February 2021. The defendant has filed a defence. Settlement discussions remain ongoing.

### **Status**

The file remained open at the close of the fiscal year.

### **Related File**

120-857-C1 – *Zodiac Light* (same incident, different claimant)

# Nunavut

## *Akademik Ioffe (2018)*

Location: Kugaaruk, Nunavut

Case number: 120-820-R

### **The Incident**

On 24 August 2018, the Russian-flagged, 6,450 GT, cruise ship *Akademik Ioffe* ran aground near Kugaaruk, Nunavut. Two Canadian Coast Guard (CCG) icebreakers headed to the area to offer assistance. On 25 August 2018, all passengers were safely transferred to the *Akademik Ioffe*'s sistership *Akademik Sergey Vavilov* that was shadowing. A spokesperson with the Search and Rescue Region Trenton said that the vessel was taking on water, but she was in a stable condition and did not constitute any immediate danger. On 25 August 2018, the vessel was refloated and escorted to a yard for temporary repairs.

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

In September 2018, the office of the Administrator contacted the CCG in order to get an estimate cost for response operations. Having received the requested information from CCG, the Administrator retained counsel who reached out to the insurer of the charterer seeking security. On 13 December 2018, a Letter of Undertaking in the amount of \$470,000 was received from the insurer.

### **The Claim**

As of 31 March 2022, no claim had been filed with the Administrator.

### **Status**

The file remains open.

# Northwest Territories

## **Investigator (2016)**

Location: Toker Point, Northwest Territories

File number: 120-696-R

### **The Incident**

On September 2, 2016, the double-hulled barge *Investigator* ran aground near Toker Point, about 15 km north of Tuktoyaktuk, with 50,000 litres of diesel fuel on board. As refloating attempts were unsuccessful, the barge wintered in the Arctic.

On July 6, 2017, updates were received from the Canadian Coast Guard (CCG) to the effect that the barge still remained aground and the refloating attempt had been delayed until August. CCG also advised the Administrator that most of the oil had been removed by Fathom Marine Inc., the Canadian bareboat charterer of the barge, with helicopters and baskets, during the winter, pursuant to CCG's order. CCG had pumped off the remaining oil. During August 2017, a small tug and a work barge were sent by Fathom Marine Inc. to free the *Investigator*; however, they ended up on the shore next to the barge. The small tug and the work barge were recovered, and another attempt was planned during the first week of September.

On October 5, 2017, the counsel for the SOPF was informed that the *Investigator* would be leaving Toker Point under tow to Vancouver.

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

The Administrator was informed of the incident by the CCG on October 11, 2016. On October 18, the Administrator retained counsel and decided to maintain a watching brief on the situation, taking no further action for the moment.

In October 2017, counsel negotiated a Letter of Undertaking (LOU) to cover potential claims, whilst the Administrator was getting ready to arrest the barge. Warrants to arrest the tug *Fathom Wave* and the barge *Investigator* were to be issued on November 2, 2017, unless a security in a form satisfactory to the Administrator was given.

On November 2, 2017, the counsel for the SOPF was informed that, on its way to Vancouver, the *Investigator* had started drifting and was not expected to be in Vancouver in the coming weeks. An action was commenced by the Administrator on November 3, 2017, and on November 28, 2017, the Administrator received a LOU covering all three potential claims. The Administrator filed a Notice of discontinuance, and the action was stayed.

The insurer received and settled five claims with respect to the incident, and counsel to the Administrator was provided with copies of the various releases.

In February of 2020, the insurer sought to reduce the LOU provided to the Administrator based on all known potential claims having been settled. In April of 2020, the insurer's counsel

communicated that it had decided not to amend the LOU after all, preferring instead to wait out the prescription period, due to expire on September 2, 2021.

The time bar for claims to the Administrator from this incident passed in September of 2021. For that reason, the Administrator's action was dismissed. The file will remain open as the possibility of a claim against the owner still exists.

### **The Claim**

As of March 31, 2022, no claim had been filed with the Administrator.

### **Status**

The file remained open as of the close of the fiscal year.

## 2021-2022 Incident Index

## Small Claims Process

INCIDENT	CLAIM SUBMITTED	DECISION	DATE NOTICE OF PAYMENT WAS ISSUED	DATE NOTICE OF OVERPAYMENT WAS ISSUED	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	(% offered vs. claimed)			
<b>Ontario</b>					
<i>The Left Hand</i> 2021-08-13 Humber Park Pleasure craft No spill	\$15,000.00 2021-09-07 Tow Marine Assistance Ltd	(withdrawn)	–	–	Closed
<b>British Columbia</b>					
<i>Autumn Winds</i> 2021-07-15 Discovery passage Commercial fishing vessel No spill	\$9,266.96 2021-12-09 Nanwakolas Council Society	\$9,266.96 (100%)	2022-02-04	–	Open
<i>Unknown name</i> 2020-01-03 Sicamous Houseboat (pleasure craft) Diesel Spill	\$6,941.10 2020-12-02 DFO/CCG	\$4,402.99 (63%)	2021-02-01	2021-06-17	Open

## General Claims Process and Incident Reports


INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
<b>Newfoundland and Labrador</b>				
<i>Alaskaborg</i> 2022-02-10 Off the South Coast Cargo ship Heavy fuel spill	–	–	–	Open
<i>Baffin Sound</i> 2015-06-23 St. Anthony Fishing vessel No spill	\$22,185.86 2015-12-09 DFO/CCG	\$22,185.86 (100%) 2016-02-25	–	Open
<i>BBC Oregon</i> 2019-06-30	–	–	–	Open








Note: This icon refers to wrecked, derelict and abandoned vessels.

## Incident Index

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Bay Bulls Cargo ship No spill				
<b>Beverly Gaie</b> 2018-10-03 Summerside Converted pleasure craft No spill	\$151,648.78 2019-07-12 DFO/CCG	\$9,614.71 (6.34%) 2019-10-31	\$8,000.00 2022-03-11	Closed
<b>Comanche</b> 2022-03-10 Placentia Bay Bulk Carrier No spill	—	—	—	Open
<b>Danielle and Mark</b> 2020-02-10 Old Bonaventure Fishing vessel No spill	\$47,073.08 2021-06-03 DFO/CCG	\$30,397.23 (64.6%) 2021-09-21	Recovery efforts ongoing	Open
<b>Executioner</b> 2021-12-09 St. John's Fishing vessel No spill	—	—	—	Open
<b>Françoise</b> 2017-09-21 Clarenville Fishing vessel No spill	\$381,296.28 2019-09-12 DFO/CCG	\$73,908.57 (19.38%) 2020-06-10	Recovery efforts ongoing	Open
<b>Jennifer Holly</b> 2019-04-01 Main Brook Fishing vessel Fuel, base oil, hydraulic oil spill	\$76,171.64 2019-10-28 DFO/CCG	\$72,939.19 (95.76%) 2020-03-06	Recovery efforts ongoing	Open
<b>Lady Elizabeth I</b> 2018-03-08 Woody Point Passenger/Cargo vessel No spill	\$8,489.01 2019-12-13 DFO/CCG	\$1,620.37 (19.09%) 2020-03-11	\$2,147.82 2021-05-19	Closed
<b>Lady Miranda</b> 2018-08-17 Cow Head Fishing vessel No spill	\$7,569.90 2020-05-25 DFO/CCG	\$7,569.90 (100%) 2020-06-25	\$8,639.92 2022-03-11	Open
<b>Lucas &amp; Rebecca</b> 2017-07-01 Bay of Islands Fishing vessel No spill	\$17,744.67 2017-11-03 DFO/CCG	\$17,744.67 (100%) 2017-12-13	Recovery efforts ongoing	Open
<b>Marcel Angie II</b> 2018-12-11 Grand Bank	\$20,267.57 2020-11-03 DFO/CCG	\$14,622.14 (76%) 2021-03-02	\$16,088.71 2021-11-03	Closed


Note: This icon  refers to wrecked, derelict and abandoned vessels.

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Fishing vessel No spill				
<b>Megan C</b> 2019-01-28 Port aux Basques Fishing vessel No spill	\$11,784.58 2019-05-01 DFO/CCG	\$8,170.82 (69.33%) 2019-06-12	Recovery efforts ongoing	Open
				
<b>MSC Kim</b> 2022-03-09 Port au Port Cargo ship No spill	—	—	—	Open
<b>Mystery Spill</b> 2020-06-08 Postville Kerosene Spill	\$32,650.70 2021-12-01	Assessment ongoing	—	Open
<b>Noble Mariner</b> 2018-04-25 Nipper's Harbour Fishing vessel Diesel spill	\$41,687.99 2019-05-30 DFO/CCG	\$36,601.67 (87.80%) 2019-07-11	Recovery efforts ongoing	Open
				
<b>Northern Ranger</b> 2019-06-01 Lewisporte Passenger vessel (ferry) Spill	—	—	—	Open
<b>Omni St. Laurent</b> 2019-09-23 Stephenville Tug Diesel Spill	—	—	—	Open
<b>Sikuk</b> 2017-09-21 Clarenville Fishing vessel No spill	\$195,109.00 2019-03-01 DFO/CCG	\$79,826.14 (40.91%) 2020-06-10	Recovery efforts ongoing	Open
				
<b>Stellie II</b> 2016-03-23 Port Saunders Fishing vessel Diesel spill	\$114,897.43 2020-10-08 DFO/CCG	Claim was rejected		Open
				
<b>Sweven</b> 2019-03-12 St. John's Pleasure craft No spill	\$6,134.57 2021-03-11 DFO/CCG	\$6,134.57 (100%) 2021-04-23	Recovery efforts ongoing	Open
<b>Unknown name</b> 2020-01-17 Cupids Pleasure craft Diesel Spill	\$14,826.38 2021-06-15 DFO/CCG	\$14,766.79 (99.6%) 2021-09-01	Recovery efforts ongoing	Open

Note: This icon  refers to wrecked, derelict and abandoned vessels.



INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
<b>Nova Scotia</b>				
<b>Cormorant</b> 2015-02-27 Bridgewater Ex-military Hydraulic oil spill	\$549,581.18 2015-11-02 DFO/CCG	\$515,267.25 (93.76%) 2016-03-29	\$375,000.00 2022-01-06	Open
<b>Farley Mowat</b> 2015-06-24 Shelburne Research Ship Spill	\$47,598.78 2017-06-23 Town of Shelburne	\$43,641.94 (91.69%) 2017-07-18	Recovery efforts ongoing	Open
<b>Farley Mowat</b> 2015-06-24 Shelburne Research ship Spill	\$814,815.05 2016-01-18 DFO/CCG	\$813,316.15 (99.82%) 2016-06-29	Recovery efforts ongoing	Open
<b>Hydra Mariner</b> 2021-01-16 Halifax Pleasure craft Unknown Spill	—	—	—	Open
<b>Miss Mall Bay</b> 2019-04-03 Lunenburg Fishing vessel No spill	\$183,859.32 2021-04-01 DFO/CCG	\$35,824.08 (19%) 2021-11-05	Recovery efforts ongoing	Open
<b>Miss Tricia Lynn</b> 2019-05-19 Chéticamp Fishing vessel No spill	\$10,815.75 2021-05-18 DFO/CCG	\$10,803.86 (99.9%) 2021-07-27	Recovery efforts ongoing	Open
<b>Primo</b> 2021-02-09 Lunenburg Fishing vessel No spill	—	—	—	Open
<b>Ryan Atlantic II</b> (formerly Cape Rouge) 2014-03-10 Bridgewater Ex-fishing vessel Spill	\$362,575.38 2014-06-30 DFO/CCG	\$358,117.79 (98.77%) 2015-03-19	Recovery efforts ongoing	Open
<b>Stephanie &amp; Darrel</b> 2007-04-11 Shelburne Fishing vessel Fuel and hydraulics Spill	\$13,627.73 2008-02-09 DFO/CCG	\$13,627.73 (100%) 2008-05-13	Recovery efforts ongoing	Open


Note: This icon  refers to wrecked, derelict and abandoned vessels.

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
<b>New Brunswick</b>				
<b>L'Épaulard</b> 2018-11-04 Blacks Harbour Fishing vessel Diesel spill	\$7,821.73 2020-11-03 DFO/CCG	\$7,674.80 (98%) 2021-01-26	Recovery efforts ongoing	Open
<b>SBI Carioca</b> 2017-10-11 Belledune Bulk Carrier No spill	—	—	—	Open
<b>Quebec</b>				
<b>Federal Leda</b> 2019-11-21 Beauharnois Bulk Carrier No spill	\$2,956.29 2021-11-20 DFO/CCG	Assessment ongoing	—	Open
<b>GRT Synergie</b> 2018-05-13 Carleton-sur-Mer Fishing vessel Diesel Spill	\$10,449.01 2020-05-12 DFO/CCG	\$1,297.67 (12.42%) 2020-11-12	Recovery efforts ongoing	Open
<b>Kathryn Spirit</b> 2013-09-19 Lac St. Louis, Beauharnois Bulk Carrier No spill	\$25,731,208.24 2021-05-04 DFO/CCG	—	—	Open
<b>Le Sept Ilien</b> 2018-06-22 Gros-Morne, Gaspésie Fishing vessel No spill	\$3,087.54 2020-06-22 DFO/CCG	\$1,996.69 64.70% 2020-10-19	Recovery efforts ongoing	Open
<b>Ocean Uannaq</b> 2016-04-01 Montreal Tug Spill	\$5,074.17 2021-03-31 DFO/CCG	Claim was rejected		Closed
<b>Réjane</b> 2020-10-09 Rapides du Cheval Blanc, Rivière des Prairies Tug No spill	\$3,428.93 2021-04-13 DFO/CCG	\$3,441.93 (100%) 2021-08-08	Recovery efforts ongoing	Open
<b>Ontario</b>				
<b>SEA-Q-TI</b> 2021-02-08 Humber Bay Park Toronto Pleasure craft No spill	\$35,614.93 2021-11-08	Assessment ongoing	—	Open



Note: This icon refers to wrecked, derelict and abandoned vessels.

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
<b>Tecumseh</b> 2019-12-15 Detroit River Bulk Carrier No spill	\$9,752.43 2021-12-14 DFO/CCG	Assessment ongoing	–	Open
<b>Unknown name</b> 2021-04-13 Bluffers Park, Toronto Pleasure craft No spill	\$9,982.18 2021-10-13 DFO/CCG	\$2,294.64 (23%) 2022-02-16	Recovery efforts ongoing	Open
<b>British Columbia</b>				
<b>Alaska Plaza and Sea Lander</b> 2020-12-24 Port McNeil Barge Diesel Spill	–	–	–	Open
<b>Alhena</b> 2018-11-01 Alert Bay Fishing vessel No spill	\$12,654.91 2020-10-30 DFO/CCG	\$5,440.03 (42.99%) 2021-01-06	Recovery efforts ongoing	Open
<b>Anapaya</b> 2017-10-21 Ladysmith Wooden sailing vessel Diesel and Lube Oil Spill	\$311,073.37 2019-09-10 DFO/CCG	\$296,024.24 (95.16%) 2019-12-05	No recovery	Closed
<b>Atanook</b> 2018-10-07 Ganges Harbour Sailing vessel (pleasure craft) No spill	\$19,017.43 2020-10-05 DFO/CCG	\$4,905.93 (25.80%) 2020-12-24	Recovery efforts ongoing	Open
<b>Atrevida No. 1</b> 2018-12-20 Maple Bay, near Arbutus Point Pleasure craft, ex-ferry Diesel Spill	\$223,719.10 2020-12-23 DFO/CCG	Claim was rejected		Closed
<b>Aura Lee</b> 2018-12-13 Cowichan Bay Ex-fishing vessel Diesel spill	\$42,176.45 2020-12-08 DFO/CCG	\$33,908.13 (80%) 2021-03-31	Recovery efforts ongoing	Closed
<b>Barges King Arthur &amp; SL 104</b> 2016-04-10 Mamquam Blind Channel	\$819,134.67 2018-04-04 DFO/CCG	\$814,012.78 (99.37%) 2018-10-31	Recovery efforts ongoing	Open





Note: This icon  refers to wrecked, derelict and abandoned vessels.


## Incident Index

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Barge No spill				
<b>Big Kahuna</b> 2017-11-29 Port Hardy Pleasure craft No spill	\$9,016.06 2019-09-30 DFO/CCG	\$6,811.45 (75.55%) 2019-12-24	No recovery	Closed
<b>Blue Pacific No.1</b> 2016-12-28 Salt Spring Island Ex-fishing vessel Fuel oil spill	\$132,339.06 2018-10-09 DFO/CCG	\$114,129.56 (86.24%) 2019-01-23	Recovery efforts ongoing	Open
<b>Central Isle</b> 2016-06-01 French Creek Ex-fishing vessel No spill	\$25,035.02 2018-02-20 DFO/CCG	\$24,108.07 (96.30%) 2018-04-04	Recovery efforts ongoing	Open
<b>Darrell Bay Incident</b> 2018-12-20 Darrell Bay, Squamish Ex-fishing vessels, pleasure craft, ex-tug Diesel spill	\$202,213.22 2020-12-17 DFO/CCG	\$43,721.14 (21.6%) 2021-05-10	Recovery efforts ongoing	Open
<b>Delphinus</b> 2018-02-19 Gowlland Island Sailing vessel No spill	\$25,579.91 2020-02-05 DFO/CCG	\$4,378.08 (17.12%) 2020-07-31	—	Closed
<b>Elva M II</b> 2016-11-05 Richmond Fishing vessel Spill	\$7,649.63 2017-02-09 Steveston Harbour Authority	\$7,649.63 (100%) 2017-02-22	\$3,266.46 2019-07-01	Open
	\$46,351.57 2017-02-28 DFO/CCG	\$46,351.57 (100%) 2017-03-31		Open
<b>Foss 153</b> 2020-04-22 Haida Gwaii Barge Diesel Spill	—	—	—	Open
<b>Friday While</b> 2019-01-08 Tsehum Harbour Pleasure craft Diesel Spill	\$27,442.55 2020-12-31 DFO/CCG	\$10,531.22 (38%) 2021-03-03	Recovery efforts ongoing	Open
<b>George H. Ledcor</b> 2018-08-13 Deering Island, Vancouver Tug	—	—	—	Open



Note: This icon refers to wrecked, derelict and abandoned vessels.

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
No spill				
<b>Go-Getter</b> 2019-12-02 Port Hardy Fishing vessel Diesel spill 	\$12,623.68 2021-11-24 DFO/CCG	\$2,123.68 (17%) 2022-02-18	Recovery efforts ongoing	Open
<b>Halary No. 1</b> 2018-10-11 Campbell River Ex-fishing vessel Fuel oil Spill 	\$25,413.14 2020-10-09 DFO/CCG	\$17,021.27 (67%) 2021-01-28	Recovery efforts ongoing	Closed
<b>Knot</b> 2021-09-26 Todd Inlet, South Saanich Diesel Spill	–	–	–	Open
<b>Lady Candy</b> 2022-01-01 Bella Coola Fishing vessel	–	–	–	Open
<b>Laurier II</b> 2014-07-14 Deep Bay Motor Vessel No spill	\$384,365.01 2018-01-22 DFO/CCG	\$265,768.99 (69.14%) 2019-02-07	Recovery efforts ongoing	Open
<b>Maverick IV</b> 2018-10-05 Cowichan Bay Pleasure craft No spill 	\$52,522.44 2020-09-24 DFO/CCG	\$18,905.55 (36%) 2020-12-17	Recovery efforts ongoing	Open
<b>Miss Terri</b> 2018-02-23 Campbell River Fishing vessel No spill 	\$88,576.24 2020-09-04 DFO/CCG	Claim was rejected		Open
<b>Mistann</b> 2011-10-14 Prince Rupert Fishing vessel Diesel spill	\$113,787.48 2012-04-26 DFO/CCG	\$100,462.51 (88%) 2012-09-12	\$18,080.42 2017-05-05	Open
<b>Nathan E. Stewart</b> 2016-10-13 Seaforth Channel, Bella Bella Tug Diesel fuel and lube oils spill	Not yet set. 2019-10-11 Heiltsuk Tribal Council (HTC)	–	–	Open
<b>Nika</b> 2017-05-12 Campbell River Ex-fishing vessel Diesel Spill	\$23,646.38 2019-03-26 DFO/CCG	\$22,720.29 (96%) 2019-05-01	Recovery efforts ongoing	Open
<b>Pacific Fibre Barge No. 1</b> 2018-01-31	\$121,187.55 2019-12-02			Closed

Note: This icon  refers to wrecked, derelict and abandoned vessels.

INCIDENT	CLAIM SUBMITTED	DECISION	RECOVERY	STATUS OF FILE AT END OF THE YEAR
Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
Port Mellon Barge Diesel spill	DFO/CCG	Claim was rejected		
<b>Pacific Poet</b> 2021-12-24 Oak Bay Pleasure craft No spill	—	—	—	Open
<b>Red Fir #9</b> 2019-10-25 Kitsilano Base, English Bay Pleasure Craft, ex-tug Diesel No spill	\$37,526.55 2021-10-06 DFO/CCG	\$15,058.53 (40%) 2022-01-31	Recovery efforts ongoing	Open
<b>Rolano</b> 2019-02-10 Cortes Island Passenger vessel No spill	\$248,265.04 2021-02-02 DFO/CCG	\$71,058.05 (28%) 2021-09-28	Recovery efforts ongoing	Open
<b>Salerosa</b> 2017-02-06 Oak Bay Ferro cement sailboat Diesel Spill	\$62,673.20 2019-02-01 DFO/CCG	\$8,254.51 (13%) 2019-04-11	Recovery efforts ongoing	Open
<b>Salish Guardian</b> 2019-07-24 Goat Island, Ganges Pleasure craft No spill	\$98,810.32 2021-07-20 DFO/CCG	\$38,662.05 (39%) 2021-11-29	Recovery efforts ongoing	Open
<b>San Jolyne III</b> 2018-10-19 Dusenbury Island, Pender Harbour Fishing vessel Fuel oil spill	\$181,475.67 2020-10-16 DFO/CCG	\$127,118.46 (70%) 2021-08-18	Recovery efforts ongoing	Open
<b>SC 170</b> 2017-08-22 Port McNeil Fishing vessel Spill	\$11,606.93 2019-06-04 DFO/CCG	\$8,528.54 (73%) 2019-07-11	\$9,573.20 2021-07-15	Closed
<b>Scotia River</b> 2019-11-10 Lax Kw'Alaams Tug Diesel and hydraulic fluid Spill	\$101,618.52 2021-11-03 DFO/CCG	Assessment ongoing	—	Open
<b>Sea Lion VI</b> 2021-12-24 Maple Bay Tug No spill	—	—	—	Open



Note: This icon refers to wrecked, derelict and abandoned vessels.

## Incident Index


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Ship name Date of incident Location Ship type Spilled oil (if applicable, and type of spill, if available)	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs. claimed) Date of decision	Amount recovered Date of recovery	
<b>Sea-Que</b> 2016-09-20 Sidney Motor vessel No spill	\$18,730.67 2018-08-02 DFO/CCG	\$18,730.67 (100%) 2018-09-21	Recovery efforts ongoing	Open
<b>Seal Rock</b> 2019-04-04 Saturna Island Pleasure craft No spill	\$51,805.59 2021-03-15 DFO/CCG	\$13,390.66 (26%) 2021-06-25	Recovery efforts ongoing	Open
<b>Sheena M</b> 2019-10-01 Gibsons Tug Fuel Spill	—	—	—	Open
<b>Spudnik</b> 2014-11-12 Howe Sound, Squamish Tug Spill	\$149,043.60 2016-04-28 DFO/CCG	\$131,064.45 (88%) 2016-07-26	Recovery efforts ongoing	Open
<b>Spudnik</b> 2020-01-06 Surrey Tug No spill	—	—	—	Open
<b>Theresa N</b> 2018-09-08 Bamfield Fishing vessel Diesel Spill	\$28,656.55 2020-07-24 DFO/CCG	\$28,656.55 (100%) 2020-10-22	Recovery efforts ongoing	Open
<b>Tinker II</b> 2018-01-20 Campbell River Pleasure craft No spill	\$8,979.14 2020-01-07 DFO/CCG	\$3,892.56 (43%) 2020-04-08	No recovery	Closed
<b>Tymac No. 20</b> 2017-09-12 Sydney Tug Diesel spill	\$36,177.31 2019-07-09 DFO/CCG	\$26,786.87 (74%) 2019-08-29	Recovery efforts ongoing	Open
<b>Unknown name</b> (barge) 2020-11-23 Parksville Barge Diesel Spill	—	—	—	Open
<b>Unknown name</b> (black gaff cutter) 2018-01-17 Comox Pleasure craft No spill	\$30,993.43 2019-12-17 DFO/CCG	\$3,164.17 (10%) 2020-07-31	\$2,000.00 20121-07-06	Closed



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<b>Unknown name</b> (blue trawler) 2017-11-25 Campbell River Converted fishing trawler No spill	\$26,640.92 2019-09-30 DFO/CCG	\$23,505.95 (88%) 2020-04-27	Recovery efforts ongoing	Open
<b>Unknown name</b> (deck barge) 2019-03-07 Port Mellon Deck barge No spill	\$396,954.40 2021-02-26 DFO/CCG	\$57,102.91 (14%) 2021-10-20	Recovery efforts ongoing	Open
<b>Unknown name (Trevor channel boom boat)</b> 2021-12-07 Trevor channel Service ship (workboat) No spill	–	–	–	Open
<b>Viking I</b> 2016-08-10 Nanaimo Fishing vessel Oil and potential fuel spill	\$31,458.19 2017-05-03 Nanaimo Port Authority	\$29,432.92 (94%) 2017-08-30	Recovery efforts ongoing	Open
	\$128,246.91 2018-02-20 DFO/CCG	\$128,246.91 (100%) 2018-04-24		Open
<b>Western Breeze</b> 2019-07-10 Steveston harbour Ex-fishing vessel Diesel Spill	\$147,492.93 2021-07-06 DFO/CCG	Assessment ongoing	–	Open
<b>Western Chief</b> 2019-06-24 Miner's Bay, Mayne Island Seiner (fishing vessel) No spill	\$22,528.61 2021-06-14 DFO/CCG	\$16,498.07 (73%) 2021-10-28	Recovery efforts ongoing	Open
<b>West Island 395</b> 2018-09-08 Haida Gwaii Lodge barge Spill	\$1,857,314.06 2019-01-14 Haida Tourism Limited Partnership (Haico)	Claim was dismissed	Recovery efforts ongoing	Open
	\$64,697.02 2020-09-01 DFO/CCG	\$36,521.88 (56%) 2021-02-25		Open
	\$114,463.99 2020-07-29 BC Ministry of Environment and Climate Change Strategy	\$72,996.90 (64%) 2021-03-31		Open
<b>White Orca</b> 2017-11-15 Ladysmith Pleasure craft	\$63,404.86 2019-09-24 DFO/CCG	\$49,005.97 (77%) 2019-12-20	Recovery efforts ongoing	Open

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Spill				
<b>Zac</b> 2019-05-27 Port Alberni Fishing vessel No spill	 \$43,758.69 2021-04-22 DFO/CCG	\$40,277.24 (92%) 2021-08-08	Recovery efforts ongoing	Open
<b>Zidell Marine 277 &amp; Jake Shearer</b> 2017-11-26 Goose Island Tug and barge No spill	–	–	–	Open
<b>Zodiac Light</b> 2018-02-15 Kitamaat Village Fishing vessel Diesel Spill	\$176,462.73 2020-01-15 DFO/CCG \$14,028.00 2020-02-12 Haisla Nation Council	\$133,879.10 (76%) 2020-06-01 \$14,028.00 (100%) 2020-03-26	Recovery efforts ongoing	Open Open
<b>Nunavut</b>				
<b>Akademik Ioffe</b> 2018-08-24 Kugaaruk Passenger vessel No spill	–	–	–	Open
<b>Northwest Territories</b>				
<b>Investigator</b> 2016-09-02 Toker Point Barge Fuel Oil Spill	–	–	–	Open

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