

Ship-Source Oil Pollution Fund



Incident Summaries **2020-2021**

of the Administrator's Annual Report

Canada 

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Newfoundland and Labrador

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 2021, 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.

As of 31 March 2021, the Administrator's recovery efforts against the owner of the *Beverly Gaie* continued.

Status

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

Eyelanders (2017)

Location: Green Island, Witless Bay, Newfoundland

File number: 120-761-C1

The Incident

On 25 August 2017, the Canadian Coast Guard (CCG) received a report of a vessel running aground on the southern end of Green Island, in Witless Bay, Newfoundland. The vessel was identified as the *Eyelanders*, an 18-metre, American-flagged fishing vessel. The vessel had approximately 5,000 to 6,000 gallons of diesel fuel aboard, and the location where it ran aground was part of an ecological preserve.

There was no release of fuel accompanying the grounding event itself. However, during removal and towing operations, a fuel line on the *Eyelanders* was severed. Approximately 10 to 15 gallons of diesel fuel were discharged into the marine environment.

The *Eyelanders* was towed to a wharf in Witless Bay. The CCG issued a notice to the vessel's owner under section 180 of the *Canada Shipping Act, 2001*. The CCG also conducted an assessment of the location of the grounding and discharge. The CCG noted a sheen on the surface of the water between Green Island and Mobile bay, which was concluded to be a result of the *Eyelanders* incident. Oil pollution containment equipment was deployed by the CCG in response.

On 26 August 2017, a wildlife survey was conducted of the Ecological Reserve at Green Island. On 28 August 2017, a second wildlife survey was carried out, including an assessment of the impact of the incident on the bird colonies within the ecological reserve. This included identifying birds which had apparently died as a result of the incident.

The Claim

On 25 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 \$12,812.93, seeking compensation for the response to the incident involving the *Eyelanders*.

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 assessment, it was identified that the claim submission did not justify the use of private vehicles as claimed for. As well, while the claim sought to charge for three days of use of a CCG Pollution Response Vessel, Class II, only one day's use of the vessel was documented. These items were therefore disallowed.

On 17 October 2019, the Administrator made an offer of compensation to the CCG in the amount of \$10,272.68, plus statutory interest in the amount of \$820.13.

The CCG accepted the offer on 28 October 2019, and payment from the Fund in the amount of \$11,092.81, including statutory interest, was made on 1 November 2019.

Recovery Action

In October of 2019, in-house counsel made efforts to contact the American corporate owner of the *Eyeland*, both directly and through a lawyer identified as representing the company. It was determined that the company had become insolvent and ceased operations.

In November and December 2019, the effort shifted to making contact with the insurer of the *Eyeland*. In January, contact was made and a demand letter was sent on 27 January 2020. Documents supporting the demand were provided on 30 January 2020.

On 20 February 2020, the insurer agreed to pay the claim. Thereafter there was some discussion as to the appropriate method of transferring payment. An agreement was reached on that point on 16 March 2020.

A cheque in US funds was received by the Administrator on 1 April 2020 and was deposited. As a result of changes in the exchange rate, the total recovery was \$10,812.08.

Status

Having recovered in full, the Administrator closed the file on 23 April 2020.

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 2021, the Administrator's Affidavit of Documents was being prepared.

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

The office of the Administrator has made contact with the owner. Negotiations towards a settlement are underway, including consideration of the owner's ability to pay a settlement towards the expenses caused by his vessel.

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.

As of 31 March 2021, the Administrator's recovery efforts continued.

Status

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

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 has sent a demand letter to the owner and continues to attempt to establish contact.

As of 31 March 2021, the Administrator's recovery efforts continued.

Status

The file remained open 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 2021, 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.

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.

Status

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

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.

As of 31 March 2021, the Administrator's recovery efforts against the owner of the *Megan C* continued.

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.

As of 31 March 2021, the Administrator's recovery efforts against the registered owner continued.

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 2021, no claim had yet been submitted to the Administrator.

Status

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

Northern Star (2018)

Location: Witless Point, Newfoundland and Labrador

File number: 120-851-C1

The Incident

On 10 February 2018, the Canadian Coast Guard (CCG) was informed that the 35-foot fishing vessel *Northern Star* had grounded in the night at Witless Point, Newfoundland and Labrador. Two individuals were removed by a Search and Rescue (SAR) helicopter, and the incident was transferred to CCG Environmental Response (ER). SAR reports indicated that the *Northern Star* was inaccessible by sea and that conditions were poor.

The CCG spoke with the owner of the *Northern Star*, one of the individuals rescued from the vessel. He stated that approximately 1,300 litres of diesel and 200 litres of other oils were on the vessel at the time of its grounding. He had just purchased the vessel and had been transiting to Nova Scotia.

With the owner unable to respond, four ER personnel were dispatched to the scene from St. John's at daybreak. They set up a staging area at the nearest road access to the site of the grounding and assessed the situation. The ER Duty Officer was dispatched to the scene from St. John's a few hours later.

The ER personnel removed 800 litres of diesel from the heavily damaged wreck of the *Northern Star*. The removed pollutants were slung by SAR helicopter to a nearby CCG vessel for disposal.

With accessible pollutants removed from the vessel, ER personnel demobilized their staging area and returned to St. John's in the early afternoon.

The Claim

On 11 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 \$4,574.63, seeking compensation for costs and expenses arising from the response to the incident involving the *Northern Star*.

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 generally that the CCG response to the grounding of the *Northern Star* was reasonable given the pollution threat posed by the vessel, which was likely to break up on the rocks. In the absence of a justification for sending the ER Duty Officer to the scene, however, the costs associated with this escalation were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$3,941.51, plus accrued interest of \$313.43, on 18 February 2020.

The CCG accepted the offer on 2 March 2020, and payment from the Fund in the amount of \$4,254.94, including interest, was made on 6 March 2020.

Recovery Action

On 29 January 2020, the Administrator requested additional information on the owner of the *Northern Star* from the CCG. A response was received on 20 February 2020.

On 6 March 2020, the Administrator issued a subpoena under the *Inquiries Act* to Fisheries and Oceans Canada in an attempt to clarify the identity and ownership status of the *Northern Star*, given that the vessel did not appear to be formally registered in Canada. A response to the subpoena was received on 16 March 2020.

On 17 March 2020, in-house counsel to the Administrator sent a letter of inquiry to the last individual to hold a fishing license associated with the *Northern Star*. The individual responded on 21 April 2020, stating that he had sold the vessel a number of days before its grounding to an individual from Nova Scotia. Bank records and a simple bill of sale dated 6 February 2018 were provided in support of the alleged sale.

As the name of the alleged purchaser of the *Northern Star* matched that provided by the CCG, in-house counsel to the Administrator sent a demand letter to his email address, as provided by the CCG. No response was received.

In an attempt to obtain a current address for the alleged purchaser, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company on 18 June 2020. The subpoena yielded a number of addresses, one of which appeared to be potentially viable. A demand letter was sent to this address on 21 July 2020. It was returned soon after, undeliverable.

Further investigatory work by the office of the Administrator team yielded another possible address for the alleged purchaser of the *Northern Star*, to which a demand letter was sent on 31 July 2020. No response was received.

Additional investigatory work yielded no useful information on the purchaser of the *Northern Star*.

Status

The Administrator closed this file on 10 September 2020, having taken all reasonable measures to recover as required by the *Marine Liability Act*.

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 2021, 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 Clarenville Harbour. The CCG filed a Statement of Defence to the third party claim on 22 February 2021.

As of 31 March 2021, the Administrator's Affidavit of Documents was being prepared.

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 totalling \$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.

As of 31 March 2021, the Administrator was considering the CCG's response to the Fund's inquiry.

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*.

As of 31 March 2021, the assessment of the claim was ongoing.

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.

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)

120-850-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.

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) (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).

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)

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 2021, no claim had been filed with the Administrator.

Status

The file remains open.

Île d'Aix (2018)

Location: Halifax Harbour, Nova Scotia

Case number: 120-818-R

The Incident

On 29 May 2018, the Canadian Coast Guard (CCG) was notified of a large sheen coming from the French cable repair vessel *Île d'Aix*, anchored near McNabs Island in Halifax Harbour. Upon their arrival on the scene, CCG personnel observed an unknown quantity of unrecoverable oil rapidly dispersing in the harbour.

On 30 May, Transport Canada detained and inspected the vessel for compliance with applicable laws.

Measures taken by the Administrator

The office of the Administrator contacted CCG in order to collect additional information. The Administrator also retained counsel, who contacted the vessel owner's P&I club and made inquiries about the spill.

In June 2018, the in-house counsel for the Administrator contacted CCG to get an estimated cost of response operations. CCG advised that there would not be a claim submitted for its response. Accordingly, the Administrator instructed counsel to advise the P&I club that she would not be seeking security.

The Claim

As of 31 March 2021, no claim has been filed with the Administrator.

Status

With no claims expected in respect of the *Île d'Aix* incident, the file was closed on 31 March 2021.

Nordika Desgagnés (2018)

Location: Cape Breton, Nova Scotia

File number: 120-746-C1

The Incident

On 11 March 2018, the *Nordika Desgagnés*, a Barbadian-flagged general cargo vessel of 12,974 GT, suffered a steering gear failure approximately 160 nautical miles southeast of Scatarie Island, Nova Scotia. The vessel was in ballast at the time and its main engines and bow thruster remained operational. A winter storm was expected in the area, and the owner of the stricken vessel had made arrangements for a tug to assist, which reached the vessel and connected a towline on 12 March 2018.

The Canadian Coast Guard (CCG) initially classed the incident as search and rescue in character, but it came to the attention of CCG Environmental Response (ER) on 12 March 2018.

CCG ER set up a remote Incident Command Post in Dartmouth to monitor progress on 13 March 2018 and issued a Direction under the *Canada Shipping Act, 2001* to the owner of the vessel requesting a formal Response Plan later the same day. A multilateral telephone conference was arranged that evening. It involved, among other interested parties, the owner of the vessel and CCG ER. A Response Plan was delivered thereafter and deemed acceptable by all parties.

With weather conditions deteriorating, the towline connected to the *Nordika Desgagnés* parted early in the morning on 14 March 2018. The stricken vessel was then 83 nautical miles from Scatarie Island. Regular updates on the situation were provided to CCG ER by the vessel's owner and the Response Plan was revised as needed.

A replacement tug was engaged later the same day, and a CCG vessel was also deployed in support. The drifting *Nordika Desgagnés* was successfully placed under tow a second time, 33 nautical miles from Scatarie Island, on 15 March 2018, and delivered to Port Hawkesbury for repairs just over a day later.

The Claim

On 2 March 2020, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$12,218.68, seeking compensation for costs and expenses arising from the response to the incident involving the *Nordika Desgagnés*.

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

Assessment and Offer

The Administrator conducted an initial review of the claim, which was entirely comprised of personnel costs associated with the Incident Command Centre in Dartmouth. A request for

further information was presented to the CCG, and a response was received on 24 March 2020.

On 25 March 2020, in-house legal counsel to the Administrator wrote to the owner of the *Nordika Desgagnés* to advise that the Administrator was investigating and assessing a claim from the CCG with regard to the March 2018 incident involving the vessel. The owner wrote back, requesting the CCG's claim documentation for review, which was provided.

On 24 June 2020, the Administrator received a letter from the CCG indicating that it wished to withdraw its claim, as the matter had been privately settled with the owner of the *Nordika Desgagnés* on 3 June 2020.

Status

With the claim withdrawn by the claimant, the Administrator closed the file on 2 July 2020.

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 2021, 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. As of 31 March 2021, no response had been received.

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 2021, no claim had been received by the Administrator.

Status

The file remains open.

Quebec

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*.

As of 31 March 2021, the Administrator's recovery efforts continued.

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 publically 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, 2021, the Mexican company had yet to be served with the lawsuit. The Administrator has consented to an extension of time to serve the Mexican company, and the Administrator's external counsel were preparing to enter a defence.

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*.

As of 31 March 2021, the Administrator's recovery efforts continued.

Status

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

Ocean Uannaq (2016)

Location: Montreal, Quebec

File number: 120-869-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*.

As of 31 March 2021, the assessment of the claim was ongoing.

Status

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

Ontario

Margarethe (2018)

Location: Wolfe Island, Ontario
File number: 120-840-C1

The Incident

On 5 April 2018, the Canadian Coast Guard (CCG) was informed that a small sailboat, later identified as the *Margarethe*, had slipped free of its moorings and drifted onto a lee shore of Wolfe Island, Ontario. Damage to the vessel's hull was suspected, and an unknown quantity of pollutants was on board, but no discharge was reported. The CCG contacted the vessel's owner, issuing him with a Notice under the *Canada Shipping Act, 2001*, and requesting that he inform the CCG of his intentions the following day.

On the morning of 6 April 2018, the CCG provided the owner of the *Margarethe* with contact information for Dedicated Environmental Services Inc. (DES). The owner replied that DES was en route to the vessel to remove onboard pollutants.

DES dispatched a vacuum truck and two members of its personnel to the *Margarethe*, removing almost 6,000 litres of bilge water, fuel, and engine oil, which were ultimately disposed of through a subcontractor. The response was concluded by the afternoon of 6 April 2018.

DES proceeded to contact the CCG, seeking payment, the same afternoon. The CCG declined to pay and directed DES to the owner of the *Margarethe*.

DES issued an invoice to the owner in the amount of \$6,854.41. The owner stated that he could not pay the entire balance immediately and proposed payments in \$1,500.00 installments, paying the first such installment on 6 April 2018. He indicated that he would issue his next payment on 16 April 2018. He did not. Instead, he began to dispute the DES invoice. On 23 April 2018, DES agreed to issue a partial credit to the owner. DES received a final payment of \$500.00 from the owner on 11 May. In March of 2019, the owner dropped entirely out of contact with DES, which had continued to attempt to collect the outstanding balance owing.

The Claim

On 22 May 2019, the Administrator received a submission from DES. The submission included an invoice showing an outstanding balance of \$4,854.41. DES sought compensation in this amount from the Administrator in respect of its response to the incident involving the *Margarethe*.

The Administrator requested additional documentation from DES, including a narrative, on 23 May 2019. A response containing the requested documentation was received on 6 August 2019.

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, requesting further details from DES in October 2019. The requested details were provided.

Based on all the documentation submitted by DES, and based on broader investigation of the claim, the Administrator concluded that the response to the incident involving the *Margarethe* was reasonable in the circumstances. Nonetheless, reductions were made to represent the amounts credited to the owner of the vessel. Further reductions were made to account for HST. Finally, as the Administrator is limited to compensating claimants for loss, damage, costs, or expenses actually incurred as a result of a ship-source oil pollution incident, a global reduction to the entire claimed amount was made to account for DES mark-up on its invoiced services.

The Administrator made an offer of compensation to DES in the amount of \$2,550.80, plus accrued interest of \$78.13, on 17 October 2019.

DES accepted the offer on 18 October 2019, and payment from the Fund in the amount of \$2,628.93, including interest, was made on 30 October 2019.

Recovery Action

On 19 November 2019, in-house legal counsel to the Administrator sent a demand letter to the owner of the *Margarethe*, who replied by telephone the same day before breaking off contact thereafter.

Repeated attempts to re-establish contact with the owner by email and by telephone were not successful.

On 17 December 2020, the Administrator issued a subpoena under the *Inquiries Act* to Frontenac County in an attempt to determine whether the owner of the *Margarethe* was also the owner of any real property on Wolfe Island, his last-known place of residence. The reply to the subpoena showed no property ownership. It was also discovered that the cottage where the owner of the vessel had resided had been torn down.

Despite additional investigatory steps taken by the office of the Administrator, the owner of the *Margarethe* could not be located.

Status

The Administrator closed this file on 28 January 2021, having taken all reasonable measures to recover, as required by the *Marine Liability Act*.

Pitts Carillon (2017)

Location: Picton Bay, Prince Edward County, Ontario

File number: 120-740-C1

The Incident

On March 24, 2017, the spud barge *Pitts Carillon* sank alongside the Picton Terminals Dock in Picton Bay, Prince Edward County, spilling approximately 50 litres of oil. The barge had been chartered in support of work to establish a wind farm at nearby Amherst Island.

The barge was equipped with a 4,000-litre capacity diesel tank and a small machinery space to house a generator and a hydraulic power pack, all for the functioning of onboard machinery.

The Canadian Coast Guard (CCG) responded to the incident on March 24, 2017, with oil response efforts led by the Eastern Canada Response Corporation (ECRC). Salvage efforts were led by McKeil Marine, who was the owner of the vessel for the purposes of the *Marine Liability Act*. McKeil Marine raised the vessel on Saturday April 1, 2017. The *Pitts Carillon* was towed from the site on April 3, 2017.

The Municipal Emergency Control Group for Prince Edward County was activated on the day of the sinking to monitor the situation. Their primary concern was the town's water supply. By the afternoon of March 28, 2017, an oil sheen had moved further south into Picton Bay and entered the local water treatment plant's Intake Protection Zone. The treatment plant had remained in operation after the sinking under contingency plans. Those entailed manual control and constant monitoring of the raw water sampling line.

On March 28, 2017, the Picton mayor declared an emergency, asking residents to reduce water use. On March 29, a fuel odour was detected at the raw water sampling line. Since the plant was not capable of removing oil contaminants, that source was shut down and the water system was shifted to use reserve water from other reservoirs. Further arrangements were made to shuttle in treated water by tanker truck. A boil water advisory was issued the same day.

Advice sought by the plant indicated that the media contained within its four water filters should be replaced with activated carbon to safely mitigate any hydrocarbon contamination risks. This was done. The shuttling of treated water ended April 6, 2017 and the boil water advisory was lifted shortly thereafter. The process of resupplying treated water through the distribution system with additional system sample collection and testing continued until April 11. When test results were clear, normal monitoring resumed and the water emergency was lifted.

Measures taken by the Administrator

In June 2018, counsel for the Administrator sent a demand letter to the shipowner in order to obtain security. The shipowner commenced a limitation action and the Administrator was served in July 2018.

The limitation action sought to establish a limitation fund of \$500,000 and require that all claims by those affected by the incident be made only against that fund.

The Claim

On May 8, 2018, Prince Edward County filed a claim with the Administrator for costs, expenses, and interest in the amount of \$597,396.70, pursuant to the *Marine Liability Act*.

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

Assessment and Offer

After a number of further requests for information and responses, on July 26, 2019, the Administrator made an offer of compensation to Prince Edward County in the amount of \$380,714.53, plus statutory interest in the amount of \$13,396.23.

Subsequent to the Administrator advancing an offer of compensation, Prince Edward County sought to adduce additional documents and to submit additional claims. The Administrator declined to entertain those further submissions.

On September 10, 2019, Prince Edward County accepted the Administrator's offer.

Recovery Action

The Administrator filed a claim in the limitation action.

On July 25, 2019, the Court directed that the claims against the limitation fund be mediated. The mediation was scheduled for December 10, 2019, in Toronto.

At the mediation, the Administrator advanced claims totalling \$471,457.94 against the \$500,000 available in the limitation fund. The owner of the vessel advanced a claim in the amount of \$1,012,810, relying on provisions of the *Marine Liability Act* which permit owners to claim against limitation funds for the costs of their own voluntary pollution response measures.

At the mediation, the Administrator agreed to a settlement by which the Ship-source Oil Pollution Fund would recover \$283,500 or 56.7% of the available limitation funds. The parties agreed to an order awarding the Administrator the settlement amount and terminating the remaining portions of the limitation action. That order was issued by the Court on February 6, 2020.

The settlement funds were received by the Administrator on March 12, 2020.

Status

The Administrator closed the file on June 26, 2020.

Related File

120-740-C1-1 *Pitts Carillon* (A separate claim with respect to the same incident)

Pitts Carillon (2017)

Location: Picton Bay, Prince Edward County, Ontario

File number: 120-740-C1-1

The Incident

On March 24, 2017, the spud barge *Pitts Carillon* sank alongside the Picton Terminals Dock in Picton Bay, Prince Edward County, spilling approximately 50 litres of oil. The barge had been chartered in support of work to establish a wind farm at nearby Amherst Island.

The barge was equipped with a 4,000-litre capacity diesel tank and a small machinery space to house a generator and a hydraulic power pack, all for the functioning of onboard machinery.

CCG Environmental Response personnel were dispatched from a base in Prescott to the scene to conduct an initial assessment. They remained on site to continue monitoring for any pollution damage. Oil response efforts were led by the Eastern Canada Response Corporation, but CCG also deployed substantial quantities of boom. Contracted divers reported that no pollution was coming from the barge, though a sheen was sighted on the water and ice. The pollutants released on the day of the sinking totalled approximately 50 litres in volume and no further discharge occurred.

McKeil Marine, who was the owner of the vessel for the purposes of the *Marine Liability Act*, led the salvage efforts. On April 1, 2017, McKeil Marine raised the barge. The *Pitts Carillon* was towed from the site two days later.

Measures taken by the Administrator

In June 2018, counsel for the Administrator sent a demand letter to the shipowner in order to obtain security. The shipowner commenced a limitation action and the Administrator was served in July 2018.

The limitation action sought to establish a limitation fund of \$500,000 and require that all claims by those affected by the incident be made only against that fund.

The Claim

On November 22, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in response to the incident, in the amount of \$77,347.18, pursuant to sections 101 and 103 of the *Marine Liability Act*.

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

Assessment and Offer

On January 23, 2019, DFO/CCG submitted a revised narrative for its claim.

On March 5, 2019, after investigation and assessment of the claim, the Administrator made an offer to DFO/CCG for the established amount of \$32,694.66, plus interest, pursuant to section 105 of the *Act*. On March 13, the offer was accepted by CCG. On March 18, 2019, a payment in the amount of \$35,037.93, including interest, was made to DFO/CCG.

Recovery Action

The Administrator filed a claim in the limitation action.

On July 25, 2019, the Court directed that the claims against the limitation fund be mediated. The mediation was scheduled for December 10, 2019, in Toronto.

At the mediation, the Administrator advanced claims totalling \$471,457.94 against the \$500,000 available in the limitation fund. The owner of the vessel advanced a claim in the amount of \$1,012,810, relying on provisions of the *Marine Liability Act* which permit owners to claim against limitation funds for the costs of their own voluntary pollution response measures.

At the mediation, the Administrator agreed to a settlement by which the Ship-source Oil Pollution Fund would recover \$283,500, or 56.7% of the available limitation funds. The parties agreed to an order awarding the Administrator the settlement amount and terminating the remaining portions of the limitation action. That order was issued by the Court on February 6, 2020.

The settlement funds were received by the Administrator on March 12, 2020.

Status

The Administrator closed the file on June 26, 2020.

Related File

120-740-C1 – *Pitts Carillon* (A separate claim with respect to the same incident)

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 2021, 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*.

As of 31 March 2021, 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*.

As of 31 March 2021, efforts including the engagement of a private investigator remain underway to locate the identified owner.

Status

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

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.

Efforts to locate the owner of the *Atanook* continued as of 31 March 2021.

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.

Status

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

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

As of 31 March 2021 the office of the Administrator was in the process of gathering evidence with respect to the owner of the *Aura Lee*.

Status

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

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.

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*.

The office of the Administrator continues efforts to reach the owner.

Status

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

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.

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.

As of 31 March 2021, the Administrator, through external counsel, was in the process of filing for a costs award and taking steps to recover the amount of the judgment from the Defendant.

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

The assessment of this claim was ongoing at the end of the fiscal year.

Status

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

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

The *Delphinus* appears never to have been registered in Canada. Efforts remain ongoing to identify and contact the owner of the vessel.

Status

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

Elf (2014)

Location: Squamish Harbour, British Columbia

Case number: 120-646-C1

The Incident

On January 14, 2014, the District of Squamish reported to the Canadian Coast Guard (CCG) that the tug *Elf*, a 74-foot wooden tug built in 1902, sank near the government wharf in Squamish Harbour. A significant amount of oil was upwelling from the wreck. In view of the environmental sensitivities of the incident location, the CCG Environmental Response (ER) personnel from the Richmond depot proceeded to the area with pollution counter-measures equipment. They then met with municipal officials, the RCMP, concerned citizens, and an individual who presented himself as the owner of the vessel but who could not provide proof of ownership. After verification with Transport Canada Ship Safety, it was found that the *Elf* was not registered; however, later, it was ascertained that the person who was operating the vessel was in fact the owner's representative. The latter was subsequently advised about the owner's responsibility to respond and his liability if he chose not to. He replied that the owner did not have insurance and was unable to contain and clean up the oil spill.

The CCG assumed the role of On-Scene Commander. Oil containment boom and sorbent materials were deployed to contain the spill and upwelling from the sunken vessel. At the same time, a local oil spill clean-up contractor was hired by the District Authority to boom off an area upstream where there was an endangered species of red-legged frogs. As 90% of the Mamquam Blind Channel was covered with a rainbow of sheen and other dull coloured oil, Environment Canada was requested to provide sensitivity mapping as well as a trajectory model for the spill.

An emergency response contractor, Quantum Marine, was hired by CCG to clean up oil that had made its way in and around the marina and docks within the channel. Divers from Hydra Marina Services Inc. were also engaged to plug the vents, but this did not stop the leak of fuel oil completely. Given the level of environmental risk, CCG engaged a contractor, Vancouver Pile Driving Ltd., to raise the wreck, which operation commenced on January 16. The *Elf* was slowly brought to the surface and dewatered as much as possible. CCG then hired a marine surveyor to inspect the condition and seaworthiness of the vessel. The surveyor reported a significant wood deterioration to the hull and advised that the vessel should be raised so the hull below the waterline could be inspected. Arrangements were made to have the vessel towed from Squamish to English Bay and then transferred to another tug to tow it up the Fraser River to Shelter Island Marina, where it would be hauled out of the water.

On January 17, shortly after the *Elf* was transferred to another tug company, it started to sink. CCG returned to Squamish and continued with containment and recovery of oil pollution that lingered throughout the Mamquam Blind Channel. On January 20, the response operation was discontinued and the *Elf* was left at the bottom.

Measures taken by the Administrator

When the Administrator was informed by CCG about the incident and the eventual significant costs associated to the response, a marine technical surveyor was engaged to

attend the scene of the incident during the salvage of the sunken vessel. The surveyor had discussions with the CCG ER personnel about the measures planned for the recovery and he was also invited to the operational meetings. He reported to the Administrator that the measures taken by the contractors during the refloating operations and preparing the *Elf* for tow to the Fraser River for storage were sufficient to eliminate the threat of further oil pollution, other than light unrecoverable sheening.

The Claim

On August 12, 2014, 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 in the amount of \$82,512.70.

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. Additional documentation was requested and provided without delay. On December 18, 2014, the Administrator made an offer of compensation to DFO/CCG for the established amount of \$82,512.70, plus interest, as full and final settlement. DFO/CCG accepted the offer on February 3, 2015 and, on or about August 4, 2016, a payment in the amount of \$88,702.92 including interest was made to DFO/CCG.

Recovery Action

On September 30, 2016, a demand letter was sent to the vessel owner. Having received no response, a Statement of Claim was filed with the Federal Court on October 7. The court case was later joined with another Federal Court case further to the Statement of Defence and Counterclaim filed by the vessel owner on October 26, 2016, pursuant to which the latter sued DFO/CCG for damages caused to the *Elf* and to which several third parties were involved, such as the Administrator, Squamish Marine Services Ltd. and Valley Towing Ltd.

The trial took place on December 20, 2017 and the Administrator was successful in her claim. The shipowner was found liable for damages, costs and interest. The Administrator agreed with the solicitor of the shipowner to take no further action to recover the judgment for 120 days. The grace period that the Administrator gave to the owner expired on May 28, 2018 with no payment received.

Counsel for the Administrator attempted to serve the shipowner with a Direction to Attend an examination in aid of execution, but the owner failed to appear on two appointments. When he did appear he produced none of the documents listed in the Appointment and refused to answer any questions.

On March 19, 2019, the Judge issued an Order requiring the owner to attend at a court-supervised examination in aid of execution in April 2019.

The owner made an assignment in bankruptcy. The Administrator filed a claim in the bankruptcy proceedings and submitted a list of questions and requests for documentation to the bankruptcy trustee.

The Administrator sought to have the Superintendent in Bankruptcy examine the owner within the bankruptcy as to whether he had properly disclosed assets and income. The Superintendent in Bankruptcy agreed to carry out that examination. The examination proceeded on February 19, 2020. This led to the discovery of funds which had not been disclosed as part of the bankruptcy.

On December 12, 2020, the Administrator received a cheque in the amount of \$1,189.70, which represented the Administrator's pro-rata share of the defendant's estate in bankruptcy, including the additional funds discovered.

Status

The Administrator closed this file on January 1, 2021, on the basis no further measures towards recovery were reasonable in the circumstances.

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 2021, 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.

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.

As of 31 March 2021, the Administrator was not yet subrogated.

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 2021, no claim had been filed with the Administrator.

Status

The file remains open.

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.

As of 31 March 2021, the Administrator's recovery efforts against the owner of the *Halary No. 1* continued.

Status

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

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 2021, the Administrator's efforts to recover on this file continued.

Status

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

Lightship LV76 (2017)

Location: Fraser River, Mission, British Columbia
Case number: 120-713-R

The Incident

On 24 March 2017, the former 497-tonne USCG *Lightship LV76* (vessel) sunk in the Fraser River, British Columbia, and was leaking oil. The location of the incident was at a former sawmill, at which site other decommissioned and derelict vessels were also secured. The Canadian Coast Guard Environmental Response (CCG ER) and the Western Canada Marine Response Corporation (WCMRC) attended the site for the oil pollution response. Containment boom was deployed around the vessel and the area of upwelling, and sorbent materials were utilized within the contained area. The vessel was not considered a hazard to navigation in its position; however, since oil had continued to emerge from it and the volume of hydrocarbons on board had not been confirmed, the CCG issued tenders to raise it.

On 30 April 2017, divers commenced work to prepare the vessel for refloating, but the raising and refloating operation encountered numerous difficulties. WCMRC was in attendance throughout the operation to deploy and maintain sorbent booms and materials in an effort to recover the oil that was upwelling from the vessel whenever it was moved.

On 12 May 2017, the bow of the vessel was hoisted whilst the stern still lay on the bottom. Due to the heavy weight of the vessel, the heavy lift crane was not able to hoist the entire vessel off the bottom. While approximately 50% of the vessel's main deck was above the water surface, divers continued efforts to plug submerged openings in the hull and pumps were deployed to dewater the hull. Despite efforts to seal the hull with additional pumps, the vessel did not rise any further.

However, throughout the operation, CCG recovered oil leaking from various ports and hatches and while the vessel was partially raised, was able to gain access to the fuel tank fill and vent and to pump out any remaining oil. CCG no longer considering the vessel to be a threat to cause significant pollution, the refloating operation was discontinued and the vessel was lowered to the bottom and marked with a buoy.

Measures taken by the Administrator

The Administrator engaged a marine expert to attend the site of the incident and to monitor the raising and refloating operation.

In November 2018, the Administrator engaged an investigation firm to complete a locate and asset search on the *Lightship LV76*'s owner.

The Claim

As of 31 March 2021, no claim had been filed with the Administrator.

Status

The file was closed on 31 March 2021 because no claim had been received and the prescription date had passed.

Marathassa (2015)

Location: Vancouver Harbour, British Columbia

File number: 120-673-C1-2

The Incident

On April 8, 2015, the Canadian Coast Guard (CCG) was informed that there was an oil spill in English Bay near the entrance to Vancouver Harbour, British Columbia. The Cypriot registered bulk carrier *Marathassa* (43,229 GRT), which was at anchorage number 12 in English Bay, was identified as the probable source of the pollution. The vessel's Master initially denied any responsibility for the oil spill. Transport Canada Marine Safety (TCMS) inspectors later traced the source of the spill to a mechanical defect aboard the *Marathassa*, which allowed bunker oil into the bilge.

Later that day, the CCG contracted the Western Canada Marine Response Corporation (WCMRC), a Transport Canada Certified Response Organization. The CCG took command of the operation as the lead agency and the WCMRC began collecting fuel oil and skimming operations. The *Marathassa* was boomed in the early morning on April 9, 2015, by WCMRC. This delay had a significant impact on the spread of the recoverable pollution.

The cleanup work executed by the WCMRC and the various subcontractors engaged by the CCG lasted 16 days, concluding on April 23, 2015. The *Marathassa* was released on April 24, 2015 and departed English Bay the next day.

A review of the incident found that the volume of the oil spill was approximately 2,800 litres of IFO 380, a ship's bunker product. It was estimated that about 600 litres, or more, could have impacted the shoreline. The coastal area surrounding English Bay contains several parks with popular beaches accessible from the downtown Vancouver area. The beaches are major tourist attractions and frequented by the local population all year long. English Bay and Burrard Inlet are important wintering areas for numerous marine birds and waterfowl and have been designated by Birdlife International as important bird areas based on bird population and habitat thresholds.

Measures taken by the Administrator

A Letter of Undertaking (LOU) was received from the ship's insurer and the Administrator was advised that claims were being dealt with by counsel for the insurers.

The Claim

On February 21, 2017, the City of Vancouver submitted a \$569,053.13 claim to the ship insurer's counsel, with copy to the Administrator's counsel, for damages incurred in relation to the *Marathassa* incident. The City of Vancouver advised that should no settlement be reached before March 21, 2017, it would seek payment from the Administrator directly.

On April 10, 2017, the City of Vancouver confirmed to the Administrator that its February 21, 2017 claim in the amount of \$569,053.13 was now submitted to the Administrator.

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

Assessment and Offer

At the request of the claimant, the Administrator kept the assessment on hold pending ongoing settlement discussions between the claimant and the insurer. Assessment resumed in July 2017. Additional information was requested from the claimant.

Three different claims concerning the *Marathassa* incident of April 8–24, 2015 were eventually submitted. The measures and activities linked to the Incident Command System (ICS) identified in the individual claims (and their respective documentation) overlapped/intersected and therefore had to be assessed as an integrated package by the Administrator to ensure that the measures were part of the integrated plan and that measures had not been duplicated; i.e. although each claim had to be assessed for itself, it had to be understood in the light of the global operation that took place and that involved efforts from other parties. The understanding of this global picture was necessary to make a determination as to the reasonableness of measures and activities and the reasonableness of the costs of the individual elements of each claim.

On January 17, 2018, after investigation and assessment of the claim, the Administrator sent a draft letter of offer to the City of Vancouver, for comments. On February 22, 2018, Counsel for the City of Vancouver reverted to the Administrator with comments and submissions on this draft letter of offer.

On April 5, 2018, having reviewed the further submissions, the Administrator issued her offer. On April 13, 2018, the City of Vancouver submitted it had not had a fair chance to review the documentation relied on to assess its claim and that it had therefore not been able to respond accordingly to the draft decision.

On April 19, 2018, the Administrator agreed to share the documentation from third parties relied upon to assess the City of Vancouver's claim. Accordingly, the Administrator withdrew the offer and reissued it as a second draft offer open for further submissions and comments.

On July 3, 2018, Counsel for the City of Vancouver made submissions on the second draft offer.

On March 20, 2019, the Administrator made an offer for the established amount of \$235,748.23, plus interest, as full and final settlement to the claim of the City of Vancouver. Thereafter, the City of Vancouver made submissions suggesting it would be appropriate to amend the offer. The Administrator accepted those submissions. The City of Vancouver accepted the amended offer and on May 10, 2019, the Administrator directed a payment to the City of Vancouver in the amount of \$266,014.96.

Recovery Action

Upon payment to the City of Vancouver, a demand was submitted against the LOU for the amount of the payment. On July 9, 2019, the Administrator received a payment in the amount of \$236,070.59.

Status

The file was closed on 31 March 2021 as it was determined that the underlying litigation had fully resolved.

Related Files

120-673-C1 – *Marathassa* - (same incident, claim from the Canadian Coast Guard)

120-673-C1-1 – *Marathassa* - (same incident, claim from the Vancouver Fraser Port Authority)

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.

As of 31 March 2021, the Administrator's recovery efforts continued.

Status

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

Melampus (2017)

Location: Goat Island, British Columbia

File number: 120-807-C1

The Incident

On 21 September 2017, the Canadian Coast Guard (CCG) was notified that an approximately 40-foot pleasure craft later identified as the *Melampus* was taking on water and at risk of sinking near Goat Island, in Ganges Bay, British Columbia.

The CCG lifeboat station at Ganges dispatched personnel to the scene, who dewatered the vessel before handing the response over to CCG Environmental Response (ER). When CCG ER personnel arrived on scene, they estimated that 300 litres of diesel fuel were on board the *Melampus* and observed additional oils in the vessel's bilge and engine room.

The CCG determined that the vessel was at risk of sinking if left unattended and resolved to have it removed from the water. A contractor was engaged to this end, and the *Melampus* was towed to Ganges, while it was stowed overnight before being towed to Sidney on 22 September 2017 to be removed from the water at a second contractor's facility.

The CCG arranged to have the vessel surveyed on 25 September 2017 while it lay on blocks in Sidney. Considering the vessel valueless and oil-saturated, and unable to identify an owner, the CCG had the *Melampus* deconstructed.

The Claim

On 15 August 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$15,106.38, seeking compensation for costs and expenses arising from the response to the incident involving the *Melampus*.

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

Assessment and Offer

On investigation and assessment, the Administrator found that the decision to remove the *Melampus* from the water was reasonable, as the vessel had posed a risk of polluting. With regard to the other contracted costs incurred by the CCG, including those associated with deconstruction, the Administrator was not able to make the same finding. The evidence presented by the CCG contained several key inconsistencies, and the survey report commissioned by the CCG was at odds with the narrative included with the CCG submission. In addition, the CCG use of a Pollution Response Vessel, Class III, and its associated cost, was found to be disproportionate.

On 24 December 2019, the Administrator made an offer of compensation to the CCG in the amount of \$6,522.62, plus accrued interest of \$549.98.

The CCG accepted the offer on 6 February 2020, and payment from the Fund in the amount of \$7,072.60, including interest, was made on 14 February 2020.

Recovery Action

On 22 August 2019, in-house legal counsel to the Administrator obtained from Transport Canada the full historical registration transcript for the *Melampus*, which indicated that the vessel had ceased to be registered in 2016.

On 12 December 2019, in an attempt to trace the ownership of the *Melampus*, the Administrator issued a subpoena under the *Inquiries Act* to Transport Canada. Transport Canada responded to the subpoena on 17 December 2019, providing documentation in which the last registered owner of the vessel alleged to have sold it in 2008. A letter of inquiry was sent to the last registered owner of the vessel, but no response was received. Additional investigatory work was successful in tracing ownership of the *Melampus* to 2014.

Further investigatory work conducted by the Administrator's in-house legal team revealed that during the CCG response, an individual had come forward, representing himself as the owner of the *Melampus*. According to this account, the individual was permitted to remove his belongings from the vessel while it was tied up at Ganges overnight.

On 27 February 2020, in-house counsel to the Administrator sent an inquiry to the CCG regarding the individual who had apparently identified himself as the vessel's owner. The CCG responded on 5 March, largely verifying the account, but providing no useful leads.

Further investigatory work conducted by the office of the Administrator identified an individual who appeared to have been the owner of the *Melampus* until at least March of 2015. When contacted, this individual claimed to have sold the vessel in 2014 to another individual who had since passed away.

Despite additional investigatory work, no compelling evidence of the ownership of the *Melampus* was obtained.

Status

The Administrator closed this file on 10 September 2020, having taken all reasonable measures to recover as required by the *Marine Liability Act*.

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.

As of the end of the fiscal year, the Administrator was considering the CCG response to the draft offer.

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 2021.

Status

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

Numas Isle (2018)

Location: Discovery Harbour, Campbell River, British Columbia

File number: 120-868-C1

The Incident

On 9 September 2018, the Canadian Coast Guard (CCG) was notified that the approximately 48-foot former fishing vessel *Numas Isle* had sunk and was discharging oil at Discovery Harbour, in Campbell River, British Columbia. The Discovery Harbour Authority deployed sorbent materials in response.

CCG personnel were dispatched to the scene from the Campbell River lifeboat station. They observed a sheen around the sunken vessel and deployed additional sorbent materials. An unknown volume of oil pollutants were on board. The CCG determined that the *Numas Isle* would need to be raised to mitigate the continuing oil pollution threat it posed. With no owner in the picture, a salvage company and divers were engaged.

On 10 September 2018, CCG Environmental Response personnel were dispatched from Victoria, but they were forced to turn around due to a rock slide that obstructed the highway. As a result, the remainder of the response and the CCG's contractors were managed remotely.

The *Numas Isle* was raised and removed from the water at a nearby boat ramp. With no marine surveyors available immediately, one of the CCG's contractors assessed the vessel, noting that it was in poor condition with rotten, oil-saturated planks.

The CCG decided to have the *Numas Isle* deconstructed, which operation was completed by additional contractors by 11 September 2018.

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 \$30,169.92, seeking compensation for costs and expenses arising from the response to the incident involving the *Numas 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, concluding that the CCG operation was generally reasonable up to and including the removal of the *Numas Isle* from the water.

Finding insufficient evidence in support of the decision to deconstruct the vessel, the Administrator requested additional documentation from the CCG on 24 September 2020. The CCG responded the same day with photographs of a vessel that was not the *Numas Isle*. A follow-up from the Fund yielded no response, and ultimately the costs associated with the

deconstruction and disposal of the vessel were rejected due to a lack of evidence that the vessel was saturated with oils.

The Administrator made an offer of compensation to the CCG in the amount of \$23,285.10, plus accrued interest, on 27 November 2020.

The CCG accepted the offer on 26 January 2021, and payment from the Fund in the amount of \$25,297.94, including \$2,012.84 in interest, was made soon thereafter.

Recovery Action

On 2 September 2020, in-house legal counsel to the Administrator obtained a registration transcript from Transport Canada for the *Numas Isle*. The transcript identified the vessel's last registered owner and showed that the vessel had ceased to be registered in 2010.

On 8 September 2020, the Administrator issued a subpoena under the *Inquiries Act* to BC Hydro in an attempt to locate the last registered owner of the *Numas Isle*. BC Hydro responded to the subpoena on 24 September 2020. The results yielded nothing of use with respect to the last registered owner, but they did produce an address for an apparent previous registered owner of the vessel, who also appeared to be a relation of its last registered owner.

On 10 September 2020, the office of the Administrator learned from the Discovery Harbour Authority that the last registered owner of the *Numas Isle* appeared to have been the owner at the time of the incident, and that he had been living on the vessel. No fixed address was available for the individual in question.

On 3 November 2020, in a further attempt to locate the last registered owner of the *Numas Isle*, the Administrator issued an *Inquiries Act* subpoena to the Insurance Corporation of British Columbia (ICBC). ICBC responded on 16 November 2020, but the response yielded nothing of assistance.

On 10 December 2020, having no other leads on the last registered owner, counsel sent a letter of inquiry to the previous registered owner and possible relation of the vessel's last registered owner whose address had been provided by BC Hydro. No response was received.

Despite additional investigatory work conducted by the office of the Administrator, no further useful leads on the owner of the *Numas Isle* were obtained.

Status

The Administrator closed this file on 11 February 2021, having taken all reasonable measures to recover as required by the *Marine Liability Act*.

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 remained open at the close of the fiscal year.

Reliant (2020)

Location: Gibsons, British Columbia

File number: 120-870-C1

The Incident

On 13 June 2020, a 17.68-metre wooden-hulled tugboat known as the *Reliant* sank near Gibsons, British Columbia.

After the sinking, the owner initiated a response to the incident, including the retention of marine contractors. Over the days following the sinking, the owner's efforts succeeded and the *Reliant* was removed from the marine environment, thereby eliminating the oil pollution threat from the vessel.

Subsequent to the sinking, the insurer of the owner of the vessel refused to pay for the costs incurred in raising the vessel and eliminating the threat of oil pollution.

The Claim

On 9 September 2020, the owner of the *Reliant* contacted the office of the Administrator of the Ship-source Oil Pollution Fund by telephone and inquired about making a claim in order to pay the contractors who carried out the raising operation. Later that day, the owner filed a claim with the Administrator by email. This claim was accepted as being made under section 103 of the *Marine Liability Act*.

On 15 September 2020, a second email was sent refining the claim. The vessel owner sought to obtain funding in the form of a loan of \$90,000.00. The funding was to be used to prosecute a lawsuit against the vessel owner's insurer. The basis for the proposed lawsuit was the insurer's refusal to cover the losses under the terms of the owner's policy for the *Reliant*.

Decision

On 2 December 2020, a Letter of Disallowance and Dismissal was sent to the owner. The claim was rejected on the basis that the subject matter of the claim was not admissible. The *Marine Liability Act* does not permit the Administrator to provide funding for litigation.

Status

The Administrator closed this file on 2 February 2021.

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*.

As of 31 March 2021, the assessment of the claim was ongoing.

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.

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 assessment of this claim was ongoing at the end of the fiscal year.

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.

Status

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

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, affidavits were prepared in support of a motion for default judgment in June 2020.

As of 31 March 2021, external counsel was in the process of preparing materials in support of a motion for default 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 claim remained under assessment at the end of the fiscal year.

Status

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

Severn Mist (2018)

Location: Alert Bay, British Columbia

File number: 120-858-C1

The Incident

On 10 February 2018, three Canadian Coast Guard (CCG) Environmental Response (ER) personnel departed Victoria, British Columbia for Alert Bay as part of a bulk oil pollution removal operation. The operation was prompted by two years of oil pollution reports involving several vessels in the area.

On the morning of 11 February 2018, the ER personnel assessed vessels around two local marinas. Several vessels were observed sitting low in the water.

The *Severn Mist*, an approximately 35-foot fishing vessel, was deemed particularly problematic. ER personnel noted that it had taken on five feet of water, which they proceeded to pump overboard. Unknown quantities of diesel and other oils were observed on board. CCG personnel removed all oils in containers from the vessel. Despite local inquiries, an owner could not be identified.

On 12 February 2018, the ER personnel returned to the *Severn Mist*, finding it severely listing and at risk of sinking. The vessel was dewatered again, and the decision was made to remove it from the water. The ER personnel used a Pollution Response Vessel to tow the *Severn Mist* to a local marina. A contractor was engaged to remove the vessel from the water, which was done on 14 February 2018. In the interim, ER personnel monitored and dewatered the vessel as needed.

The vessel was surveyed, and further attempts were made, without success, to identify an owner. Ultimately, the CCG arranged for its contractor to deconstruct the *Severn Mist*.

Throughout the February 2018 operation in Alert Bay, ER personnel dealt with several vessels in addition to the *Severn Mist*, most of which were not identified in the CCG's claim documentation. One vessel, the *Silver Luck*, was also deconstructed as a result of the operation.

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 \$28,226.69, seeking compensation for costs and expenses arising from the response to the incident involving the *Severn Mist* and for the broader response operation at Alert Bay in February 2018.

Based on the documentation received from the CCG, it was not possible for the Administrator to determine whether the claim was admissible under Part 7 of the *Marine Liability Act*.

On 21 February, in-house counsel to the Administrator sent a request for further information

and documentation to the CCG. A response was received on 19 March 2020. As the information provided was insufficient, a follow-up request was sent on 27 March 2020. The CCG responded to this second request on 9 April 2020.

The information provided by the CCG ultimately allowed the Administrator to determine that the claim was admissible under Part 7 of the *Marine Liability Act*.

Assessment and Offer

On assessment, the Administrator found that the decision to remove the *Severn Mist* from the water was reasonable, as the vessel was likely to sink and it contained unknown quantities of oil. Accordingly, the costs directly associated with the removal operation were accepted. Due in part to a lack of evidence in support of the rationale behind the measures taken following the removal of the vessel, however, the costs associated with those measures were not accepted.

In addition, it was found that the CCG's broader operation at Alert Bay had been directed at vessels other than the *Severn Mist* and planned entirely before the CCG was aware of that vessel and its situation. Because the costs of the broader operation would have been incurred whether or not the CCG had taken measures with respect to the *Severn Mist*, and because the CCG declined to provide details on its broader operation, the claimed personnel and equipment costs were largely rejected.

On 26 May 2020, the Administrator made an offer of compensation to the CCG in the amount of \$703.28, plus accrued interest.

The CCG accepted the offer on 16 June 2020, and payment from the Fund in the amount of \$768.48, including interest of \$65.20, was made shortly thereafter.

Recovery Action

On 8 May 2020, in an attempt to obtain current contact information on the registered owner of the *Severn Mist*, the Administrator issued a subpoena under the *Inquiries Act* to a utility company. The subpoena results were inconclusive.

On 19 June 2020, the office of the Administrator sent a demand letter to the registered owner's last known address. No response was received.

On 25 August 2020, an *Inquiries Act* subpoena was issued to a telecommunications company, in a further attempt to obtain current coordinates for the registered owner. The subpoena yielded an email address, to which a demand letter was sent on 3 September 2020. Again, no response was received.

Despite additional investigatory steps taken by the office of the Administrator, the registered owner of the *Severn Mist* could not be definitively located.

Status

The Administrator closed this file on 8 October 2020, having taken all reasonable measures to recover as required by the *Marine Liability Act*.

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.

Shimoiget (2017)

Location: Cowichan Bay Marina, BC

File number: 120-812-C1

The Incident

On 22 October 2017, the Canadian Coast Guard (CCG) received a report that a 70-foot ex-fishing vessel moored at Cowichan Bay was taking on water and in danger of sinking. The vessel was identified as the *Shimoiget*. The CCG sent a crew to inspect the vessel the same day.

Upon inspection, the *Shimoiget* was found to be in poor condition. The vessel taking on approximately 6 inches of water per day. The vessel was not connected to shore power and was relying on an unsatisfactory system of onboard bilge pumps. Containers of what appeared to be oily waste were observed on the deck of the vessel.

On 31 October 2017, the CCG retained a contractor to remove oil pollutants from the *Shimoiget*. Approximately 1,500 litres of oily waste were removed.

On 17 November 2017, a contractor retained by the CCG removed the *Shimoiget* from the water and placed on dry land. Subsequently, the CCG determined that the vessel should be deconstructed.

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 \$43,078.26, seeking compensation for the costs and expenses incurred in response to the incident involving the *Shimoiget*.

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 about the decisions made by the CCG and the work carried out by one of the contractors retained. The CCG advised that it had had a difficult time securing information from the contractor, despite following up with them more than ten times. Ultimately, the requested information could not be provided by the CCG.

On 30 January 2020, the Administrator made an offer of compensation to the CCG in the amount of \$5,730.96, plus statutory interest. The CCG accepted the offer on 20 February 2020, and payment from the Fund in the amount of \$6,187.67, including interest, was made on 28 February 2020.

Recovery Action

The *Shimoiget* was deregistered from Transport Canada's register several years before the subject incident. It was subsequently registered in the United Kingdom.

The Administrator investigated two potential owners for the vessel and located them in Europe. Communications were established with one potential owner in early 2020.

Several rounds of communications with the owners failed to result in a settlement. The cost of serving the prospective defendants with legal proceedings in their current location was investigated and determined to be high relative to the value of the claim.

Status

The Administrator closed this file on 28 January 2021 on the basis no further measures towards recovery were reasonable in the circumstances.

Simushir (2014)

Location: Haida Gwaii, British Columbia

File number: 120-624-R

The Incident

On October 16, 2014, the CCG received a report that the Russian Federation general cargo ship *Simushir* was adrift 19 nautical miles west of the Haida Gwaii Islands, British Columbia. The ship had a main engine failure and was experiencing 7-metre seas with winds in excess of 90 kilometres per hour. On board, there were 472 metric tonnes of bunker fuel oil and 59 tonnes of diesel fuel.

There was a danger the oil aboard could be released should the vessel drift aground on Haida Gwaii (Queen Charlotte Islands).

Measures taken by the Administrator

The Administrator retained Counsel to obtain a security from the ship insurer and received a Letter of Undertaking covering potential claims. This included initiating a Federal Court of Canada action against the owners, under court file number T-2187-14.

In December of 2019, counsel for the owners and their insurers sought the return of the Letter of Undertaking. After receiving confirmation that no claims had been issued against the owners which might result in the Administrator becoming a statutory party, the Administrator agreed to return the Letter of Undertaking and to dismiss the action before the Federal Court.

On December 20, 2019, the Court dismissed the action on a without costs basis.

The Claim

As of 31 March 2021, no claim had been filed with the Administrator.

Status

With any potentially outstanding claims statute barred, the file was closed on 31 March 2021.

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 March 31, 2021, the Administrator continued to monitor the judgment debtors' financial status.

Status

The file remains open.

Related file

120-689-C1 – King Arthur and SL104 (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)

Takeshio (2020)

Location: Oak Bay, British Columbia

Case number: 120-861-I-G

The Incident

On 21 April 2020, the Panamanian-flagged bulk carrier *Takeshio* lost propulsion and began to drift, off of Oak Bay, British Columbia. In response, the Canadian Coast Guard (CCG) dispatched a large tug to tow the stricken vessel to safe anchorage. The tow was completed by the end of the day and the vessel's crew began to make necessary repairs.

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 *Takeshio*.

The CCG responded on 21 May 2020, noting that it did not expect to file a claim with respect to its response to the incident.

The Claim

As of 31 March 2021, no claim had been filed with the Administrator.

Status

With no claims expected in respect of the *Takeshio* incident, the file was closed on 31 March 2021.

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

The office of the Administrator sent a demand letter to an address associated with the owner of the *Theresa N*. No response was received. Efforts continue to establish firm contact with the owner.

As of 31 March 2021, the Administrator's recovery efforts continued.

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.

On 30 March 2021, the Administrator issued two subpoenas under the *Inquiries Act*, one to BC Hydro and the other to the Insurance Corporation of British Columbia, in an attempt to obtain a viable service address for the Defendant.

As of 31 March 2021, efforts to obtain a service address for the Defendant continued.

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 registered owner, who was provided with a copy of the Administrator's Statement of Claim.

The Federal Court issued a status notice on the Administrator's action on 26 March 2021.

As of 31 March 2021, efforts to recover from the registered owner of the *Tymac No. 20* were ongoing, and counsel was in the process of drafting a reply to the Federal Court's status notice.

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 (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.

As of 31 March 2021, the assessment of the claim was ongoing.

Status

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

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.

As of 31 March 2021, discussions were underway as to the method of payment.

Status

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

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. Thereafter, several attempts at service were made unsuccessfully, with the Defendant having evidently changed physical addresses yet again.

Despite the issuance of three further subpoenas by the Administrator, no viable physical address for the Defendant had been obtained at the end of the fiscal year.

Status

The file remained open at the close 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. Some of the requested documentation was provided in March of 2021.

As of 31 March 2021, the Administrator's reassessment and investigation was ongoing.

Status

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

Unknown Name (Sport Fisher) (2018)

Location: Cowichan Bay, British Columbia

File number: 120-854-C1

The Incident

On 19 January 2018, the Canadian Coast Guard (CCG) received a report of a vessel drifting in Cowichan Bay. The CCG retained a local contractor to locate and secure the vessel. By the time that contractor located the vessel, it had sunk substantially. The contractor observed and photographed a sheen emanating from the sunken vessel.

The contractor towed the sunken vessel to shallow water, secured the vessel to the shore, and deployed a boom to contain the oil.

On 20 January 2018, a CCG crew attended at the scene of the sunken vessel. The crew deployed a new containment boom and additional sorbent materials. On 21 January 2018, the crew attended again and noted the continued presence of an oily sheen on the water.

On 22 January 2018, a contractor retained by the CCG removed the vessel from the water under CCG supervision.

The vessel was a 34-foot white sport fisher, of fiberglass sheathed plywood construction. The vessel has no known name and no registration information for the vessel has been located. No information about an owner of the vessel is available.

After the vessel was removed from the water, the CCG concluded that it was in poor condition and, with no owner available, decided to have it deconstructed.

On 2 February 2018, the vessel was deconstructed.

The Claim

On 27 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 \$29,705.45, 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 carried out an investigation and assessment of the claim. Based on the documentation submitted by the CCG, the Administrator concluded generally that the CCG's response to the grounding of the vessel was reasonable given the pollution threat it posed.

Most of the costs and expenses claimed by the CCG were accepted. However, the Administrator concluded that a marine survey claimed by the CCG was not carried out as a measure taken in response to oil pollution. As well, the Administrator determined that the day

rate claimed for the use of a CCG vessel had not been established as reasonable, and so a lesser rate was substituted.

The Administrator made an offer of compensation to the CCG in the amount of \$19,482.51, plus accrued interest of \$1,890.01, on 16 June 2020. The CCG accepted the offer on 14 July 2020, and payment was made the same day.

Recovery Action

Neither the ownership of the vessel nor its name could be determined.

The Administrator's legal team made cold calls to businesses operating in the area where the vessel was found. This effort resulted in information about more businesses in the area which could be contacted for information, but never resulted in any information about the vessel itself.

Status

The Administrator closed this file on 10 September 2020 on the basis no further measures towards recovery were reasonable in the circumstances.

Vahine Moana (2018)

Location: Fernwood Point, Salt Spring Island, British Columbia

File number: 120-860-C1

The Incident

On 23 March 2018, the Canadian Coast Guard (CCG) was advised of a vessel dragging anchor off Fernwood Point, Salt Spring Island, British Columbia. CCG personnel from the Ganges Lifeboat Station attended at the scene. The CCG crew identified the vessel in distress as the *Vahina Moana*.

It was later recognized that the vessel was in fact known as the *Vahine Moana*. The *Vahine Moana* was a 37-foot sailing vessel with a ferro-cement hull. It had a diesel-powered engine for propulsion, as well as a mast for a sail.

The CCG crew removed two passengers from the vessel for their own safety. The CCG, having previously responded to incidents involving the *Vahine Moana* on two prior occasions, determined the vessel should be towed to a secured location.

The CCG spoke with a number of potential owners about the poor condition of the vessel. None of the potential owners developed a plan to repair the vessel and equip it with proper navigational equipment and charts. One potential owner committed to paying for services provided to the vessel, but also apparently vanished without leaving further contact information.

On 26 April 2018, the *Vahine Moana* suffered spontaneous damage, attributed to its poor condition. The damage caused the vessel to begin taking on water at an increased rate. It was determined the vessel should be removed from the water.

On 8 May 2018, the vessel was removed from the water for inspection. The vessel was determined to have no residual value and the CCG decided to have it deconstructed.

The deconstruction process for this vessel was protracted as a result of difficulty in complying with local environmental regulations. Deconstruction was completed on 1 August 2018.

The Claim

On 19 March 2020, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans, for costs and expenses arising from the incident involving the *Vahine Moana*, which totalled \$14,473.00.

The submission also provided a narrative, as well as evidence related 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 evidence showed a determination was made by the CCG to deconstruct the *Vahine Moana* by no later than 12 April 2018. Neither the evidence available up to that point, nor after that date, established that the ferro-cement hull of the *Vahine Moana* posed a risk of oil pollution.

The Administrator did accept that the cost for a contractor to remove oil from the vessel was a reasonable measure taken with respect to oil pollution, as were the costs associated with having CCG personnel attend to inspect the vessel.

The Administrator made an offer of compensation to the CCG in the amount of \$2,823.73, plus accrued interest of \$233.73, on 5 May 2020. The CCG accepted the offer on 15 June 2020, and payment was made on 18 June 2020.

Recovery Action

The ownership of the *Vahine Moana* was never conclusively established. Information respecting ownership from the time of the incident was contradictory, and did not match Transport Canada records.

The office of the Administrator carried out searches and eventually made contact with one of the purported owners of the vessel. The account given by this person was considered neither credible nor actionable.

Additional investigations did not yield any information establishing who owned the vessel at the time of the incident.

Status

The Administrator closed this file on 3 December 2020 on the basis no further measures towards recovery were reasonable in the circumstances.

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 on September 10, 2020. As a result of COVID-19 related delays, the hearing of the summary trial was delayed to March 15, 2021. The decision on the summary trial remained pending as of March 31, 2021.

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 on September 10, 2020. As a result of COVID-19 related delays, the hearing of the summary trial was delayed to March 15, 2021. The decision on the summary trial remained pending as of March 31, 2021.

Status

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

Related File

120-716-C1 – *Viking I* (same incident, different claimant)

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).

The admissibility of Haico's claim remained under consideration on 31 March 2021.

Status

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

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.

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)

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 remained outstanding on 31 March 2021.

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)

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.

A motion was brought to extend time to file an affidavit of service in this matter and to allow the defendant additional time to file a defence, after his initial defence was rejected by the court. A decision on the extensions was pending as of 31 March 2021.

Status

The file remained open at the close 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 2021, 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 2021, 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.

On December 22, 2020, the Federal Court issued a communication confirming that the Administrator's action would remain stayed pending a status update due by September 15, 2021.

The Claim

As of March 31, 2021, no claim had been filed with the Administrator.

Status

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

2020-2021 Incident Index

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2021-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Newfoundland and Labrador											
Baffin Sound St Anthony	2015	Derelict fishing vessel				DFO/CCG 2015-12-09	22,185.86	2016-02-25	22,185.86 100%		Open
BBC Oregon Bay Bulls	2019	Cargo ship									Open
Beverly Gaie Summerside Marina	2018	Converted pleasure craft				DFO/CCG 2019-07-12	151,648.78	2019-10-31	9,614.71 6.34%		Open
Eyelanders Witless Bay	2017	Fishing vessel	√		√	DFO/CCG 2019-07-25	12,812.93	2019-10-17	10,272.68 80.20%	10,812.08	Closed
Françoise Clarenville Harbour	2017	Derelict fishing vessel				DFO/CCG 2019-09-12	381,296.28	2020-06-10	73,908.57 19.38%		Open
Jennifer Holly Main Brook	2019	Derelict fishing vessel	√	Fuel, base oil, hydraulic oil		DFO/CCG 2019-10-28	76,171.64	2020-03-06	72,939.19 95.76%		Open
Lady Elizabeth I Woody Point	2018	Passenger/ Cargo vessel				DFO/CCG 2019-12-13	8,489.01	2020-03-11	1,620.37 19.09%		Open
Lady Miranda Cow Head	2018	Fishing vessel				DFO/CCG 2020-05-25	7,569.90	2020-06-25	7,569.90 100%		Open
Lucas & Rebecca Bay of Islands	2017	Fishing vessel				DFO/CCG 2017-11-03	17,744.64	2017-12-13	17,744.64 100%		Open
Marcel Angie II Grand Bank	2018	Fishing vessel				DFO/CCG 2020-11-03	20,267.57	2021-03-02	14,622.14 76%		Open

Incident Index

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2021-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Megan C Port aux Basques	2019	Derelict fishing vessel				DFO/CCG 2019-05-01	11,784.58	2019-06-12	8,170.82 69.33%		Open
Noble Mariner Nipper's Harbour	2018	Derelict fishing vessel	√	Diesel		DFO/CCG 2019-05-30	41,687.99	2019-07-11	36,601.67 87.80%		Open
Northern Ranger Lewisporte	2019	Passenger vessel (ferry)	√								Open
Northern Star Witless Point	2018	Fishing Vessel				DFO/CCG 2019-12-11	4,574.63	2020-02-18	3,941.51 86.16%		Closed
Omni St.Laurent Stephenville	2019	Tug									Open
Sikuk Clarenville Harbour	2017	Derelict fishing vessel				DFO/CCG 2019-03-01	195,109.00	2020-06-10	79,826.14 40.91%		Open
Stelie II Port Saunders	2016	Derelict fishing vessel				DFO/CCG 2020-10-08	114,897.43				Open
Sweven St. John's	2019	Pleasure craft				DFO/CCG 2021-03-11	6,134.57				Open
Nova Scotia											
Cormorant Bridgewater	2015	Derelict – wreck	√	Hydraulic Oil		DFO/CCG 2015-11-02	549,581.18	2016-03-29	515,267.25 93.76%		Open
Cormorant Bridgewater	2019	Derelict – wreck									Open
Farley Mowat Shelburne Harbour	2015	Derelict	√			DFO/CCG 2016-01-18	814,815.05	2016-06-29	813,316.15 99.82%		Open

Incident Index

Ship Name and Location	Year of Incident	Ship Type and Flag	Spill	Oil Type	Security	Claim(s) filed		Offer		Recovery Status	Status as of 2021-03-31
						Claimant and Date of Claim	Amount \$	Date	Amount \$ %	\$ Recovered	
Farley Mowat Shelburne Harbour	2015	Derelict	√			Town of Shelburne 2017-06-23	47,598.78	2017-07-18	43,641.94 91.69%		Open
Hydra Mariner Halifax	2021	Pleasure craft									Open
Ile d'Aix Halifax Harbour	2018	Other									Closed
Nordika Desgagnés Scatarie Island	2018	Cargo ship				DFO/CCG 2020-03-02	12,218.68	Claim was withdrawn by claimant			Closed
Primo Lunenburg	2021	Derelict fishing vessel									Open
Ryan Atlantic II (formerly Cape Rouge) Bridgewater	2014	Ex-fishing vessel	√			DFO/CCG 2014-06-26	362,575.38	2015-03-19	358,117.79 98.77%		Open
Stephanie & Darrel Shelburne	2007	Fishing vessel - abandoned	√	Fuel and hydraulics		DFO/CCG 2008-02-09	13,627.73	2008-05-13	13,627.73 100%		Open
New Brunswick											
L'Épaulard Blacks Harbour	2018	Fishing vessel	√	Diesel		DFO/CCG 2020-11-03	7,821.73	2021-01-26	7,674.80 98%		Open
SBI Carioca Belledune	2017	Bulk Carrier			√						Open
Quebec											
GRT Synergie Carleton-sur-Mer	2018	Fishing vessel	√	Diesel		DFO/CCG 2020-05-12	10,449.01	2020-11-12	1,297.67 12.42%		Open

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Kathryn Spirit Beauharnois area, St. Lawrence River (Lac St. Louis area)	2013	Wreck									Open
Le Sept Ilien Gros-Morne, Gaspésie	2018	Fishing vessel				DFO/CCG 2020-06-22	3,087.54	2020-10-19	1,996.69 64.70%		Open
Ocean Uannaq New Champlain Bridge, Montreal	2016	Tug	√			DFO/CCG 2021-03-31	5,074.17				Open
Ontario											
Margarethe Wolfe Island	2018	Pleasure craft				Dedicated Environmental Services Inc. 2019-05-22	4,854.41	2019-10-17	2,550.80 52.5%		Closed
Pitts Carillon Picton Bay, Prince Edward County	2017	Barge	√	Residual oil		Prince Edward County 2018-05-08	597,396.70	2019-07-26	380,714.53 63.73%	260,353.60	Closed
Pitts Carillon Picton Bay, Prince Edward County	2017	Barge	√	Residual oil		DFO/CCG 2018-11-22	77,347.18	2019-03-05	32,694.66 42.27%	23,146.41	Closed
British Columbia											
Alaska Plaza and Sea Lander Port McNeil	2020	Barges	√								Open

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Alhena Alert Bay	2018	Fishing vessel				DFO/CCG 2020-10-30	12,654.91	2021-01-06	5,440.03 42.99%		Open
Anapaya Ladysmith	2017	Abandoned wooden ex-fishing vessel	√	Diesel & Lube Oil		DFO/CCG 2019-09-10	311,073.37	2019-12-05	296,024.24 95.16%		Open
Atanook Ganges Harbour	2018	Abandoned sailing vessel (pleasure craft)				DFO/CCG 2020-10-05	19,017.43	2020-12-24	4,905.93 25.80%		Open
Atrevida No. 1 Maple Bay, near Arbutus Point	2018	Pleasure craft, ex-ferry	√	Diesel		DFO/CCG 2020-12-23	223,719.10	Claim was dismissed			Open
Aura Lee Cowichan Bay	2018	Derelict ex-fishing vessel	√	Diesel		DFO/CCG 2020-12-08	42,176.45	2021-03-31	33,908.13 80%		Open
Barges King Arthur & SL 104 Mamquam Blind Channel	2016	Barges				DFO/CCG 2018-04-04	819,134.67	2018-10-31	814,012.78 99.37%		Open
Big Kahuna Port Hardy	2017	Abandoned fishing vessel				DFO/CCG 2019-09-30	9,016.06	2019-12-24	6,811.45 75.55%		Open
Blue Pacific No.1 Saltspring Island	2016	Ex-fishing Vessel	√	Fuel Oil		DFO/CCG 2018-10-09	132,339.06	2019-01-23	114,129.56 86.24%		Open
Central Isle French Creek	2016	Ex-fishing vessel				DFO/CCG 2018-02-20	25,035.02	2018-04-04	24,108.07 96.30%		Open
Darrell Bay Incident Darrell Bay,	2018	Ex-fishing vessels, pleasure	√	Diesel		DFO/CCG 2020-12-17	202,213.22				Open

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Squamish		craft, ex-tug (all derelict)									
Delphinus Gowlland Island	2018	Derelict sailing vessel				DFO/CCG 2020-02-05	25,579.91	2020-07-31	4,378.08 17.12%		Open
Elf Squamish Harbour, Point Atkinson, West Vancouver	2014	Tug – Derelict	√	Diesel, hydraulic & lube oil		DFO/CCG 2014-08-12	82,512.70	2014-12-18	82,512.70 100%	1,189.70	Closed
Elva M II Steveston Harbour, Richmond	2016	Fishing vessel	√			Steveston Harbour Authority 2017-02-09	7,649.63	2017-02-22	7,649.63 100%	462.53	Open
Elva M II Steveston Harbour, Richmond	2016	Fishing vessel	√			DFO/CCG 2017-02-28	46,351.57	2017-03-31	46,351.57 100%	2,803.93	Open
Foss 153 Haida Gwaii	2020	Barge	√								Open
Friday While Tsehum Harbour	2019	Pleasure craft	√	Diesel		DFO/CCG 2020-12-31	27,442.55	2021-03-03	10,531.22 38%		Open
George H. Ledcor Deering Island, Vancouver	2018	Tugboat									Open
Halary No. 1 Campbell River	2018	Derelict ex-fishing vessel	√	Fuel oil		DFO/CCG 2020-10-09	25,413.14	2021-01-28	17,021.27 67%		Open

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Laurier II Deep Bay	2014	Motor Vessel				DFO/CCG 2018-01-22	384,365.01	2019-02-07	265,768.99 69.14%		Open
Lightship LV76 (Queen of East Vancouver) Mission, (Fraser River)	2017	Derelict – sunken ship									Closed
Marathassa English Bay, Vancouver	2015	Bulk carrier Korea	√	Fuel Oil IFO 380	√	City of Vancouver 2017-04-10	569,053.13	2019-03-20	235,748.23 41.43%	236,070.59	Closed
Maverick IV Cowichan Bay	2018	Derelict pleasure craft				DFO/CCG 2020-09-24	52,522.44	2020-12-17	18,905.55 36%		Open
Melampus Goat Island, Ganges Bay	2017	Pleasure craft				DFO/CCG 2019-08-15	15,106.38	2019-12-24	6,522.62 43.18%		Closed
Miss Terri Discovery Harbour, Campbell River	2018	Derelict fishing vessel				DFO/CCG 2020-09-04	88,576.24				Open
Mistann Prince Rupert	2011	Fishing vessel	√	Diesel		DFO/CCG 2012-04-26	113,787.48	2012-09-12	100,462.51 88.29%	18,080.42	Open
Nathan E. Stewart Seaforth Channel, Bella Bella	2016	Tug	√	Diesel fuel and lube oils	√	Heiltsuk Tribal Council (HTC) 2019-10-11					Open
Nika Campbell River	2017	Ex-fishing vessel	√	Diesel		DFO/CCG 2019-03-26	23,646.38	2019-05-01	22,720.29 96%		Open

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Numas Isle Campbell River	2018	Derelict ex-fishing vessel (live aboard)				DFO/CCG 2020-09-01	30,169.92	2020-11-27	23,285.10 77.18%		Closed
Pacific Fibre Barge No. 1 Port Mellon	2018		√	Diesel		DFO/CCG 2019-12-02	121,187.55	Claim was dismissed			Open
Reliant Gibsons	2020	Tug				Reliant Marine Services Ltd 2020-09-09	90,000.00	Claim was dismissed			Closed
Rolano Cortes Island	2019	Derelict passenger vessel				DFO/CCG 2021-02-02	248,265.04				Open
Salerosa Oak Bay	2017	Ferro cement sailboat	√	Diesel		DFO/CCG 2019-02-01	62,673.20	2019-04-11	8,254.51 13.17%		Open
San Jolyne III Dusenbury Island, Pender Harbour	2018	Derelict fishing vessel	√	Fuel oil		DFO/CCG 2020-10-16	181,475.67				Open
SC 170 Port McNeil	2017	Fishing vessel	√			DFO/CCG 2019-06-04	11,606.93	2019-07-11	8,528.54 73.48%		Open
Sea-Que Sidney Marina, Sidney	2016	Motor vessel				DFO/CCG 2018-08-02	18,730.67	2018-09-21	18,730.67 100%		Open
Seal Rock Lyall Harbour, Saturna Island	2019	Derelict pleasure craft				DFO/CCG 2021-03-15	51,805.59				Open
Severn Mist Alert Bay	2018	Derelict fishing vessel	√	Diesel		DFO/CCG 2020-02-05	28,226.69	2020-05-26	703.28 2.49%		Closed

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<i>Sheena M</i> Gibsons	2019	Tug	√	Fuel	√						Open
<i>Shimoiget</i> Cowichan Bay	2017	Derelict				DFO/CCG 2019-09-24	43,078.26	2020-01-30	5,730.96 13.30%		Closed
<i>Simushir</i> Queen Charlotte Islands	2014	Motor vessel			√						Closed
<i>Spudnik</i> Howe Sound (Squamish)	2014	Derelict vessel	√			DFO/CCG 2016-04-28	149,043.60	2016-07-26	131,064.45 87.94%		Open
<i>Spudnik</i> Surrey	2020	Derelict vessel									Open
<i>Takeshio</i> Oak Bay	2020	Bulk carrier									Closed
<i>Theresa N</i> Bamfield	2018	Fishing vessel	√	Diesel		DFO/CCG 2020-07-24	28,656.55	2020-10-22	28,656.55 100%		Open
<i>Tinker II</i> Campbell River	2018	Pleasure craft				DFO/CCG 2020-01-07	8,979.14	2020-04-08	3,892.56 43.35%		Open
<i>Tymac No. 20</i> Tsehum Harbour, Sidney	2017	Derelict tug	√	Diesel		DFO/CCG 2019-07-09	36,177.31	2019-08-29	26,786.87 74.04%		Open
<i>Unknown name (barge)</i> Parksville	2020	Barge	√	Diesel							Open
<i>Unknown name (deck barge)</i> Port Mellon	2019	Derelict barge				DFO/CCG 2021-02-26	396,954.40				Open

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Unknown name (black gaff cutter) Comox	2018	Pleasure craft				DFO/CCG 2019-12-17	30,993.43	2020-07-31	3,164.17 10.21%		Open
Unknown name (blue trawler) Campbell River	2017	Converted fishing trawler				DFO/CCG 2019-09-30	26,640.92	2020-04-27	23,505.95 88.23%		Open
Unknown name (houseboat) Sicamous Narrows Shuswap Lake	2020	Houseboat (pleasure craft)	√	Diesel		DFO/CCG 2020-12-02	6,941.10				Open
Unknown name (sport fisher) Cowichan Bay	2018	Pleasure Craft	√	Diesel		DFO/CCG 2019-12-27	29,705.45	2020-06-16	19,482.51 65.59%		Closed
Vahine Moana Fernwood Point	2018	Sailing vessel (pleasure craft)				DFO/CCG 2020-03-19	14,473.00	2020-05-05	2,823.73 19.51%		Closed
Viking I Nanaimo	2016	Fishing vessel	√	Oil & Potential Fuel		Nanaimo Port Authority 2017-05-03	31,458.19	2017-08-30	29,432.92 93.56%		Open
Viking I Nanaimo	2016	Fishing vessel	√	Oil & Potential Fuel		DFO/CCG 2018-02-20	128,246.91	2018-04-24	128,246.91 100%		Open
West Island 395 Haida Gwaii	2018	Lodge barge	√		√	Haida Tourism Limited Partnership (Haico) 2019-01-14	1,857,314.06				Open

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West Island 395 Haida Gwaii	2018	Lodge barge	√		√	BC Ministry of Environment and Climate Change Strategy 2020-07-29	114,463.99	2021-03-31	72,996.90 64%		Open
West Island 395 Haida Gwaii	2018	Lodge barge	√			DFO/CCG 2020-09-01	64,697.02	2021-02-25	36,521.88 56%		Open
White Orca Ladysmith	2017	Pleasure craft, Derelict and / or abandoned	√			DFO/CCG 2019-09-24	63,404.86	2019-12-20	49,005.97 77.29%		Open
Zidell Marine 277 & Jake Shearer Goose Island	2017	Tug and barge			√						Open
Zodiac Light Kitamaat Village	2018	Fishing vessel	√	Diesel		DFO/CCG 2020-01-15	176,462.73	2020-06-01	133,879.10 75.87%		Open
Zodiac Light Kitamaat Village	2018	Fishing vessel	√	Diesel		Haisla Nation Council 2020-02-12	14,028.00	2020-03-26	14,028.00 100%		Open
Nunavut											
Akademik Ioffe Kugaaruk	2018	Passenger vessel			√						Open
Northwest Territories											
Investigator Toker Point	2016	Barge	√	Fuel oil	√						Open