

Incident Summaries

2023-2024
Annual Report



Canada

About the cover image: *Hydra Mariner*, Canadian Coast Guard (CCG)

In January 2021, the derelict former fishing vessel *Hydra Mariner* broke free of its moorings at Dartmouth, Nova Scotia, and grounded on Navy Island. The shipowner was unable to respond, so the CCG stepped in to assess the vessel. It engaged contractors to remove the oils and ultimately deconstruct the vessel. In January 2023, the CCG submitted a claim to us for over \$2.5 million. The response operation was complicated by the presence of unexploded ordinance on Navy Island. The assessment of the claim was ongoing at the end of the fiscal year. However, we brought a pre-emptive Federal Court lawsuit against the owner of the *Hydra Mariner* in December 2023.

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Table of Contents

EXPEDITED PROCESS FOR SMALL CLAIMS	1
NEWFOUNDLAND AND LABRADOR.....	1
<i>Michael Marie III (2022)</i>	1
NOVA SCOTIA	3
<i>Kraken (2022).....</i>	3
QUEBEC.....	4
<i>Ale (2022).....</i>	4
<i>BBC Kwiatkowski (2022).....</i>	5
<i>Canary (2022).....</i>	6
<i>Gaia (2023)</i>	7
<i>Le Plaisancier (2022) (CCG)</i>	8
<i>L'Inséparable II (2021).....</i>	9
<i>Patagonman (2022) (CCG)</i>	10
<i>Unknown Name (Trois-Rivières) (2023)</i>	11
ONTARIO.....	12
<i>Dulce Vida (2023).....</i>	12
<i>Night Runner (2023)</i>	13
<i>Omni Coastal (2023).....</i>	14
<i>Serendipity Princess (2022)</i>	15
BRITISH COLUMBIA	16
<i>Autumn Winds (2021).....</i>	16
<i>Content (2023)</i>	18
<i>Hatta III (2022)</i>	19
<i>Iron Horse (2023).....</i>	20
<i>Lahaina Lady (2022).....</i>	21
<i>Marquita (2022)</i>	22
<i>Michelle Marie (2022)</i>	23
<i>Moonlight (2022)</i>	25
<i>Mystery Spill (Finger B, Campbell River) (2023)</i>	26
<i>Unknown Name (Houseboat) (2020).....</i>	27
<i>Unknown name (Tofino, orange wheelhouse fishing vessel) (2022)</i>	29
GENERAL CLAIMS PROCESS AND INCIDENT REPORTS	30
NEWFOUNDLAND AND LABRADOR.....	30
<i>Alaskaborg (2022).....</i>	30
<i>Baffin Sound (2015)</i>	31
<i>BBC Oregon (2019).....</i>	33
<i>Captain Earl W. Winsor (2024).....</i>	34
<i>Comanche (2022).....</i>	35
<i>Danielle and Mark (2020).....</i>	36
<i>Executioner (2021).....</i>	38
<i>Françoise (2017).....</i>	39

Table of Contents

<i>G.J. Emma II</i> (2020)	43
<i>Hamilton Banker</i> (2020)	45
<i>Jana Desgagnés</i> (2019)	46
<i>Jennifer Holly</i> (2019)	48
<i>Lucas & Rebecca</i> (2017)	50
<i>Marc Olivier</i> (2022).....	52
<i>Michael Marie III</i> (2022)	54
<i>MSC Kim</i> (2022).....	56
<i>Mystery Spill (Postville)</i> (2020)	57
<i>Pa Boy</i> (2020).....	58
<i>Sikuk</i> (2017).....	60
<i>Sweven</i> (2019)	64
<i>Unknown Name (Valleyfield, Bonavista Bay)</i> (2021)	66
<i>Unknown name (sunken pleasure craft)</i> (2020).....	68
NOVA SCOTIA	70
<i>Cormorant</i> (2015)	70
<i>Cormorant</i> (2019)	73
<i>Emma Marie</i> (2022).....	75
<i>Farley Mowat</i> (2015) (Town of Shelburne).....	76
<i>Farley Mowat</i> (2015) (CCG).....	78
<i>Hydra Mariner</i> (2021).....	81
<i>Northern Tip</i> (2021).....	83
<i>Primo</i> (2021).....	84
<i>Robert & Marilyn</i> (2021)	86
<i>Ryan Atlantic II (formerly Cape Rouge)</i> (2014).....	88
<i>Stephanie & Darrel</i> (2007).....	90
<i>Unknown Name (Northwest Arm, Halifax, Fishing Vessel)</i> (2022).....	91
NEW BRUNSWICK	92
<i>L'Épaulard</i> (2018).....	92
<i>Jenkins Pride</i> (2022).....	94
<i>SBI Carioca</i> (2017)	95
QUEBEC.....	96
<i>Celebrity 180 and Baja</i> (2018).....	96
<i>Éclipse des Mers</i> (2021)	97
<i>Kathryn Spirit</i> (2014).....	98
<i>Mystery Spill (Port of Quebec)</i> (2021).....	100
<i>Norman McLeod</i> (2018).....	101
<i>Réjane</i> (2020)	103
<i>Umiaut</i> (2018)	105
<i>Wilf Seymour</i> (2018).....	106
ONTARIO.....	108
<i>Lakefront Property</i> (2022).....	108
<i>SEA-Q-TI</i> (2021).....	110
<i>Unknown name (Toronto pleasure craft)</i> (2021).....	111
<i>Unknown name (Lake Manitouwabing, pleasure craft)</i> (2023).....	112
<i>Unknown Name (Shiloh Park, Houseboat)</i> (2021)	113
<i>Wendy K</i> (2020)	115

Table of Contents

BRITISH COLUMBIA	117
<i>Alaska Plaza and Sea Lander (2020).....</i>	117
<i>Aleutian Isle (2022).....</i>	118
<i>Astronaut (2022).....</i>	119
<i>Atanook (2018).....</i>	120
<i>Barges King Arthur and SL 104 (2016).....</i>	122
<i>Beldis (2022).....</i>	124
<i>Bert (2023).....</i>	125
<i>Big T (2020).....</i>	126
<i>Blue Pacific No. 1 (2016).....</i>	128
<i>Callie Belle (2020).....</i>	131
<i>Central Isle (2016).....</i>	133
<i>Chinootka (2021).....</i>	135
<i>Darrell Bay Incident (2018).....</i>	136
<i>Elva M II (Steveston Harbour Authority) (2016).....</i>	138
<i>Elva M II (CCG) (2016).....</i>	140
<i>Europe (2023).....</i>	142
<i>Foss 153 (2020).....</i>	143
<i>Go-Getter (2019).....</i>	144
<i>Island Bay (2022).....</i>	146
<i>Jolly Roger (2021).....</i>	147
<i>Knot (2021).....</i>	149
<i>Lady Candy (2022).....</i>	150
<i>Lurch (2020).....</i>	151
<i>Maggie Mae (2022).....</i>	153
<i>Maipo River (2023).....</i>	154
<i>Maverick IV (2018).....</i>	155
<i>Mini Fusion (2020).....</i>	158
<i>Mistann (2011).....</i>	160
<i>Nathan E. Stewart (2016).....</i>	162
<i>Nika (2017).....</i>	163
<i>Noelani (2020).....</i>	165
<i>Ocean Tribune (2020).....</i>	167
<i>Orca G (2021).....</i>	169
<i>Pacific Poet (2021).....</i>	171
<i>Princeton No. 1 (2021).....</i>	172
<i>Red Fir No. 9 (2019).....</i>	174
<i>Rnooknoo (2021).....</i>	176
<i>Rolano (2019).....</i>	178
<i>Salerosa (2017).....</i>	180
<i>Salish Guardian (2019).....</i>	182
<i>San Jolyne III (2018).....</i>	184
<i>Santa Rita (2022).....</i>	186
<i>Scotch Cap (2021).....</i>	187
<i>Sea Lion VI (2021).....</i>	189
<i>Sea-Que (2016).....</i>	190
<i>Seal Rock (2019).....</i>	192
<i>Silver Grizzly (2022).....</i>	194
<i>Spudnik (2014).....</i>	196
<i>Spudnik (2019).....</i>	198
<i>Stormlander (2021).....</i>	199
<i>Theresa N (2018).....</i>	200
<i>Trailer Princess (2022).....</i>	202

Table of Contents

<i>Tracy Isle</i> (2021)	203
<i>Tymac No. 20</i> (2017)	205
<i>Unknown Name (Ladysmith Harbour, Flybridge Cabin Cruiser)</i> (2021).....	207
<i>Unknown Name (Mark Bay Sailboat)</i> (2022)	209
<i>Unknown Name (Barge)</i> (2020).....	210
<i>Unknown Name (Blue Trawler)</i> (2017)	211
<i>Unknown Name (Port Alberni, sunken converted pleasure craft)</i> (2023).....	213
<i>Unknown Name (Deck Barge)</i> (2019).....	214
<i>Unknown Name (Trevor channel boom boat)</i> (2021)	216
<i>Unknown Name (Bedford Channel, sailing vessel)</i> (2022).....	217
<i>Viking I</i> (2016).....	218
<i>Viking I</i> (2016).....	220
<i>Watts-T-Use</i> (2021).....	222
<i>Western Breeze</i> (2019).....	223
<i>Western Carrier</i> (2023).....	225
<i>Western Chief</i> (2019).....	226
<i>West Island 395</i> (2018).....	228
<i>West Island 395</i> (2018).....	230
<i>West Island 395</i> (2018).....	232
<i>White Orca</i> (2017)	234
<i>Zidell Marine 277 & Jake Shearer</i> (2017).....	236
<i>Zodiac Light</i> (2018).....	237
<i>Zodiac Light</i> (2018).....	239
NUNAVUT	241
<i>Akademik Ioffe</i> (2018).....	241
2023-2024 INCIDENT INDEX	242
Expedited Process for Small Claims.....	242
General Claims Process and Incident Reports	245

Expedited Process for Small Claims

Newfoundland and Labrador

Michael Marie III (2022)

Location: Arnold's Cove, Newfoundland and Labrador
File number: 120-920-C2

The Incident

On 9 April 2022, the fishing vessel *Michael Marie III* was found to be taking on water at Arnold's Cove, Newfoundland and Labrador. The Harbour Authority of Arnold's Cove (HAAC) made efforts to pump the water ingress from the vessel, but these efforts were abandoned when an oily sheen resulted.

The HAAC hired a contractor, which ultimately removed almost 16,000 litres of oils and contaminated water from the vessel. The HAAC then contacted the Canadian Coast Guard (CCG) to inform it about the vessel on 11 April 2022.

The CCG dispatched two personnel to the scene, who observed oily residues and debris inside the vessel, which continued to take on water. The CCG contacted the owner, who committed to taking action.

When it was discovered on 12 May 2022 that the owner had failed to act as directed, the CCG removed the remaining oily materials from the vessel and patched the identifiable sources of water ingress, all with the assistance of contractors.

The Claim

On 6 July 2022, the Administrator received a submission via the Expedited Small Claims Process from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$16,800.89, seeking compensation for costs and expenses arising from the response to the incident involving the *Michael Marie III*.

Preliminary Assessment and Payment

The Administrator summarily assessed the claim and determined that it was admissible under Part 7 of the *Marine Liability Act*. Payment in the amount of \$17,026.74, including \$225.85 in statutory interest, was made on 1 September 2022.

This claim has been marked for reassessment.

Recovery Action

In-house counsel to the Administrator wrote to the registered owner of the *Michael Marie III*. The registered owner responded, stating that it had transferred ownership of the vessel prior to the incident.

As of the end of the fiscal year, counsel was awaiting receipt of documentation of the alleged transfer.

Status

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

Related File

Michael Marie III, File number 120-920-C1 – Same incident, different claimant

Nova Scotia

Kraken (2022)

Location: Lunenburg, Nova Scotia
File number: 120-946-C1

The Incident

On 28 January 2022, the Canadian Coast Guard (CCG) was notified that a sailing vessel was at risk of sinking after it had dragged anchor and grounded near Lunenburg, Nova Scotia. CCG response officers attended the incident site and removed all accessible fuel from the vessel's tanks and generator and secured an additional anchor.

The CCG contacted the owner, who could not mount a response. The CCG then hired a contractor to remove and deconstruct the *Kraken*.

The Claim

On 26 January 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$25,987.07, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Kraken*.

This claim was submitted under the Expedited Process for Small Claims.

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

Assessment and Offer

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued on 16 March 2023 an offer and payment in full to the CCG in the amount of \$25,987.07, plus \$1,232.43 in accrued interest, totaling \$27,219.50, as required by the *Marine Liability Act*.

Status

This file remains open at the end of the fiscal year.

Quebec

Ale (2022)

Location : Les Méchins, Québec

File number : 120-983-C1

The Incident

On 17 December 2022, the Canadian Coast Guard (CCG)'s Maritime Environment and Hazardous Response (MEHR) team received notification that 5 of the 7 mooring lines fastening the *Ale* to its dock in Les Méchins had parted. The mooring failed due to the strong winds and high tide. As a result, the *Ale* collided with a tow boat, identified as the *Kamarina*, attached on the other side of the dock and was posing a threat to collide with a chemical tanker identified as the *Qikiqtaaluk W*.

The *Ale* carried 454.2 cubic meters of heavy fuel and 402.9 cubic meters of diesel on board. Two tow boats were present on site and took action to avoid a collision between the *Ale* and the *Qikiqtaaluk W* but lacked sufficient power to control the *Ale*. CCG's MEHR identified the possible threat associated with a possible oil spill and established a surveillance and intervention plan.

Despite unfavourable weather, a third tow boat joined force and allowed for a successful displacement of the *Ale* towards Baie-Comeau.

The Claim

On 15 December 2023, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$6,557.09, seeking compensation for costs and expenses incurred while responding to the incident involving the *Ale*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 23 February 2024.

A requisition for payment in the amount of \$7,104.31, representing the principal plus \$547.22 in statutory interest, has been made to Transport Canada on 5 March 2024.

The file will be investigated and reassessed.

Status

The file remains open.

BBC Kwiatkowski (2022)

Location: Port-aux-Trembles, Québec

File number: 120-982-C1

The Incident

On 19 December 2022, the Canadian Coast Guard (CCG) was informed about a general cargo vessel had run aground about 200 metres from the pipelines at Pointe-aux-Trembles, Québec. The *BBC Kwiatkowski* contained 2,246 metric tons of Very Low Sulphur Fuel Oil and 107.5 metric tons of Marine Gas Oil when it ran aground.

The owner formulated an initial response plan, which was rejected by the CCG for being incomplete. The owner created another plan the next day, which the CCG accepted. The CCG observed the response from above in a helicopter.

The recovery operation was moved one day later due to unexpected difficulties. The operation was successfully executed on 21 December 2022 while the CCG observed from above. No oil pollution occurred at any point.

The Claim

On 14 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$30,322.98, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *BBC Kwiatkowski*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 23 February 2024. Payment itself, in the amount of \$32,845.35, representing the principal plus \$2,522.37 in accrued statutory interest, was made soon afterwards.

This claim has been prioritized for reassessment.

Status

This file remains open at the end of the fiscal year.

Canary (2022)

Location: Rivière-Madeleine, Québec

File number: 120-976-C1

The Incident

On 23 November 2022, the Canadian Coast Guard (CCG) was notified of a foreign-flagged bulk carrier, identified as the *Canary*, being adrift due to engine failure in Rivière-Madeleine. The CCG's Marine Environmental and Hazardous Response (MEHR) team developed an intervention plan after identifying the possible risks associated with a potential oil spill. The *Canary* was successfully stabilized.

After repairs, the vessel was regained power. Despite unfavorable meteorological conditions, the *Canary* was able to make way towards Trois-Rivières, guided by tow boats for a portion of its journey. The vessel was to remain in Trois-Rivières until it met its class specific criteria, as established by Transport Canada (TC).

No oil pollution was observed during the incident.

The Claim

On 16 November 2023, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$2,921.47, seeking compensation for costs and expenses incurred while responding to the incident involving the *Canary*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 10 January 2024.

A requisition for payment in the amount of \$3,140.94, representing the principal plus \$219.47 in statutory interest, has been made to Transport Canada on 12 January 2024.

Status

The file remains open.

Gaia (2023)

Location: Sainte-Anne-des-Monts, Québec

File number: 120-987-C1

The Incident

On 7 August 2023, the Canadian Coast Guard (CCG)'s MEHR (Marine Environmental and Hazardous Response) team was notified that a Vessel identified as the *Gaia*, had broken free from its mooring lines and drifted into a dock. The hull was damaged, and debris was floating near the vessel. It was known to contain 5 gasoline cans, amongst other pollutants.

The vessel owner who was present, removed the gasoline cans and had planned to have the *Gaia* removed by crane. Ultimately, the *Gaia* began to sink, and the owner was not able to move forward with his removal plan due to safety concerns. The owner was able to stabilize the Vessel, but the sinking ship was identified as posing a risk for pollution due to other pollutants remaining on board.

On 8 August 2023, the CCG removed the remaining pollutants from the Vessel and delegated further action with this incident under the *Wrecked, Abandoned or Hazardous Vessels Act*.

The Claim

On 23 January 2024, the Administrator received a claim from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount \$3,003.13, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the vessel *Gaia*.

This claim was submitted under the Expedited Process for Small Claims.

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 21 March 2024.

A requisition for payment in the amount of \$3,003.13, plus \$140.31 in statutory interest, for a total of \$3,143.44, was made to Transport Canada on 26 March 2024. The payment was sent on 28 March 2024.

Status

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

Le Plaisancier (2022) (CCG)

Location: Longueuil, Québec

File number: 120-966-CI

The Incident

On 25 August 2022, the Canadian Coast Guard (CCG)'s MEHR (Marine Environmental and Hazards Response) team was notified of a damaged vessel surrounded by an oily slick from which a strong smell of oil emanated in a Longueuil marina. The vessel was identified as *Le Plaisancier*. Efforts to contain the pollution were started by the marina owner supported by a third-party company, Navark. The owner of the vessel was reluctant to take part in the efforts and after verification, claimed her vessel was not the cause of pollution. She believed this was an act of sabotage from the marina owner who had supposedly asked her to leave multiple times prior to the incident.

MEHR was later notified that sorbent boom were placed around the vessel in a joint effort between the marina and CCG's SAR (Search and Rescue) teams.

On 26 August 2022, CCG's ER (Environmental Response) team was dispatched on site. The two officers observed a few oil patches, unsubstantial in size, around the vessel which did not present any oil leaks. The vessel was removed from the water, as requested by the marina director. No additional pollution was observed during the removal of the vessel.

The Claim

On 11 August 2023, the Administrator received a claim from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$2,980.80, seeking compensation for costs and expenses incurred in the course of responding to the incident involving *Le Plaisancier*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 16 October 2023.

A requisition for payment in the amount of \$3,178.77, representing the principal plus \$197.97 in statutory interest, has been made to Transport Canada on 16 October 2023.

Status

The file remains open.

L'Inséparable II (2021)

Location: Saint-Maurice River, Quebec

File Number: 120-926-C1

The Incident

On 5 November 2021, the Canadian Coast Guard (CCG) received a notification that a 20-foot cuddy-type boat, known as *L'Inséparable II*, had been caught between two barges on the Saint-Maurice River. The vessel was at high risk of capsizing and oily water ingress was noted.

The CCG secured the vessel and had a contractor pump the vessel of pollutants and remove it from the water. It was later deconstructed.

The Claim

On 18 July 2022, the Administrator received a submission via the Expedited Small Claims Process from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$15,947.60, seeking compensation for costs and expenses arising from the response to the incident involving the *L'Inséparable*.

Preliminary Assessment and Payment

The Administrator summarily assessed the claim and determined that it was admissible under Part 7 of the *Marine Liability Act*. Payment in the amount of \$16,178.54, including \$230.94 in statutory interest, was made on 9 September 2022.

Status

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

Patagonman (2022) (CCG)

Location : Sainte-Catherine, Québec

File number: 120-979-C1

The Incident

On 11 December 2022, the Canadian Coast Guard (CCG) received notification that a vessel, identified as the *Patagonman*, had suffered an electrical failure and ran aground in the mud near a downstream wall of the Sainte-Catherine locks. The grounding of the vessel represented a pollution risk due to the potential that the hull could breach and cause discharge.

CCG's MEHR (Marine Environmental and Hazards Response) team identified the risks associated with a potential leak and created a response plan. The owner of the vessel mobilized a diving team to perform an underwater inspection of the vessel. Furthermore, a tow team was hired by the owner to refloat and tow the *Patagonman*. The hull did not appear to have suffered any damage, likely due to the low speed at which the vessel was sinking, and no oil pollution was visible.

The CCG observed and approved the refloat and tow plan put into place by the owner and hired team. The vessel was successfully removed from the site of incident and no oil pollution was observed at any point.

The Claim

On 8 December 2023, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$3,387.66, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Patagonman*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 6 February 2024.

A requisition for payment in the amount of \$3,653.14, representing the principal plus \$265.48 in statutory interest, has been made to Transport Canada on 7 February 2024.

Status

The file remains open.

Unknown Name (Trois-Rivières) (2023)

Location: Trois-Rivières, Québec

Case number: 120-991-C1

The Incident

On 31 July 2023, the Canadian Coast Guard (CCG) was notified of a partially submerged pontoon at a Trois-Rivières private dock.

On 1 August 2023, the CCG was notified that the owner of the pontoon had moved it, fearing the weight of the sinking vessel would also sink his dock. It was noted that the keel was filled with water. CCG communicated with the owner and asked that the pontoon be removed from the water as soon as possible.

On 4 August 2023, CCG was notified by a third-party witness that the pontoon was still in the water. A noticeable sheen and a strong smell of gasoline emanated from the vessel. CCG was dispatched and observed that the motor and the fuel tank were underwater. CCG's MEHR (Marine Environmental and Hazards Response) team surrounded the pontoon with sorbent boom, probed the fuel tank, pumped the fuel, and removed surrounding debris (propane tank, cleaning bottles, etc.). The pontoon was then removed from water by the CCG.

Between 5 and 8 August 2023, the owner recovered the pontoon from the CCG. The case was closed by MEHR.

The Claim

On 2 February 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Ocean. The submission included a claim for costs and expenses in the amount of \$4,907.93, plus statutory interest, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the pontoon. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the claim submitted by the CCG met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a payment notice letter on 27 March 2024.

The payment in the amount of \$5,144.88, which includes the principal amount of \$4,907.93, plus the amount of \$236.95 in accrued statutory interest, was made soon thereafter.

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

Status

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

Ontario

Dulce Vida (2023)

Location: Cobourg Marina, Ontario
File number: 120-994-C1

The Incident

On 24 July 2023, the Canadian Coast Guard's (CCG) Marine Environmental and Hazards Response (MEHR) duty officer received notification from the Alert and Warning network regarding a spill in the water at the G-dock of the Cobourg Marina. The Cobourg Fire Department confirmed that diesel in unknown quantity was in the water. The CCG's Search and Rescue Team (SAR) promptly deployed containment boom to encircle the spill.

On 25 July 2023, a sheen was noticed beyond the containment area on both sides and in a nearby creek. A marina and MEHR joint effort allowed for sorbent boom and pads to be positioned in water, onshore and in the creek. Additionally, Green for Life (GFL) was also present to vacuum diesel from the water surface.

A diesel mechanic boarded the Vessel and confirmed the *Dulce Vida* to be the source of the oil pollution.

On 26 and 27 July 2023, GFL revisited the site to finalize cleanup efforts which resulted in the extraction of 22,000 litres of liquid oily waste. A municipal Environment Technician confirmed completion of the cleaning operations.

The Claim

On 26 February 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for cost and expenses in the amount of \$4,199.47, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Dulce Vida*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Payment has not yet been requisitioned or sent as of the end of the fiscal year.

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

Status

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

Night Runner (2023)

Location: Sarnia, Ontario

File number: 120-990-C1

The Incident

On 23 July 2023, the Canadian Coast Guard (CCG) was informed that an approximately 31-foot pleasure craft was taking on water at its berth at Lake Huron Yacht Club in Sarnia, Ontario. By the time the response started, the *Night Runner* was partially submerged.

On 24 July 2023, the Yacht Club surrounded the *Night Runner* with containment boom and sorbent pads. CCG personnel safely removed 3 jerry cans full of fuel from the vessel, and they plugged the exhaust pipes to prevent further water ingress.

It was determined that the two starboard pipes were submerged. The *Night Runner* was pumped to remain buoyant. On 25 July 2023, the Yacht Club hired a contractor to remove the vessel. The contractor successfully removed the vessel on 27 July 2023 while the CCG monitored the operation.

The Claim

On 1 February 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$3,277.96, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Night Runner*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 27 March 2024. Payment itself, for the principal amount of \$3,277.96, plus accrued statutory interest in the amount of \$163.27, for a total of \$3,441.23, was made soon thereafter.

Status

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

Omni Coastal (2023)

Location: Toronto, Ontario

File number: 120-988-C1

The Incident

On 17 April 2023, the Canadian Coast Guard (CCG) was informed about a vessel that ran aground at the southern tip of Tommy Thompson Park in Toronto, Ontario. The hull sustained significant damage, however there was no pollution damage observed. There were approximately 10,000 liters of diesel fuel onboard.

CCG sent two personnel to observe the response operations. The owner hired divers to patch the breach and another company to place containment boom and remove pollutants. These efforts occurred on 19 April 2023.

During fuel removal efforts on 21 April 2023, a small amount of oily water was released, creating a sheen on the water. The spill was mitigated with sorbent pads. The vessel was successfully lifted and removed later that day.

The Claim

On 29 January 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$12,401.99, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Omni Coastal*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

The CCG received payment from the shipowner for the claimed amount on 1 February 2024, and the claim was withdrawn soon thereafter.

Status

The file was closed on 16 February 2024.

Serendipity Princess (2022)

Location: Toronto, Ontario

File number: 120-984-C1

The Incident

On 25 December 2022, the Canadian Coast Guard (CCG) was informed about a triple-decker passenger touring vessel named *Serendipity Princess* which sank at its mooring in Toronto Harbour in Toronto, Ontario. No oil pollution was reported, but it was a risk of polluting as there was approximately 1,000 litres of fuel onboard. The owner and insurer were working together.

The insurer contacted a contractor to formulate a recovery plan. There was open communication between the owner and the CCG, which was remotely monitoring the response. The contractor's work was completed on 9 January 2023, as a plan was developed.

Salvage operations began on 19 June 2023. Containment boom was placed around the sunken *Serendipity Princess*. Divers were sent to clear loose lines and use buoys to mark the vessel. A contractor sent two trucks, one to remove mud and silt and the other to remove fuel from the vessel. During the pumping process, a minor sheen was observed but contained by the boom.

The *Serendipity Princess* was successfully refloated on 23 June 2023.

The Claim

On 21 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$15,923.94, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Serendipity Princess*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

The CCG/DFO notified the Administrator on 17 January 2024 that they would be withdrawing the claim due to the reception of payment from the insurance provider of the owner of the *Serendipity Princess*.

Status

This file was closed on 18 January 2024.

British Columbia

Autumn Winds (2021)

Location: Discovery Passage, Humpback Bay, British Columbia

File number: 120-909-C1

The Incident

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

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

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

The Claim

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

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

Payment

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

The Administrator has indicated that this claim is unlikely to be reassessed.

Recovery Action

A demand letter was sent to the owner of the *Autumn Winds* on 26 February 2024. The Administrator has not received an answer as of 31 March 2024.

Status

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

Content (2023)

Location: Zellabos, British Columbia

File number: 120-963-C1

The Incident

On 15 April 2023, the Canadian Coast Guard (CCG) attended a vessel in Zellabos, British Columbia. The CCG dewatered the vessel but found no source of ingress. They identified fuel onboard the vessel which was left at its location with periodic surveys.

On 3 June 2023, the Tahsis lifeboat found the *Content* with oily water in the bilge and four inches of fuel in the fuel tank. The CCG could not reach the owner.

The CCG removed 30 litres of diesel, 20 litres of kerosene, and all contaminated bilge water from the *Content*.

The Claim

On 4 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$6,510.54, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Content*. This claim was submitted under the Expedited Process for Small Claims.

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

Assessment and Offer

The Administrator directed payment in the amount of \$6,723.47, representing the principal plus \$212.93 in accrued statutory interest, on 3 October 2023. The payment was made soon after.

Status

This file remains open at the end of the fiscal year.

Hatta III (2022)

Location: Port Renfrew, British Columbia

File number: 120-938-C1

The Incident

On 17 June 2022, the Canadian Coast Guard (CCG) received a report from the Pacific Gateway Marina that the fishing trawler *Hatta III* was taking on water and in danger of sinking. The pumps being used to keep the vessel afloat were failing. The CCG contacted the owner, who stated he would address the situation.

On 19 June, the CCG issued two directions to the owner requiring immediate dewatering of the vessel and a plan to repair it. The owner failed to respond to these notices, so the CCG took over response operations, hiring a contractor and removing approximately 350 litres of oil. The CCG also assisted the Marina in maintaining the vessel's pumps.

On 22 June, the *Hatta III* was transferred to the Vessels of Concern program.

The Claim

On 4 November 2022, the Administrator received a submission via the Expedited Small Claims Process from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim in the amount of \$8,753.49, seeking compensation for costs and expenses arising from the response to the incident involving the *Hatta III*.

Summary Assessment and Payment

The Administrator summarily assessed the claim and determined that it was admissible under Part 7 of the *Marine Liability Act*. The Administrator requisitioned payment on 22 December 2022 for a total of \$8,999.59, including \$246.10 in mandatory statutory interest.

Recovery Action

The Administrator is currently investigating to confirm the owner's identity and contact details.

Status

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

Iron Horse (2023)

Location: Campbell River, British Columbia

File number: 120-992-C1

The Incident

On 14 December 2023, the Campbell River Harbour Authority was informed about a medium sized oil spill surrounding a 20-foot converted tug at the wharf in Campbell River, British Columbia. The wharf employees placed sorbent pads and containment boom around the vessel, and the Canadian Coast Guard (CCG) was notified.

The pollutants within the water were absorbed by the pads and boom over the course of two weeks. The owner eventually removed the boom and disposed of it.

The Claim

On 23 February 2024, the Administrator received a submission from the Campbell River Harbour Authority. The submission included a claim for costs and expenses in the amount of \$861.60, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Iron Horse*. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

The Administrator determined that the Campbell River Harbour Authority's claim met the basic eligibility requirements under the Expedited Process for Small Claims. The payment has not been requisitioned or sent by the end of the fiscal year.

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

Status

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

Related Files

Mystery Spill (Finger B Campbell River) (2023) file 120-993-C1 (same location, same claimant, same date of submission, different incident)

Lahaina Lady (2022)

Location: Campbell River, British Columbia

File number: 120-942-C1

The Incident

On 8 January 2022, the Campbell River Harbour Authority observed an oil sheen around the vessel *Lahaina Lady* and requested that Canadian Coast Guard (CCG) assess it. CCG response officers observed water ingress through the hull, so they installed pumps and hired a contractor to maintain those pumps overnight.

The next day, the contractor handed operations back to the Harbour Authority. The Harbour Authority then contacted the widow of the vessel's owner, who stated that she could not conduct a response. The same contractor was re-engaged, and it maintained the pumps along with the Harbour Authority for the following few days.

On 13 January 2022, the CCG lightered the vessel of pollutants, including 1,650 litres of diesel and 150 litres of lube oil. The CCG determined the vessel to be a low pollution threat thereafter and left it in the Harbour Authority's control, also notifying the Vessels of Concern program.

The Claim

On 13 December 2022, the Administrator received a submission from the CCG under the Expedited Process for Small Claims, totalling \$15,979.65, seeking compensation for costs and expenses arising from the response to the incident involving the *Lahaina Lady*.

Summary Assessment and Payment

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

Payment in the amount of \$16,575.61, including \$595.96 in accrued statutory interest, was made on 9 February 2023.

Recovery Action

At the end of the year, the Administrator was investigating the vessel's ownership.

Status

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

Marquita (2022)

Location: Degnen Bay, Gabriola Island, British Columbia

File number: 120-936-C1

The Incident

On 18 June 2022, the Canadian Coast Guard (“CCG”) received a report that a former pilot vessel known as the *Marquita* was partially submerged. The owner informed the CCG that the vessel contained fuel in tanks and engines, which had been operational at the time of sinking.

The CCG assessed the vessel and found no pollutants in the surrounding waters. The owner stated that he could not conduct an effective response, so the CCG took over operations and hired contractors. The vessel was towed to shallower waters and a sorbent boom was deployed as a precaution.

On 19 June, the *Marquita* was refloated and removed from the water for deconstruction. Approximately 350 litres of fuel were removed from the vessel.

The Claim

On 25 October 2022, the Administrator received a submission via the Expedited Small Claims Process from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim in the amount of \$18,188.00, seeking compensation for costs and expenses arising from the response to the incident.

Summary Assessment and Payment

The Administrator summarily assessed the claim and determined that it was admissible under Part 7 of the *Marine Liability Act*. Payment in the amount of \$18,537.76, including \$349.76 in statutory interest, was made on 14 December 2022.

Recovery Action

The Administrator is currently investigating to confirm the owner’s identity and contact details.

Status

The file remains open as of 31 March 2024.

Michelle Marie (2022)

Location: Prince Rupert, British Columbia

File number: 120-961-C1

The Incident

On 5 August 2022, the Canadian Coast Guard (CCG) was notified that a fishing vessel, identified as the *Michelle Marie*, was adrift near Prince Rupert, British Columbia. No pollutants were observed during this initial reporting.

On 3 September 2022, the vessel was involved in a collision resulting in an RCMP investigation.

On 23 September 2022, the completion of said investigation allowed for CCG to assess the Vessel.

The Vessel was taking on water and had hydrocarbons on board. It was deemed a high threat to sink and pollute. The CCG issued a direction to the owner of the vessel to provide a plan to remove it from the marine environment.

On 5 October 2022, the owner failed to comply with the CCG directions. The CCG took over the incident response to mitigate the threat of pollution.

On 6 October 2022, CCG's ER (Environmental Response) team removed approximately 470 liters of diesel, 20 liters of engine oil and several other pollutants from the vessel. The *Michelle Marie* was then moved to a local facility to be surveyed.

On 7 October 2022, the survey concluded that the vessel was a total constructive loss. The *Michelle Marie* was deconstructed and disposed of on 15 November 2022.

The Claim

On 19 July 2023, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$33,122.43, seeking costs and expenses incurred in the course of responding to the incident involving the *Michelle Marie*. This claim was submitted using the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 14 September 2023.

A requisition for payment in the amount of \$35,286.92, representing the principal plus \$2,164.49 in statutory interest, has been made to Transport Canada on 14 September 2023.

Status

The file remains open.

Moonlight (2022)

Location: Port Hardy, British Columbia

File number: 120-930-C1

The Incident

On 6 January 2022, the Canadian Coast Guard (CCG) received a report that the fishing vessel *Moonlight* had sunk at Port Hardy. The vessel was thought to contain as much as 200 litres of diesel fuel, and a sheen was observed around it.

The CCG engaged a contractor which raised the vessel and removed remaining fuel. This was completed on 11 January 2022.

The Claim

On 18 August 2022, the Administrator received a submission via the Expedited Small Claims Process from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$7,906.29, seeking compensation for costs and expenses arising from the response to the incident involving the *Moonlight*.

Preliminary Assessment and Payment

The Administrator summarily assessed the claim and determined that it was admissible under Part 7 of the *Marine Liability Act*. Payment in the amount of \$8,057.68, including \$151.39 in statutory interest, was made on 15 October 2022.

Recovery Action

At the end of the fiscal year, efforts were underway to identify and locate the owner of the *Moonlight*.

Status

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

Mystery Spill (Finger B, Campbell River) (2023)

Location: Campbell River, British Columbia

File number: 120-993-C1

The Incident

On 22 December 2023, the Campbell River Harbour Authority was informed about a large sized oil spill on the west side of Finger B at the wharf in Campbell River, British Columbia. The wharf employees worked with the Canadian Coast Guard (CCG) in placing sorbent pads and containment boom around the spill.

The harbour exhausted its supply of emergency pads and boom. The harbour employees removed some of the pads the next day. The employees attended the next few days to monitor the spill. A contractor was then hired to clean the spill and establish its source.

The Claim

On 23 February 2024, the Administrator received a submission from the Campbell River Harbour Authority. The submission included a claim for costs and expenses in the amount of \$3,260.20, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the mystery spill. This claim was submitted under the Expedited Process for Small Claims.

The Administrator determined that the claim was admissible under Part 7 of the *Marine Liability Act*. It could not be determined that the spill did not come from a source other than a ship.

Payment

The Administrator determined that the Campbell River Harbour Authority's claim met the basic eligibility requirements under the Expedited Process for Small Claims. The payment has not been requisitioned or sent by the end of the fiscal year.

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

Status

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

Related Files

Iron Horse (2023) file 120-992-C1 (same location, same claimant, same date of submission, different incident)

Unknown Name (Houseboat) (2020)

Location: Sicamous, British Columbia

File number: 120-878-C1

The Incident

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

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

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

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

The Claim

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

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

Payment and Reassessment

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

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

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

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

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

Recovery Action

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

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

Further subpoenas were issued in July 2022, and a new potential residence for the owner emerged.

On 30 December 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner. Attempts at service were made, but these were inconclusive, as it appeared that the defendant may have again relocated.

The Administrator issued two *Inquiries Act* subpoenas in January 2023. The results of those subpoenas revealed a phone number.

Counsel for the Administrator and the Defendant communicated over the phone on 4 May 2023. Counsel for the Administrator followed up with an email summarizing the call, indicating that the Defendant admitted ownership of the vessel and intended to pay the claim. The Defendant sent an email in response that confirmed his ownership of the vessel and his desire to pay the amount of the claim.

Counsel for the Administrator has followed up numerous times with the Defendant since 4 May 2023. The Defendant has failed to file a defence or make a payment and has expressed in emails that his financial troubles are preventing him from paying the claim.

The Administrator expects to move for default judgment against the Defendant.

Status

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

Unknown name (Tofino, orange wheelhouse fishing vessel) (2022)

Location: Tofino, British Columbia

File number: 120-943-C1

The Incident

On 19 October 2022, the Canadian Coast Guard (CCG) received notification of a partially submerged fishing vessel in Tofino, British Columbia that was posing a potential threat for oil spill. The Tofino Lifeboat Station sent a crew who assessed the vessel. No signs of pollution were observed. Containment booms were placed around it and the fuel vents were plugged as preventative measures.

On 19 October 2022, a sheen of oil was reported around the vessel and the owner was unable to positively confirm the amount of oil present on board. CCG's Environmental Response (ER) team was dispatched with a Pollution Response Vessel (PRV) and containment booms and directions were issued to the vessel owner.

On 21 October, following the owner's failure to comply with directions deadline, the vessel was lightered. Diesel, in the amount of 750L, and oily water, in the amount of 50L, was removed from the tanks and engine space where sorbent pads were also placed. Containment booms were left overnight as preventative measures.

The following day, the vessel was reassessed, and no sheen of oil was observed in the containment area nor in the engine space. The containment booms were removed as the vessel posed a low threat to pollute.

The Claim

On 12 January 2023, the Administrator received a submission from CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$19,152.02, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the fishing vessel. This claim was submitted under the Expedited Process for Small Claims.

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

Payment

Having determined that the CCG's claim met the basic eligibility requirements under the Expedited Process for Small Claims, the Administrator issued a Payment Notice Letter on 13 March 2023.

A requisition for payment in the amount of \$19,571.69, representing the principal plus \$419.67 in statutory interest, has been made to Transport Canada on 14 March 2023.

Status

The file remains open.

General Claims Process and Incident Reports

Newfoundland and Labrador

Alaskaborg (2022)

Location: Southern coast, Newfoundland and Labrador

File number: 120-915-I-G

The Incident

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

Measures taken by the Administrator

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

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Baffin Sound (2015)

Location: St. Anthony, Newfoundland and Labrador

Case number: 120-685-C1

The Incident

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

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

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

The Claim

On 9 December 2015, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG) in the amount of \$22,185.86 for costs and expenses incurred, pursuant to the *Marine Liability Act*.

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

Assessment and Offer

After investigation and assessment of the claim, an offer for the established amount of \$22,185.86, plus interest, was made to DFO/CCG by the Administrator, on 25 February 2016, as full and final settlement. The offer was accepted on 1 March 2016.

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

Recovery Action

A professional locator service was engaged to complete a locate and asset search on the *Baffin Sound's* registered owner. In addition, in January 2017, the owner was served with a Statement of Claim.

In February 2017, counsel for the Ship-source Oil Pollution Fund secured a judgment from the Federal Court against the owner in the amount of \$22,926.25 plus pre and post judgment interest.

In total, judgments of \$331,000.00 have been registered against the *Baffin Sound*'s owner.

In May 2017, St. Anthony Port Authority instructed the seizure and sale of the *Baffin Sound*. However, the auction, held in October 2017, did not yield any bids.

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

No further advancements were made.

Status

The file remains open.

Related files

120-687-C1 – *Stelie II* (same owner)

120-922-C1 – *Baffin Sound* (same vessel, same owner, different incident)

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 2024, no claim had been filed with the Administrator.

Status

The file remains open.

Captain Earl W. Winsor (2024)

Location: Springdale, Newfoundland

Case number: 120-989-I-G

The Incident

On or about 31 January 2024, the ferry *Captain Ear W. Winsor* became unstable, listed, and was at risk of sinking. No oil was discharged from the vessel, which weighs approximately 1772 GT. Despite being over the 1000 GT it seems the vessel did not have insurance as required by the *Bunkers Convention*. The vessel's registration is also out of date.

The CCG initiated a response to the incident. The details of that response are not known.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

Comanche (2022)

Location: Placentia Bay, Newfoundland and Labrador

File number: 120-917-I-G

The Incident

The Canadian Coast Guard (CCG) responded to an incident involving a bulk carrier known as the *Comanche* at some time between 10 and 13 March 2022. The Administrator's understanding is that measures were taken in anticipation of a potential discharge of oil from the vessel.

Measures taken by the Administrator

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

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Status

The file remains open.

Danielle and Mark (2020)

Location: Old Bonaventure, Newfoundland and Labrador

File number: 120-894-C1

The Incident

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

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

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

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

The Claim

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

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

Assessment and Offer

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

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

Recovery Action

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

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

In-house counsel to the Administrator filed a Federal Court action against the owner of the *Danielle and Mark* on 10 February 2023. The Administrator hired a process server to effect personal service upon the Defendant.

Counsel for the Administrator had a phone call with the Defendant and his brother, where settlement discussions began. The Defendant agreed to send over documents outlining his financial situation at the end of the call.

The Administrator received notification on 1 December 2023 that the Defendant passed away. The proceedings have been transferred to the Defendant's estate, which the Defendant's brother is the trustee.

Settlement discussions were ongoing with the estate trustee in 2024. The Administrator expects to file a motion for default judgment.

Status

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

Executioner (2021)

Location: St. John's, Newfoundland and Labrador

File number: 120-908-I-G

The Incident

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

Measures taken by the Administrator

The vessel is registered. The insurer has provided the vessel's insurance information. Further steps will be taken should a claim arrive.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

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.

In addition, the CCG agreed to reapportion the claimed amounts as between the two claims, as some of the costs claimed with respect to the *Sikuk* were in fact incurred with respect to both vessels. The revised claim amounts were \$130,208.34 for the *Sikuk* response and \$446,196.96 for the *Françoise* response.

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

Ongoing negotiations between parties allowed for a successful out of court settlement in the amount of \$55,431.43 on 30 November 2023.

Status

The file was closed on 20 March 2024.

Related Files

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

G.J. Emma II (2020)

Location: Flowers Cove, Newfoundland and Labrador
File number: 120-935-C1

The Incident

The *G.J. Emma II* was a wooden-hulled fishing vessel of 66.47 gross tons, built in 1972. It was 18.71 metres long and powered by a single 253-horsepower diesel engine. Despite its age, it was a fully operational fishing vessel at the time of the incident.

The exact fuel capacity of the *G.J. Emma II* is not known, but it reportedly had 800 gallons (3,000 litres) of diesel on board at the time of the incident.

On 20 November 2020, the *G.J. Emma II* ran aground near Flowers Cove, Newfoundland and Labrador. Oil was discharged as a result. The Royal Canadian Mounted Police was notified of the grounding, and it informed the Canadian Coast Guard (CCG) on 23 November 2020. The CCG dispatched a three-person environmental response team from St. John's later that day.

The CCG team arrived on scene on 24 November 2020, remaining there until the morning of 27 November 2020. During that period, the owner of the *G.J. Emma II*, with the assistance of contractors, made efforts to remove oils from the vessel. In large part due to poor conditions, those efforts were not successful, and the vessel's oils ultimately dispersed. The owner satisfied the CCG on 26 November 2020 that the vessel no longer posed an oil pollution threat.

At the time of the CCG's departure from the scene, the vessel remained in the water. The owner confirmed on 2 December 2020 that its remnants had been removed to a nearby beach.

The Claim

On 25 October 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$11,465.98 for costs and expenses arising out of measures taken by the CCG with respect to the Incident.

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

Assessment and Offer

The Administrator assessed the claim and offered compensation on 20 December 2022 for \$11,137.62, plus accrued statutory interest.

The CCG accepted the offer on 23 January 2023. The Administrator requisitioned payment on 27 January 2023 for \$11,964.73, including \$827.11 in interest.

Recovery Action

A demand letter was sent to the owner on 27 March 2023. No response was received.

The Administrator filed an action in the Federal Court against the owner on 23 October 2023.

On 24 November 2023, the owner sent an email to Counsel for the Administrator stating that he was having difficulty transferring \$11,137.62 to the Fund. With some guidance, the payment was deposited on 14 December 2023.

The Administrator filed a notice of discontinuance on 15 February 2024.

Status

The file was closed on 16 February 2024.

Hamilton Banker (2020)

Location: Colliers, Newfoundland and Labrador
File number: 120-933-C1

The Incident

The *Hamilton Banker* was a roughly 30-metre-long steel hulled fishing vessel. After partially sinking at Harbour Grace, Newfoundland and Labrador in 2006, its owner had it raised and towed to Colliers. The vessel then sat there for 14 years, until a heavy winter storm in 2020 shifted the vessel, ultimately resulting in it grounding on the opposite side of the harbour.

After the storm, the Canadian Coast Guard (CCG) received reports of oil pollution in the vicinity of the *Hamilton Banker*.

The CCG mounted a response which first removed available oil from the vessel, and then deconstructed it.

The Claim

On 5 October 2022, the CCG advised the Administrator that it was demanding payment of \$2,016,227.22 in costs and expenses incurred with respect to the *Hamilton Banker* pursuant to section 101 of the *Marine Liability Act* (MLA). That provision allows claimants to recover from the Fund in certain circumstances where they commence litigation against the owner of a vessel. In this case, no direct claim to the Administrator under section 103 of the MLA was submitted by the CCG, owing to a belief that the time bar for such claims had passed.

On 22 November 2022, the CCG initiated a proceeding in the Federal Court against the owner of the ship. The Administrator was served with the Statement of Claim, and an appearance was entered. The owner of the vessel entered a defence and counterclaim on 5 June 2023.

Settlement discussions between the parties remain ongoing.

Litigation was ongoing as of 31 March 2024.

Status

The file remains open.

Jana Desgagnés (2019)

Location: Channel-Port aux Basques, Newfoundland and Labrador

File number: 120-837-C1

The Incident

On 21 March 2019, the 124-metre Canadian-flagged refined products tanker *Jana Desgagnés* lost steering in icy waters approximately 16 nautical miles from Channel-Port aux Basques, Newfoundland and Labrador. The Canadian Coast Guard (CCG) was notified and requested that the owner of the vessel arrange for towage. The owner acknowledged the CCG's direction and identified Sydney, Nova Scotia, as the planned destination for the vessel.

The owner of the *Jana Desgagnés* contracted a tug, but its progress was delayed by icy conditions. The CCG deployed the CCGS *Louis S. St-Laurent*, a large icebreaker, to assist.

Another icebreaker, the CCGS *Captain Molly Kool*, was sent to accompany the *Jana Desgagnés* in case it required an emergency tow.

With the *Jana Desgagnés* getting closer to heavy ice and the shoreline, it was decided on the evening of 21 March 2019 that the *Captain Molly Kool* should intervene to keep the stricken vessel in a safe position. The icebreaker's stern close towing notch was used for that purpose.

The *Louis S. St-Laurent* arrived on scene on the early morning of 22 March 2019, and the contracted tug arrived some time thereafter. There were complications in connecting a tow with the contracted tug, including mechanical issues and an injury sustained by a crewmember.

Ultimately, the *Jana Desgagnés* arrived in Sydney on 27 March 2019 under tow with the *Captain Molly Kool* in support.

The Claim

On 28 February 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$89,286.59, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Jana Desgagnés*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs associated with the CCG's physical presence near the incident site were rejected since they brought equipment that would not have been helpful due to the icy conditions and stationed themselves too far away to adequately monitor the *Molly Kool*'s operations. This rejection includes the salary costs of the CCG personnel that physically attended the site, their travel costs, the equipment they brought, and the vehicles used to transport them. In addition,

the costs associated with the *Molly Kool* were reduced to the 23-hour period in which the *Molly Kool* towed the *Jana Desgagnés* from 21 to 22 March, which were accepted for being connected to the purpose of preventing oil pollution. The costs associated with the remote response were also accepted for the same reason.

The Administrator made an offer of compensation in the amount of \$30,751.98 plus \$6,653.69 in accrued interest for a total of \$37,405.67 to the CCG/DFO on 12 January 2024. The CCG accepted the Administrator's offer on 11 March 2024. The requisition for payment was sent to Transport Canada that same day, and the payment was made soon thereafter.

Recovery

The Administrator sent a demand letter to the owner of the *Jana Desgagnés* on 20 March 2024. No response has been received to date.

Status

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

Jennifer Holly (2019)

Location: Main Brook, Newfoundland and Labrador

File number: 120-849-C1

The Incident

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

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

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

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

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

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

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

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

The Claim

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

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

Assessment and Offer

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

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

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

Recovery Action

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

On 30 March 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner. A default judgment was obtained against the owner in the amount paid to the CCG, plus interest.

A settlement was successfully negotiated between the parties. The shipowner will make a payment in the amount of \$300 to the Administrator every six months over a two-year period. The first payment was received on 29 January 2024, and the second payment should be received in the summer of 2024.

Status

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

Lucas & Rebecca (2017)

Location: Bay of Islands, Newfoundland and Labrador

File 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.

Efforts continue to monitor the owner's ability to pay the judgment.

Status

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

Marc Olivier (2022)

Location: Port-aux-Basques, Newfoundland & Labrador

File number: 120-956-C1

The Incident

On 7 May 2022, the Canadian Coast Guard (CCG) received a report that an approximately 75-foot steel hulled fishing vessel ran aground at Port-aux-Basques, Newfoundland & Labrador. The report stated that the vessel had 5,000L of diesel fuel onboard.

The CCG sent three employees to the incident site. They assessed the vessel and discovered no breach in the hull and did not observe any oil pollution. They contacted the owner on 8 May, who developed a recovery plan the CCG approved.

The plan involved refloating the vessel using lift bags and then towing it. Pre- and post-tow dive surveys were conducted to confirm that no hull damage was sustained. Recovery operations were unsuccessful on 9 May but succeeded on 10 May.

The Claim

On 22 June 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$14,791.11, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Marc Olivier*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

Some of the salary and overtime costs submitted were rejected for the purpose of having more employees than necessary working at a given time and a failure to adequately document the work performed during the response. The rest of the costs for the response were accepted.

The Administrator made an offer of compensation in the amount of \$12,544.68 to the CCG on 4 October 2023. After some communications between the CCG and the Administrator's office regarding questions of clarification, the CCG accepted the Administrator's offer on 6 December 2023. The requisition for payment was sent to Transport Canada (TC) soon after.

Recovery Action

The Administrator sent a demand letter to the owner of the *Marc Olivier* on 18 January 2024. No response has been received since. The Administrator is preparing to file a statement of claim against the owner.

Status

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

Michael Marie III (2022)

Location: Arnold's Cove, Newfoundland and Labrador

File number: 120-920-C1

The Incident

On 9 April 2022, the fishing vessel *Michael Marie III* was found to be taking on water at Arnold's Cove, Newfoundland and Labrador. The Harbour Authority of Arnold's Cove (HAAC) made efforts to pump the water ingress from the vessel, but these efforts were abandoned when an oily sheen resulted.

The HAAC hired a contractor, which ultimately removed almost 16,000 litres of oils and contaminated water from the vessel. The HAAC then contacted the Canadian Coast Guard to inform it about the vessel on 11 April 2022.

The Claim

On 28 April 2022, the Administrator received a submission from the HAAC. The submission included a claim totalling \$4,681.58, seeking compensation for costs and expenses arising from the response to the incident involving the *Michael Marie III*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding that all claimed costs and expenses were established.

The Administrator made an offer of compensation to the HAAC in the amount of \$4,681.58, plus accrued statutory interest, on 23 June 2022.

The HAAC accepted the offer on 29 June 2022 and payment from the Fund in the amount of \$4,714.97, including \$33.39 in interest, was made on 7 July.

Recovery Action

In-house counsel to the Administrator wrote to the registered owner of the *Michael Marie III*. The registered owner responded, stating that it had transferred ownership of the vessel prior to the incident.

As of the end of the fiscal year, counsel was awaiting receipt of documentation of the alleged transfer.

Status

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

Related File

Michael Marie III, File number 120-920-C2 – Same incident, different claimant

MSC Kim (2022)

Location: Port au Port, Newfoundland and Labrador

File number: 120-916-I-G

The Incident

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

Measures taken by the Administrator

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

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open

Mystery Spill (Postville) (2020)

Location: Postville, Newfoundland and Labrador
File number: 120-907-C1

The Incident

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

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

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

The Claim

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

Assessment and Offer

The Administrator determined that the claim was admissible, as the evidence did not suggest that the spill originated from a source other than a ship. This determination was based on the presence of the refined products tanker *Tuvaq W* and its activities in delivering oil to shore shortly before the incident. No probable land source was identified for the pollution.

An offer was issued in the amount of \$28,484.86 on 14 October 2022. The offer reduced the CCG claim for materials and supplies on the basis that the materials which were the subject of the claim had, for the most part, not been used and remained available for future use.

The CCG accepted the offer on 23 November 2022 and payment was made shortly thereafter, including \$2,265.61 in interest.

Recovery Action

The Administrator filed an action in the Federal Court against the owner of the *Tuvaq W* on 2 June 2023. The owner filed a defence on 8 August 2023. The Administrator filed his reply to the statement of defence on 18 August 2023.

Counsel for the Defendant informed counsel for the Administrator via email on 16 January 2024 that the proceedings have been stayed until the review appeal by the Transportation Appeal Tribunal of Canada (TATC) is completed.

Status

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

Pa Boy (2020)

Location: Norris Point, Newfoundland and Labrador

File number: 120-921-C1

The Incident

On 24 June 2020, the fishing vessel *Pa Boy* sank alongside a wharf at Norris Point, Newfoundland and Labrador. It had approximately 30 gallons of fuel on board at the time, some of which was discharged as a result of the sinking. The vessel was insured, and its owner mounted a response operation.

The Canadian Coast Guard (CCG) received a report of the sinking and decided to dispatch three personnel from St. John's to Norris Point, a considerable distance by road. The CCG arrived on scene the following day and monitored the owner's response operation, which concluded with the raising of the *Pa Boy* and the removal of remaining fuel on 25 June 2020. CCG personnel left that day for St. John's, where they arrived on 26 June.

The Claim

On 2 May 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$5,867.59, seeking compensation for costs and expenses arising from the response to the incident involving the *Pa Boy*.

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 deployment of CCG personnel to the scene of the incident was not justified on the evidence, given the low pollution threat posed by the *Pa Boy* and the owner's response plan.

The Administrator made an offer of compensation to the CCG in the amount of \$2,366.38, plus accrued statutory interest, on 7 October 2022.

The CCG accepted the offer on 3 November 2022 and payment from the Fund in the amount of \$2,544.36, including \$177.98 in interest, was made on 8 November.

Recovery Action

A subpoena was issued in an attempt to obtain an address for the owner of the *Pa Boy*. A letter was sent to that address by in-house counsel to the Administrator, and the owner responded, referring the matter to his insurer.

The insurer responded, denying that the owner was liable for the costs incurred because precautions were taken prior to the CCG arriving at the incident site. Settlement discussions

ensued, including a phone call between in-house counsel for the Administrator and a representative for the insurer on 4 June 2023.

As a result of the settlement discussions, the Administrator accepted an offer to settle in the amount of \$2,000 on 6 July 2023.

Status

The file was closed on 24 October 2023.

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.

In addition, the CCG agreed to reapportion the claimed amounts as between the two claims, as some of the costs claimed with respect to the *Sikuk* were in fact incurred with respect to both vessels. The revised claim amounts were \$130,208.34 for the *Sikuk* response and \$446,196.96 for the *Françoise* response.

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 14 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 & the Grenadines, the registered owner of the vessel had been the same Canadian corporation, representatives of which had dealt with the CCG throughout its response.

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

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

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

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

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

Ongoing negotiations between parties allowed for an out-of-court settlement in the amount of \$55,000.00 on 4 January 2024.

Status

The file was closed on 20 March 2024.

Related Files

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

Sweven (2019)

Location: St. John's, Newfoundland and Labrador

File number: 120-886-C1

The Incident

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

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

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

The Claim

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

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

Assessment and Offer

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

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

Recovery Action

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

On 11 March 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Sweven*. The Defendant was duly served on 11 April, and no defence was filed.

Counsel to the Administrator brought a motion seeking default judgment, which was granted by the Court on 16 August 2022.

As of 31 March 2024, attempts were underway to contact the judgment debtor.

Status

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

Unknown Name (Valleyfield, Bonavista Bay) (2021)

Location: Valleyfield, Bonavista Bay, NL

File number: 120-940-C1

The Incident

An unidentified derelict fishing vessel had been located at a wharf in Valleyfield, Newfoundland and Labrador, since 2017. The Valleyfield Harbour Authority (VHA) repeatedly attempted to contact the owner over the years to tend to his vessel, but to no avail. The VHA periodically placed pumps on the vessel to prevent it from sinking.

On 2 November 2021, the VHA reported to the Canadian Coast Guard (CCG) that the vessel was sinking, having rapidly taken on water overnight. The vessel contained an unknown quantity of fuel, engine oil, and 15 to 20 gallons of hydraulic oil. There was an oil sheen visible around the sunken vessel, and the VHA deployed sorbent boom.

CCG personnel assessed the vessel and attempted to contact the owner, but they were unsuccessful. Because the owner could not be contacted, the CCG took over response operations.

On 4 November 2021, divers plugged the holes, refloated the vessel, and dewatered it. The vessel had to again be dewatered over the next couple of days.

On 6 November 2021, officers lifted the vessel out of the water. CCG left it in the possession of the VHA, which had applied for funding to have the vessel deconstructed.

The Claim

On 16 November 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$29,967.86 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the unidentified fishing vessel.

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. Some of the costs incurred for hours worked by CCG personnel and contractors were not established by the evidence and were therefore not accepted. The hours claimed for contract services were reduced to reflect reasonable travel time to the incident site. Some equipment costs were rejected as being duplicative. Vehicle costs are only accepted for one day. The remainder of costs submitted were accepted.

The Administrator made an offer of compensation to the CCG in the amount of \$15,969.89, plus accrued statutory interest, on 18 May 2023.

The CCG accepted the offer on 31 May 2023. Payment from the Fund in the amount of \$16,917.97, including the principal amount and statutory interest in the amount of \$948.08, was requisitioned on 3 June 2023 and then made shortly thereafter.

Recovery Action

In an attempt to obtain a current address for the owner of the vessel, the Administrator issued an *Inquiries Act* subpoena to Aliant Technologies 20 July 2023. Using the information provided in Aliant's response, the Administrator sent a demand letter to the owner on 22 August 2023. The Administrator has not yet received a response.

The Administrator plans to commence a Federal Court action against the owner.

Status

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

Unknown name (sunken pleasure craft) (2020)

Location: Cupids, Newfoundland and Labrador

File number: 120-896-C1

The Incident

On 17 January 2020, the Canadian Coast Guard (CCG) was informed that a pleasure craft had sunk at Cupids, Newfoundland and Labrador, with a small sheen visible in the surrounding water. The name and owner of the vessel were unknown.

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

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

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

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

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

The Claim

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

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

Assessment and Offer

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

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

Recovery Action

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

In-house counsel to the Administrator filed an action in the Federal Court against the owner of the subject vessel on 17 January 2023.

The Administrator hired a process server to effect personal service on the Defendant. The process server informed Counsel for the Administrator on 4 January 2024 that he was unsuccessful in locating the Defendant. The Administrator is contemplating closing this file.

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) received notification of a vessel that was leaking oil and listing heavily at the dock in La Have River in Bridgewater, Nova Scotia. The vessel was identified as the *Cormorant*, a 2,174 tonne former Royal Canadian Navy diving support ship that had been decommissioned and sold in 1997.

CCG provided the vessel owner with a Notice of Intent informing him of his responsibilities under the *Marine Liability Act* (MLA) and a Direction Order to develop a salvage plan to refloat the vessel. The owner engaged a salvage company. CCG assumed the role of Federal Monitoring Officer. The local fire department assisted by using water pressure to blast the snow and ice off the partially sunken vessel, and a containment boom was deployed around the wreck.

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

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

Measures taken by the Administrator

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

The Claim

On November 2, 2015, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses incurred in the amount of \$549,581.18, pursuant to the MLA.

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

Assessment and Offer

Additional supporting information was requested for assessment purposes. After investigation and assessment of the claim, the daily rates claimed for some of the equipment were reduced to the rates specified in CCG document “EKME 3315540” Edition 1 that had been provided to the Ship-source Oil Pollution Fund. An offer for the established amount of \$515,267.25 was sent to DFO/CCG on March 29, 2016. The offer was accepted by DFO/CCG and, on or about August 19, 2016, a payment in the amount of \$534,340.76 including interest was made to DFO/CCG as full and final settlement.

Recovery Action

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

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

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

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

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

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

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

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

The file was closed on 31 October 2022.

On 5 June 2023, the Port of Bridgewater filed a motion to set aside the judgment obtained in 2019. This which necessitated the reopening of the file.

The Port of Bridgewater also moved to add the Administrator as a party in another ongoing action against the CCG and DFO. The court set a timetable for hearing the various motions, and the first hearing took place on 14 February 2024. The result was still pending at the end of the year.

In addition, on 8 January 2024, the Port of Bridgewater filed an action in the Federal Court against the Administrator to seek damages for unjust enrichment. This claim was stayed on 20 March 2024.

Status

The file remained open at the end 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, measures taken starting in the year 2019)

Cormorant (2019)

Location: La Have River, Bridgewater, Nova Scotia

File number: 120-850-I-G

The Incident

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

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

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

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

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

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

Measures taken by the Administrator

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

The Claim

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

Status

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

Related Files

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

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

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

Emma Marie (2022)

Location: Country Island, Nova Scotia

File number: 120-996-C1

The Incident

On 18 March 2022, the Canadian Coast Guard (CCG) received a report that an approximately 35-foot fishing vessel was adrift. Soon after, it ran aground approximately 50 meters from the shore of Country Island, Nova Scotia.

The CCG sent two personnel to assess the *Emma Marie*. No major hull damage or breach was found, nor was there any visible pollution. The vessel contained bulk oil and pollutants, including 200 liters of fuel, 19 liters of antifreeze, 3 jugs of oil, and several empty jerry cans. The CCG did note some water ingress but were unsure if it was from a breach or residual water from the surrounding area. The CCG secured the bow and stern with anchors and removed the jerry cans but were unable to remove the bulk pollutants.

Three CCG personnel returned on 19 March 2022 on a Pollution Response Vessel (PRV) with pumps and equipment to remove the fuel and bulk oil. These efforts continued over the next few days with the use of a helicopter and sling.

The CCG was able to contact the owner on 20 March 2022, who indicated that he could not mount a response. The CCG took over the response, as they removed 240 liters of pollutants on 21 March 2022. The main engine and transmission were still inaccessible due to hull damage sustained over time.

A plan was created to remove the *Emma Marie*. The CCG hired a contractor to assist with recovery operations. The vessel was cut up into parts and removed by helicopter on 26 March 2022. The vessel was deconstructed and disposed of on 7 April 2022.

The Claim

On 15 March 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$70,613.53, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Emma Marie*.

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

As of 31 March 2024, this claim is under assessment.

Status

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

Farley Mowat (2015) (Town of Shelburne)

Location: Shelburne Harbour, Nova Scotia

Case number: 120-679-C1-1

The Incident

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

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

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

The Claim

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

The costs and expenses covered by the claim included:

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

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

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

Assessment and Offer

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

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

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

Recovery Action

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

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

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

Status

The file remains open.

Related files

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

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

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

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

Farley Mowat (2015) (CCG)

Location: Shelburne Harbour, Nova Scotia

Case number: 120-679-C1

The incident

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

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

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

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

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

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

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

Measures taken by the Administrator

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

The Claim

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

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

Assessment and Offer

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

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

Recovery Action

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

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

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

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

Status

The file remains open.

Related files

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

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

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

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

Hydra Mariner (2021)

Location: Halifax, Nova Scotia

Case number: 120-883-C1

The Incident

On 17 January 2021, the *Hydra Mariner*, a steel former fishing vessel of 295 gross tons, broke free of its moorings at Wrights Cove, Nova Scotia, and grounded on Navy Island, in the Bedford Basin. The Canadian Coast Guard (CCG) contacted the owner of the vessel, who was cooperative but unable to mount an adequate response.

It was discovered that the vessel's hull was holed, and that the engine room had flooded. An oil sheen was observed in the vicinity. The CCG deployed boom around the vessel, and accessible fuel and other oils were removed over the months that followed.

A survey conducted on 15 October 2021 estimated that the vessel contained 254,000 litres of contaminated water. It was decided that the vessel should be deconstructed where it had grounded, and a contract was put in place for this purpose on 14 June 2022, following a competitive bid process. The deconstruction process, which was complicated by the presence of unexploded military ordinance on Navy Island, was completed in August 2022.

The Claim

On 5 January 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$2,543,803.16 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Hydra Mariner*.

As of the end of the fiscal year the claim was under assessment.

Recovery Action

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.

A statement of claim was filed with the Federal Court on 15 January 2024. This claim was *in rem* against the interests of the sister ship of the *Hydra Mariner*. The statement of claim has yet to be served on the owner.

On 23 January 2024, Counsel for the CCG provided the Administrator with the phone number for the owner of the *Hydra Mariner*. A call was placed to that number, which went straight to voicemail. Based on the voicemail message, it is believed to be the number of the owner.

A subpoena was sent to the Nova Scotia Department of Transport on 9 February 2024 seeking to obtain more information on the owner, particularly an address in which the Administrator could serve the drafted Statement of Claim upon the owner. A response was received on 12

February 2024, which revealed more information about the owner but did not provide a new address.

The Administrator attempted to send the Statement of Claim to the owner at the address stated in the subpoena on 13 February 2024, which was not picked up and subsequently returned to sender on 23 February 2024. Another subpoena was sent to Bell Aliant on 15 February 2024.

The Administrator has hired an investigation firm to find more information on the owner. As of 31 March 2024, the Administrator is waiting on the results of the investigation.

Status

The file remains open.

Northern Tip (2021)

Location: Sydney, Nova Scotia

File number: 120-973-C1

The Incident

On 30 November 2021, the Canadian Coast Guard (CCG) received a report that an approximately 65-foot fishing vessel had sunk at its berth at Sydport Wharf in Sydney, Nova Scotia.

The CCG sent two personnel with a response trailer to conduct an initial assessment. Those personnel observed a sheen around the *Northern Tip*, and so they deployed containment boom and installed pumps for dewatering. They identified the water ingress was coming from the fore bow compartment, so they plugged the holes in the hull and monitored the Vessel for pollution while the water was being pumped out.

Once the *Northern Tip* was stabilized, the CCG hired a contractor to assist with removing approximately 3000 litres of oily water mixture and fuels from the vessel.

The CCG employed another contractor to deconstruct the *Northern Tip*. CCG personnel were still monitoring the vessel due to the rapid pace of water ingress. The contractor conducted a dive survey, which illustrated extensive damage to the hull. On 2 December 2021, the contractor proceeded to tow, remove and deconstruct the vessel under CCG supervision.

The Claim

On 16 October 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$116,108.60, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Northern Tip*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator has yet to make an offer of compensation to the CCG.

Status

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

Primo (2021)

Location: Lunenburg, Nova Scotia

File number: 120-884-C1

The Incident

On 8 February 2021, a roughly 37-metre, steel hulled fishing vessel known as the *Primo* partially sank at its berth in Lunenburg, Nova Scotia. The vessel had reportedly not moved in over a decade.

An oil sheen resulted from the sinking, and the vessel's owner began a response operation. Boom was placed around the vessel, its fuel tanks were sealed, and a salvage plan was drawn up. The Canadian Coast Guard (CCG) arrived on scene in a monitoring role.

The vessel was successfully raised by the owner's contractors by 5 March 2021. CCG personnel were on scene in a monitoring capacity for most of the period between the vessel's sinking and the conclusion of the owner's response.

The Claim

On 11 January 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$38,067.07 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Primo*.

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

Assessment and Payment

An assessment of the measures taken by CCG in response to the incident involving the *Primo* determined that some of the costs were not reasonably incurred. Notably, the scope of monitoring was deemed excessive as the response operation was carried out by a known salvage company in accordance with a plan that was approved by CCG. As a result, some costs relating to salaries and travel were adjusted.

An offer letter was sent to CCG in the amount of \$17,577.12, plus statutory interests. The offer was accepted by CCG on 21 July 2023.

A requisition for payment in the amount of \$19,348.05, representing the principal plus \$1,770.93 in statutory interest, has been made to Transport Canada on 24 July 2023.

Recovery Action

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. A legal proceeding was commenced against the owner on 1 February 2024.

An out-of-court settlement was reached between the Administrator and the *Primo*'s insurer in the amount of \$16,452.00 on 14 March 2024. The settlement funds had not been received as of 31 March 2024.

Status

The file remained open, and the Fund is awaiting payment.

Robert & Marilyn (2021)

Location: Bras d'Or Lake, Iona, Nova Scotia

File number: 120-957-C1

The Incident

On 7 May 2021, the Canadian Coast Guard (CCG) received a report that an approximately 32-foot fiberglass over wooded hulled fishing vessel, known as the *Robert & Marilyn*, had run aground in the Bras d'Or lakes near Iona, Nova Scotia. The CCG determined that the geographic location was ecologically sensitive and sent two personnel to the incident site.

The CCG personnel found the *Robert & Marilyn* grounded on the rocks at the bottom of a cliff. Due to its location, the CCG was unable to board the vessel.

On 25 September 2021, three CCG personnel arrived at the incident site with a Pollution Response Vessel (PRV). They confirmed there was no discharge of pollution but did not board the vessel. The CCG returned to board the ship and removed the pollutants on 29 September. Not all pollutants were removed, as the presence of oiled wooden planks in the bilge remained.

The crew returned to the site on 4 October and 10 October, confirming no oil pollution. The crew found the *Robert & Marilyn* broken up on 20 October. The CCG determined that any residual oil left posed a pollution threat. The CCG hired a contractor to remove what was left of the vessel. Parts of the vessel were located and removed, and no oil pollution was observed.

The Claim

On 22 June 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$56,268.88, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Robert & Marilyn*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs undertaken after the vessel broke apart were rejected on the basis that they were not established to be incurred with respect to oil pollution response measures. By contrast, the costs associated with removing pollutants from the *Robert & Marilyn* before it broke apart were accepted.

The Administrator made an offer of compensation in the amount of \$2,062.04 to the CCG on 15 November 2023. The CCG accepted the Administrator's offer on 18 December 2023. The requisition for payment was sent to TC soon after.

Recovery

Efforts to locate the owner of the *Robert & Marilyn*, believed to be a member of the Eskasoni First Nation, have been unsuccessful. A call was placed to the Eskasoni contact station. They informed us that they would ask him to call our office back. The call has not yet been returned.

Status

The file remains 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.

Unknown Name (Northwest Arm, Halifax, Fishing Vessel) (2022)

Location: Halifax, Nova Scotia

File number: 120-995-C1

The Incident

On 19 November 2022, the Canadian Coast Guard (CCG) received a report that an approximately 35-foot fishing vessel had sunk at its berth at the Northwest Arm of Halifax Harbour in Halifax, Nova Scotia.

The next day, the CCG sent two personnel on board a Pollution Response Vessel (PRV) to the incident site. They surrounded the vessel with containment boom, removed the accessible oils, and picked up floating debris. The owner could not be found.

The CCG opened a bidding process for removing the vessel. Removal operations with the contractor began on 3 December 2022. Divers placed lift bags under the vessel while pumps removed water from the inside. An assessment was unable to determine the location of the water ingress. Fuel was pumped out of the tanks and other pollutants were removed from the vessel. After the vessel was refloated, it was turned over to the Vessels of Concern program, concluding the CCG's operation.

The Claim

On 13 March 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$15,921.55, seeking compensation for costs and expenses incurred in the course of responding 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 investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator has yet to make an offer of compensation to the CCG by the end of the fiscal year.

Status

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

New Brunswick

L'Épaulard (2018)

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

The Incident

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

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

The Claim

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

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

Assessment and Offer

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

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

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

Recovery Action

The office of the Administrator sent a demand letter to the vessel's owner at an address

provided by the CCG. No response was received.

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

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

A motion to validate service on the Defendant was granted by the Court on 17 June 2022. The Defendant failed to file a defence, so a motion for default judgment was brought. Judgment in favour of the Administrator was issued by the Court on 23 September 2022.

Attempts to make contact with the judgment debtor continued as of 31 March 2024.

Status

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

Jenkins Pride (2022)

Location: Beaver Harbour, New Brunswick

File number: 120-986-C1

The Incident

On 20 January 2022, the Canadian Coast Guard (CCG) received a report that an approximately 65-foot fishing vessel had sunk at the dock at Beaver Harbour, New Brunswick. This incident was the third time the vessel had sunk in the previous three months. After the first and second times, the CCG removed the pollutants from the vessel but did not conduct an assessment and left it afloat in the harbour.

The CCG sent two personnel to the incident site to conduct an initial assessment, which confirmed the presence of oil pollution on the water. After determining that the CCG would need to respond, they returned to base.

Later that day, three CCG personnel returned to the incident site with a Pollution Response Vessel (PRV) and response equipment. Containment boom and sorbent pads were placed around the *Jenkins Pride*. There was no sheening outside the containment boom the next day.

The CCG hired a contractor to refloat and remove the *Jenkins Pride*. The vessel was successfully refloated on 25 January 2022 and removed on 26 January 2022. The vessel was deconstructed and disposed of on 6 May 2022.

The Claim

On 16 January 2024, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$36,153.24, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Jenkins Pride*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator has yet to make an offer of compensation to the CCG.

Status

The file remains 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 2024, no claim has been received by the Administrator.

Status

The file remains open.

Quebec

Celebrity 180 and Baja (2018)

Location: Lévis, Quebec
File number: 120-971-C1

The Incident

On 13 September 2018, the Canadian Coast Guard (CCG) received a report that a violent collision occurred between two pleasure craft off Paquet wharf near Lévis, Quebec. Both vessels were motorized with internal fuel tanks.

The *Baja* sank on the spot while the *Celebrity 180* became partially submerged and started to drift away. A response organization vessel towed and secured the *Celebrity 180* to the Chaudière quay, where it sank completely soon after. The owner was hospitalized after the collision, so the CCG could not contact him.

The next day, the CCG sent two personnel to the incident site to conduct an assessment and prepare a response plan. No oil pollution was observed. The owner of the *Celebrity 180* and the marina manager presented a refloating plan to the CCG, which was accepted. Later that day, the *Celebrity 180* was refloated without any observable oil pollution.

The Claim

On 12 September 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$3,113.40, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Celebrity 180*. No costs were submitted for the *Baja*.

The Administrator determined that the claim was inadmissible under Part 7 of the *Marine Liability Act* due to the CCG missing the two-year limitation period for incidents involving oil pollution. While the narrative and supporting evidence do not note the occurrence of oil pollution at any time during the response, it was deemed to be unlikely that there was no discharge of oil pollution from either of the vessels, and photographic evidence indicates its occurrence.

Assessment and Offer

The Administrator sent a letter of disallowance to the CCG on 31 January 2024.

Status

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

Éclipse des Mers (2021)

Location: Gulf of St-Lawrence, Anticosti Island, Québec
Case number: 120-958-C1

The Incident

On 4 June 2021, the Canadian Coast Guard (CCG) was notified of a burning fishing vessel identified as the *Éclipse des Mers* near Anticosti Island. The owner confirmed it had between 12,000 and 15,000 liters of diesel on board. The vessel was afloat and drifting as all crew members had been evacuated. The CCG identified the fire damaged vessel as an environmental risk. The owner had taken some measures to prevent damages due to pollution, which were closely monitored by CCG.

On 5 June 2021, a joint effort between another fishing vessel and the CCG allowed for a successful towing operation of the vessel to Rivière-au-Renard. The local fire department inspected the vessel to insure it was no longer a threat after some smoke was noticed to come out of it during the towing operation. No pollution was reported by the port authorities nor by the actors involved in the towing operation. Preventive measures were put in place by CCG.

By 9 June 2021, the owner had notified the CCG of the removal of the vessel from the water. No oil spill was noticed, and the case was closed.

The Claim

On 23 June 2023, CCG, on behalf of the Department of Fisheries & Oceans (DFO/CCG), filed a claim with the Administrator for costs and expenses incurred in the course of responding to the incident involving the *Éclipse des Mers*, in the amount of \$1,592,75.

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

Assessment and Offer

On 28 November 2023, after assessment of the claim, the Administrator sent an offer to DFO/CCG for the amount of \$1,592,75, plus statutory interest.

The offer was accepted by CCG on 10 January 2024. A requisition for payment of \$1,792.32, including \$199.57 in accrued interest, was sent to Transport Canada (TC) on 15 January 2024.

Status

The file remains open.

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, Excavation René St-Pierre, 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. In November 2015, it declared bankruptcy. The vessel remained where it had been since 2011.

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

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

The Litigation

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

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

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

The process of exchanging litigation documents is substantially complete, and the parties have planned to hold informal meetings to discuss the facts of the case.

The Claim

On 29 April 2021, the federal government submitted a claim to the Administrator in respect of this incident under s. 103 of the *Marine Liability Act*.

Status

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

Mystery Spill (Port of Quebec) (2021)

Location: Quebec, Quebec

File number: 120-968-C1

The Incident

On 26 August 2021, the Canadian Coast Guard (CCG) was informed about the presence of visible oil pollution in the form of a rainbow slick between buoys Q6 and Q11 near the Port of Quebec, Quebec. The CCG requested assistance from the local marina, who sent an employee to the spill area and confirmed the presence of pollution. In the meantime, the CCG received more reports for pollution spotted near Levis and the Pierre Laporte bridge.

The CCG mobilized a response to the pollution, which included a team on the water and an aircraft. The team in the aircraft confirmed white trails of potential pollution in the water.

On 27 August 2021, the CCG inquired with local marine partners, who indicated that there was no further pollution. The CCG subsequently closed the file.

The Claim

On 23 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$4,720.60, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the mystery spill.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Ultimately, the Administrator accepted the claim in its entirety. On 8 March 2024, an offer of compensation in the amount of \$4,720.60 plus interest was made to the CCG.

The CCG accepted the offer on 28 March 2024, and a payment in the amount of \$5,355.30, representing the principal plus \$634.20 in accrued statutory interest, was made shortly thereafter.

Recovery Action

Efforts to discover the source of pollution were unsuccessful. The claim submission provided no leads as to the source of the pollution. Therefore, there was no avenue to recovery.

Status

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

Norman McLeod (2018)

Location: Lanoraie, Quebec

File number: 120-964-C1

The Incident

On 9 August 2018, the Canadian Coast Guard (CCG) received a report that a barge detached from its anchor and grounded in the St. Lawrence River near Lanoraie, Quebec. The vessel was carrying approximately 11,000 metric tons of heavy fuel oil. No pollution or water ingress was observed by the crew after the grounding.

The master of the tug that was towing the *Norman McLeod* deployed containment boom and hired other tugs to assist with recovery operations. The CCG accepted the master's plan and sent a team of seven employees to observe the operations. Two CCG personnel monitored from a helicopter. The operations were successful, and there was no sign of damage to the hull or oil pollution at any time during the response.

The Claim

On 8 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$8,157.21, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Norman McLeod*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

Salary costs were reduced due to the lack of evidence supporting the hours worked by some of the CCG personnel at the incident site observing the response. The rest of the costs claimed for the response were considered reasonable and accepted.

The Administrator made an offer of compensation in the amount of \$7,124.36, plus \$1,631.79 in interest, for a total of \$8,756.15, to the CCG on 28 November 2023. The CCG accepted the offer on 15 January 2024. The requisition for payment was sent to Transport Canada on 17 January 2024.

Recovery Action

A demand letter was sent to the owner corporation of the *Norman McLeod* on 12 February 2024. A response email was received on 11 March 2024 from a representative of the owner, arguing that they should not be responsible for the incident, but was willing to discuss further. Communications continued through the end of the fiscal year.

Status

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

Réjane (2020)

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

File number: 120-891-C1

The Incident

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

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

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

The Claim

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

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

Assessment and Offer

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

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

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

Recovery Action

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

The Administrator sent a statement of claim to the owner's physical address on 6 November 2023.

The Administrator followed up by sending a letter to the owner on 15 January 2024. The owner then issued payment in the amount of \$3,441.79. The payment was deposited into the Fund on 13 March 2024.

Status

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

Umiavut (2018)

Location: Lac St. Pierre, Quebec

File number: 120-965-C1

The Incident

On 12 August 2018, the CCG received a report that the *Umiavut*, an approximately 113-metre general cargo vessel, had lost steering due to a rudder failure and subsequently ran aground in Lac St. Pierre, Quebec. The report indicated that the vessel contained heavy fuel oil and petrochemicals onboard.

The CCG sent a team of eight personnel to observe the incident response. The owner hired a contractor to refloat the *Umiavut* and the CCG was to observe the operation.

The first attempt to refloat the *Umiavut* took place on 14 August 2018, which was unsuccessful. The owner and CCG formulated a new plan, which was successful in refloating the *Umiavut* on 16 August 2018. The CCG monitored the operation from above in a helicopter. No pollution was observed at any point.

The Claim

On 10 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$31,072.39, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Umiavut*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

Ultimately, aircraft costs were nearly halved due to a lack of evidence to substantiate the rates claimed and the necessity of the amount of time spent in the air. Salary and overtime costs were also reduced to account for this.

On 11 March 2024, an offer was sent to the CCG for the established amount of \$17,395.61 plus statutory interest in the amount of \$4,150.23 for a total of \$21,545.84.

Status

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

Wilf Seymour (2018)

Location: Canal de Beauharnois, Québec

File number: 120-975-C1

The Incident

On 27 November 2018, the Canadian Coast Guard (CCG) received a report that an approximately 423-foot steel hulled barge carrying 10 tons of diesel lost steering due to a mechanical issue and grounded in Canal de Beauharnois, Quebec. The barge was accompanied by an approximately 113-foot steel hulled tug. The barge posed a pollution threat in a seaway with high volume of nautical traffic.

The CCG sent nine personnel to the incident site to observe the response operations undertaken by the vessel owner. The owner hired a contractor to analyze the rudder issue. Transport Canada (TC) sent an inspector, who ordered the vessels be held until the rudder issue was fixed. The Seaway was closed during the response.

The owner developed a recovery plan with other partners' help approved by CCG. The operations were successfully executed on 29 November 2018 while CCG officers monitored.

The Claim

On 10 November 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$3,893.03, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Wilf Seymour*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. The costs submitted for this claim were accepted as reasonable.

On 7 February 2024, the Administrator sent an offer to the CCG for the established amount of \$3,893.03 plus statutory interest in the amount of \$1,005.70, for a total of \$4,898.73. The CCG accepted this offer on 14 February 2024. The Administrator sent the requisition for payment to TC on 15 February 2024, and the payment was made soon thereafter.

Recovery Action

A demand letter was sent to the owner on 4 March 2024. A representative of the owner corporation responded with an email on 25 March 2024 stating that they should not be held responsible for the costs of the CCG claim on the basis that neither the *Wilf Seymour* nor the *Alouette Spirit* were a significant risk to pollute, and thus the CCG acted prematurely. A return email was sent by the Administrator's office confirming that the CCG has the authority to act as they did. No further steps have been taken.

Status

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

Related Files

Alouette Spirit (2019) 120-783-C1 (same owner, same incident)

Ontario

Lakefront Property (2022)

Location: Sarnia, Ontario

File number: 120-970-C1

The Incident

On 12 March 2022, the Canadian Coast Guard (CCG) received a report that an approximately 35-foot fiberglass and steel hulled motorized vessel sank at its berth at Bridgeview Marina in Sarnia, Ontario. The Marina staff noted a strong smell of gasoline and a rainbow sheen in the area and placed containment boom around the vessel. The owner was onboard during the fire, sustaining minor injuries. He was unable to take measures to respond to the incident.

The CCG deployed a team of five to the incident site to observe refloating operations. A contractor was hired to place boom and pump out water from the vessel.

The CCG and contractor personnel observed that the *Lakefront Property* was actively discharging pollution on 16 March. Two layers of containment boom were laid as a precaution.

The CCG and contractor attempted unsuccessfully to remove the *Lakefront Property* on 19 March but were successful in their removal operations on 20 March. The vessel was severely damaged, so it was deconstructed for scrap parts.

The Claim

On 31 August 2023, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$41,477.27, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Lakefront Property*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs submitted for this claim were all deemed reasonable and accepted. The submission was well-documented, and the measures undertaken were both reasonable in the circumstances and connected to oil pollution mitigation.

The Administrator made an offer of compensation in the amount of \$41,477.27 to the CCG on 27 February 2024. The CCG accepted the Administrator's offer on 29 February 2024. The requisition for payment was sent to Transport Canada (TC) on 1 March 2024.

Status

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

SEA-Q-TI (2021)

Location: Humber Bay Park, Etobicoke, Ontario

File number: 120-904-C1

The Incident

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

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

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

The Claim

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

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

Assessment and Offer

The Administrator assessed the claim and made an offer of compensation on 11 October 2022 in the amount of \$19,994.18, plus accrued statutory interest.

The CCG accepted the offer on 23 November 2022. The Administrator requisitioned payment shortly thereafter for a total of \$21,170.92, including \$1,176.74 in accrued statutory interest.

Recovery Action

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

Counsel to the Administrator attempted to locate and contact the owner of the vessel to no avail. Steps taken included making multiple calls and leaving voicemails with the owner's suspected phone number, issuing subpoenas to four telecom service providers, and issuing a demand by mail for which no response was received.

Status

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

Unknown name (Toronto pleasure craft) (2021)

Location: Bluffer's Park, Toronto, Ontario
File number: 120-902-C1

The Incident

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

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

The Claim

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

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

Assessment and Offer

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

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

Recovery Action

Attempts to locate the owner of the vessel were unsuccessful.

Status

The file was closed on 12 September 2023.

Unknown name (Lake Manitouwabing, pleasure craft) (2023)

Location: Lake Manitouwabing, Ontario

File number: 120-952-I-G

The Incident

On 19 May 2023, an oil spill resulted from a single boat incident involving a pleasure craft on Lake Manitouwabing, Ontario. An estimated two to three liters of pollutants were released into the marine environment.

Communications between the Fund and the Township of McKellar clarified the claims process, but no claim has been submitted as of yet.

The Claim

As of 31 March 2024, no claim has been received for this incident.

Status

The file remains open.

Unknown Name (Shiloh Park, Houseboat) (2021)

Location: Wallaceburg, Ontario

File number: 120-951-C1

The Incident

On 3 May 2021, the Canadian Coast Guard (CCG) received a report that an approximately 32-foot wooden hulled pleasure craft with an unknown name was partially submerged and actively polluting at its berth in Wallaceburg, Ontario. The quantity of fuel released is unknown. The owner's wife was contacted but could not give any information about the vessel.

The Chatham Fire Department confirmed that the pollutant released from the vessel was gasoline but could not confirm if there were other hydrocarbons being released. The department placed containment boom around the vessel.

On 4 May 2021, CCG response officers were sent to the incident site. The owner could not mount a response, so the CCG decided to remove the vessel. Later that day, the owner contacted the CCG and stated that he was creating a response plan with a local contractor.

The contractor began operations under CCG surveillance. The first attempt was unsuccessful. The second attempt was on 5 May 2021 and the contractor successfully refloated and removed the vessel. The CCG assessed the site for pollution risks throughout the response.

The Claim

On 2 May 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$8,350.13, seeking compensation for costs and expenses incurred in the course of responding to the incident involving this vessel.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

Some of the overtime hours claimed by the CCG were rejected because they were not established by the evidence. The remainder of the costs claimed were accepted. The decision to send CCG personnel to the incident site and monitor the owner's removal attempts was reasonable for mitigating oil pollution.

The Administrator made an offer of compensation in the amount of \$7,708.13, which is the principal amount of \$6,983.19 plus accrued interest in the amount of \$724.94, to the CCG/DFO on 10 August 2023. The CCG/DFO accepted the Administrator's offer on 5 September 2023. The requisition for payment was sent to Transport Canada (TC) on 14 September 2023, and the payment was made soon after.

Recovery Action

A demand letter was sent to the owner of the vessel on 14 December 2023. The Administrator has yet to receive a response from the owner.

Status

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

Wendy K (2020)

Location: Mooretown, Ontario

File number: 120-931-C1

The Incident

On 3 September 2020, the *Wendy K*, a 57-foot American-flagged wooden pleasure craft, caught fire on the US side of the St. Clair River. The vessel ultimately drifted into Mooretown, Ontario, where it was secured to a local dock after the fire was extinguished with involvement from the US Coast Guard. The fire caused extensive damage to the vessel. It sank nearly to its gunnels, leaving nothing of the structure above the main deck. A continuing discharge of oils from the vessel resulted.

The Canadian Coast Guard (CCG) responded, deploying boom around the *Wendy K*, which was thought to contain at least 500 gallons of diesel fuel and lubricants. Initially, the CCG expected to respond in a limited capacity, as the owner planned to have the vessel removed from the water. In the days that followed, the CCG took over the response operation completely as complications arose between the owner and his insurer.

The CCG obtained quotes from three contractors for the removal of the *Wendy K*. Ultimately, a Canadian company was chosen. The removal operation itself took place on 13 and 14 September 2020, and CCG personnel attending the scene regularly in the intervening days to change out boom, remove debris from the vessel, and address concerns from local residents. Once removed from the water, the vessel was deconstructed.

The Claim

On 2 September 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$280,143.90 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Wendy K*.

After assessment of the claim, the Administrator determined that some costs were not reasonably engaged in response to the incident. Notably, deductions were made in regard to the contract service, travel expenses, salaries and overtime pay for personnel, some pollution counter measure equipment, use of vehicle and administration fees. On 12 July 2023, the Administrator made an offer to CCG in the amount of \$283,389.63, representing the principal plus \$29,365.47 in accrued statutory interests.

The offer was accepted by CCG on 2 August 2023.

Recovery Action

Counsel for the Administrator had a Statement of Claim issued, and on 1 November 2023, the owner of the vessel was served.

On 29 December 2023, a Statement of Defence was filed by the vessel owner.

A third-party claim was filed by the defendant on 17 January 2024 against the hired captain of the vessel, which was amended and refiled on 9 February 2024.

Status

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

British Columbia

Alaska Plaza and Sea Lander (2020)

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

The Incident

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

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

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

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

Measures taken by the Administrator

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

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

Aleutian Isle (2022)

Location: San Juan Island, WA USA near
Haro Strait, British Columbia
Case number: 120-928-R

The Incident

On 13 August 2022, the 58-foot US-flagged fishing vessel *Aleutian Isle* sank in US waters just off Sunset Point, San Juan Island, in Washington State. A predominantly diesel sheen resulted that threatened or entered Canadian waters, as the sinking was only a few kilometres from the marine border.

Government authorities and First Nations in both the US and Canada mobilized following the sinking, deploying boom and monitoring the spill and response operation. Concerns were raised about potential effects on marine mammals in the area.

The *Aleutian Isle* had initially settled at a depth of approximately 100 feet. Due to the steeply inclined ocean floor in the area, it later resettled to a depth of approximately 200 feet. This complicated response operations. Ultimately, the vessel was raised to a barge on 17 September 2022 and ultimately removed from the area in the days that followed.

Measures taken by the Administrator

The office of the Administrator reached out to the Canadian Coast Guard (CCG) to determine the scope of its involvement in response operations, but no detailed response was provided. It was decided to open a dedicated file for the incident in anticipation of possible claims.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

Astronaut (2022)

Location: Prince Rupert, British Columbia

File number: 120-977-C1

The Incident

On 6 December 2022, the Port Edward Harbour Authority (“PEHA”) received a report that an approximately 47-foot wooden hulled fishing vessel known as the *Astronaut* sank at Rushbrook Harbour in Prince Rupert, British Columbia. A minimal sheen was visible around the vessel.

PEHA employees as well as the Canadian Coast Guard (CCG) and Transport Canada (TC) personnel attended the scene. The PEHA employees placed containment boom and sorbent pads around the vessel and secured it to the dock with additional mooring lines. An assessment revealed that planks had come loose, and the vessel was beyond saving.

The owner’s plan to refloat the *Astronaut* was rejected by the CCG. PEHA staff continued to monitor periodically from 7 to 10 December. PEHA hired a contractor to refloat and tow the vessel to the contractor’s yard. PEHA staff replaced the pads and boom.

The Claim

On 27 November 2023, the Administrator received a submission from PEHA. The submission included a claim for costs and expenses in the amount of \$45,794.20, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Astronaut*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the PEHA, and responses were received in part.

As of 31 March 2024, the file remained under assessment.

Status

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

Atanook (2018)

Location: Ganges Harbour, Salt Spring Island, British Columbia

File number: 120-872-C1

The Incident

On 7 October 2018, the Canadian Coast Guard (CCG) was notified that an approximately 42-foot sailboat with a ferro-cement hull, identified as the *Atanook*, was sinking in Ganges Harbour, on Salt Spring Island, British Columbia.

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

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

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

The Claim

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

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

Assessment and Offer

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

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

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

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

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

Recovery Action

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

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

The owner was eventually located and served with the claim. The owner failed to defend the claim, and a default judgment was obtained in the amount sought, plus interest.

Recovery efforts remain ongoing.

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. The parties are scheduling a mediation.

Status

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

Related file

120-665-C1 – *Spudnik* (same owner)

120-856-I-G – *Spudnik* (same owner)

120-833-C1 – Darrell Bay Incident (same owner)

120-885-C1 – Unknown name (Deck Barge) (same owner)

Beldis (2022)

Location: Pender Harbour, Garden Bay, British Columbia
File number: 120-981-C1

The Incident

On 28 January 2022, the Canadian Coast Guard (CCG) received a report that an approximately 47-foot wooden hulled pleasure craft sank at its mooring at Pender Harbour in Garden Bay, British Columbia. The owner was an inexperienced mariner with mental health issues and therefore lacked the capability to respond. The owner was unsure of the quantity of pollutants onboard.

CCG hired a contractor to place sorbent pads and boom around the *Beldis*. They conducted an assessment confirming there was no oil pollution around the vessel. The CCG contacted the previous owner, who estimated 200 litres of diesel fuel and 30 gallons of lube oil were onboard.

The CCG sent a team of three response officers by Pollution Response Vessel (PRV) to the incident site to observe the contractor's removal operations on 3 February 2022. Drone overflights ensured the containment boom remained effective. The operations were successful, and the vessel was deconstructed on 5 February 2022.

The Claim

On 14 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$89,679.37, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Beldis*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs associated with deconstructing the *Beldis* are rejected for being wreck removal rather than oil pollution prevention. The remaining costs for the initial assessment, the placing of pads and boom, and monitoring the removal operations are accepted.

The Administrator has yet to make an offer of compensation to the CCG.

Status

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

Bert (2023)

Location: Fraser River, British Columbia

Case number: 120-972-I-G

The Incident

On or about 28 July 2023, the tanker barge *Bert*, measured at 1,378 GT, grounded on the Delta side of the Fraser River. The barge is understood to have had a capacity of 228,000 liters at the time of the incident. The extent of any discharge of pollutants is not known. The vessel is owned by Storm Away Towing Ltd., a Campbell River company, who was in communication with the Canadian Coast Guard (CCG). The status of insurance on the vessel at the time of the incident is not clear.

No updates have been received as of 31 March 2024.

The Claim

No claim has been filed with the Administrator.

Status

The file remains open as of 31 March 2024.

Big T (2020)

Location: Victoria, British Columbia

File number: 120-924-C1

The Incident

On 14 July 2020, the owner of a small wooden fishing vessel known as the *Big T* flagged down Canadian Coast Guard (CCG) personnel in Victoria Harbour, British Columbia and advised that he was out of fuel. CCG personnel towed the *Big T* to a local dock.

The following day, the dock manager reported that the *Big T* was taking on water at a considerable rate. CCG personnel were dispatched to the scene. They spoke to the owner, who stated he was unable to mount a sufficient response.

The CCG hired a contractor to tow and remove the vessel from the water. On 20 July 2020, the CCG discovered that the owner was attempting to relaunch the vessel. The CCG considered that the vessel remained unseaworthy and stepped in and ordered the owner to remediate the *Big T* before relaunching it. The owner again stated he was unable to do so, and the CCG learned that the vessel was leaking oil in the storage facility that was housing it.

The CCG had the vessel surveyed and ultimately deconstructed, which process concluded on 21 October 2020.

The Claim

On 11 July 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$29,006.18, seeking compensation for costs and expenses arising from the response to the incident involving the *Big T*.

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. Most of the CCG's expenses were accepted, but costs associated with the use of a CCG vessel to escort the *Big T* while it was under tow were rejected as duplicative of contractor efforts.

The Administrator made an offer of compensation to the CCG in the amount of \$22,868.59, plus accrued statutory interest, on 21 February 2023.

The CCG accepted the offer on 6 April 2023. Payment from the Fund in the amount of \$24,867.30, including the principal amount and statutory interest in the amount of \$1,998.71, was made shortly thereafter.

Recovery Action

The claim submission included a name and phone number for the owner of the *Big T*, and further inquiries to the CCG revealed two potential email addresses. Attempts to locate the owner through the provided information were unsuccessful.

Status

The file was closed on 16 February 2024.

Blue Pacific No. 1 (2016)

Location: Salt Spring Island, British Columbia

File number: 120-800-C1

The Incident

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

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

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

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

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

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

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

The Claim

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

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

Assessment and Offer

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

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

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

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

Recovery Action

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

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

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

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

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

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

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

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

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

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

The Administrator's in-house lawyers contacted the owner, who claimed to be impecunious. He supported his impecuniosity claim with financial documentation. Discussions then began, with the aim of determining what amount, if any, the owner might be able to pay in settlement of the Administrator's claim. Discussions and measures to collect on the judgment are ongoing.

Status

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

Callie Belle (2020)

Location: Oak Bay, British Columbia

File number: 120-923-C1

The Incident

On 28 July 2020, the Canadian Coast Guard (CCG) received a report that a wooden vessel of roughly 85 feet in length was sinking at anchor about a mile off Cattle Point, in Oak Bay, British Columbia. The vessel's engines were not operational, but oils were on board to run generators.

The CCG dispatched personnel to the scene, who worked with the owner to dewater the vessel. The CCG was concerned that the owner was not familiar with the vessel's pumps, which appeared to be sufficient to remove any water ingress when operational.

An oil sheen was observed around the *Callie Belle* on 22 August 2020, and CCG personnel were again dispatched to the scene. The owner blamed the discharge on a trespasser.

The CCG resolved to have the vessel towed to a marine facility at Ladysmith to have it assessed as a possible oil pollution threat. Ultimately, the vessel was handed over to the CCG's Vessels of Concern program for disposal.

The Claim

On 11 July 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$42,247.10, seeking compensation for costs and expenses arising from the response to the incident involving the *Callie Belle*.

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. The Administrator determined that the *Callie Belle* posed a modest oil pollution threat, and that the decision to tow it as far as Ladysmith was excessive. Reductions were necessary as a result.

The Administrator made an offer of compensation to the CCG in the amount of \$11,945.61, plus accrued statutory interest, on 3 March 2023.

The CCG accepted the offer on 31 March 2023, and payment from the Fund in the amount of \$12,988.68, including interest, was made on 5 April 2023.

Recovery Action

Efforts to locate the owner of the *Callie Belle* were unsuccessful and the prospects for recovery were deemed too low to continue pursuing the file.

Status

The file was closed by the Administrator on 8 September 2023

Central Isle (2016)

Location: French Creek, British Columbia

File number: 120-744-C1

The Incident

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

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

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

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

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

The Claim

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

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

Assessment and Offer

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

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

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

Recovery Action

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

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

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

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

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

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

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

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

Status

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

Chinooka (2021)

Location: Tahsis, British Columbia

File number: 120-980-C1

The Incident

On 25 December 2021, the CCG received a report that an approximately 30-metre wooden hulled abandoned accommodation barge sank at its berth outside the unused Western Forest Products (WFP) facility in Tahsis, British Columbia. The report indicated the presence of an unknown quantity of pollutants onboard.

It was confirmed the barge was still discharging oil on 26 December 2021 and a sheen continued to be visible within a containment boom placed at the site. The CCG contacted one of the barge's owners, who informed the CCG that approximately 1000 litres of diesel fuel was on board. The owner indicated that he did not have the capability to respond to this incident. CCG then decided to raise the barge to allow lightering operations and then proceed to deconstruction. Three CCG officers travelled to the incident site to commence preparations to lift and remove the barge.

On 18 January 2022, CCG engaged a contractor to construct a shoreline ramp adjacent to the quay where the Vessel would be lightered and deconstructed. Three CCG personnel travelled to the incident site to relieve the three personnel already there. The Vessel was raised and moved to the shoreline ramp on 20 January 2022. Dewatering operations were supposed to begin the next day, but given the poor condition of the hull, more pumps were requested from Campbell River.

The CCG entered the Vessel and removed approximately 1000 litres of diesel, oil, and oily water. Divers recovered the external generators that broke free from the Vessel. The Vessel was prepped for deconstruction, which occurred sometime in July 2022.

The Claim

On 14 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$1,102,254.90, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the mystery spill.

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

Assessment and Offer

The Administrator continues to investigate and assess this claim.

Status

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

Darrell Bay Incident (2018)

Location: Squamish, British Columbia

File number: 120-833-C1

The Incident

On 20 December 2018, the Canadian Coast Guard (CCG) was notified that a flotilla of vessels had gone adrift during a storm and now posed a risk of oil pollution in Darrell Bay, near Squamish, British Columbia. A CCG environmental response crew was dispatched to assess the situation.

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

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

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

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

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

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

The Claim

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

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

Assessment and Offer

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

The offer was accepted and paid with interest shortly thereafter.

Recovery Action

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

The Administrator commenced an action against the owner in the Federal Court on 20 December 2021. Following the owner's failure to submit a defence, the Administrator presented a motion for default judgement.

Status

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

Related File

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

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).

Europe (2023)

Location: English Bay, British Columbia
File number: 120-945-I-G

The Incident

On 23 January 2023 the Administrator opened a file after learning of a spill of 60 to 100 litres of hydrocarbons from a post-Panamax sized container ship in English Bay, British Columbia.

Measures taken by the Administrator

Following the incident, the Administrator investigated the insurance and ownership of the vessel. It was determined that the vessel was owned by a Greek company and insured by a member of an insurance group with which the Administrator had a pending Memorandum of Understanding (MOU). In light of the MOU and the vessel's insurance, it was determined that no further steps were required.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

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 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 2024, no claim had been filed with the Administrator.

Status

The file was closed on 6 June 2023.

Go-Getter (2019)

Location: Port Hardy, British Columbia

File number: 120-906-C1

The Incident

On 2 December 2019, Canadian Coast Guard (CCG) personnel at Port Hardy observed the small fishing vessel *Go-Getter* listing alongside a dock. Water was observed in the vessel's bilge, and an oily sheen was sighted around the vessel. An electric pump was deployed to dewater the vessel.

CCG personnel determined that there was a small volume of fuel and engine oil on board the *Go-Getter*, and that the water in the vessel's bilge was oily. The CCG determined that the vessel should be removed from the water. The owner was contacted, but he was unable to respond.

On 3 December 2019, the CCG hired a contractor to remove the *Go-Getter* from the water. This was done the following day, and the vessel was towed over land to a storage facility. Significant damage was noted to the vessel's hull.

On 11 December 2019, the CCG issued a notice to the owner, requiring that he pay the CCG's costs to that point before he would be allowed to retake possession of the vessel. The owner informed the CCG that he would be unable to pay.

On 13 December 2019, the CCG had the vessel surveyed. Ultimately, the CCG chose to deconstruct the vessel, which work was completed in January 2020.

The Claim

On 24 November 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$12,623.68, seeking compensation for costs and expenses arising from the response to the incident involving the *Go-Getter*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding that the evidence had failed to show that large portions of the CCG's costs, including those associated with the removal and deconstruction of the *Go-Getter*, were directed at preventing oil pollution.

The Administrator made an offer of compensation to the CCG in the amount of \$2,123.68, plus accrued statutory interest, on 18 February 2022.

The CCG accepted the offer on 4 April 2022 and payment from the Fund in the amount of \$2,284.06, including \$160.38 in interest, was made on 6 April 2022.

Recovery Action

The Administrator's legal team undertook investigatory efforts in an attempt to locate the owner of the *Go-Getter* but those efforts were inconclusive.

On 30 November 2022, in-house counsel to the Administrator filed an action against the owner of the *Go-Getter* in the Federal Court.

Attempts to locate and serve the Defendant were unsuccessful, and the Defendant never responded to the service of documents via email. The Court proceedings were discontinued on 13 July 2023.

Status

The file was closed on 8 August 2023.

Island Bay (2022)

Location: Carpenter Bay, Haida Gwaii, British Columbia
Case number: 120-953-I-G

The Incident

On 10 September 2022, the *Island Bay* sank in Carpenter Bay, Haida Gwaii, BC. Few details about the incident and response are known. It is believed that the Canadian Coast Guard (CCG) responded and incurred moderate costs.

Measures taken by the Administrator

The office of the Administrator communicated regularly with the CCG to stay abreast of any developments or forthcoming claims.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

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

Jolly Roger (2021)

Location: Ahousaht Harbour, Flores Island, British Columbia

File number: 120-944-C1

The Incident

The Canadian Coast Guard (CCG) and local Fisheries Officers were initially made aware of oil pollution at Ahousaht Harbour on 2 February 2021. On 4 February 2021, the CCG tasked a lifeboat to assess the situation.

On 5 February 2021, CCG personnel observed an oil sheen coming from the *Jolly Roger*, a roughly 40-foot fishing vessel in notably poor condition. A strong fuel odor was also present. The CCG deployed sorbent boom around the source of the spill, which was believed to be the vessel's bilge. The owner was on scene, but he was not cooperative.

On 8 February 2021, the CCG ordered the owner to immediately take measures to remove all oils not contained in the tanks or engines and to supply a written plan for vessel removal.

With no response from the owner, the CCG arranged to have the vessel towed to Port Alberni, where it arrived on 12 February 2021. The CCG ultimately had the vessel surveyed and deconstructed in March and April 2021.

The Claim

On 17 January 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$88,472.09, seeking compensation for costs and expenses arising from the response to the incident involving the *Jolly Roger*.

The costs for the initial assessment and the placing of boom around the vessel are accepted as reasonable measures to mitigate oil pollution. The costs incurred for refloating and towing the vessel were also accepted. All the travel, salary, overtime, and vehicle costs claimed for prior to 13 February 2021 were accepted, and those incurred after that date were rejected. This is a result of the costs associated with the deconstruction and disposal of the vessel being rejected because the claim lacked evidence to support the necessity of those measures for the purpose of mitigating oil pollution.

The Administrator made an offer of compensation in the amount of \$18,845.22 to the CCG on 5 July 2023. The CCG accepted the Administrator's offer on 31 July 2023. The Administrator sent the requisition for payment to TC in the amount plus \$1,939.19 in accrued interest for a total of \$20,778.41 on 31 July 2023, and the payment was made soon after.

Recovery Action

A demand letter was sent to the registered owner of the *Jolly Roger* on 22 August 2023. The Administrator did not receive a response to the demand letter.

A Statement of Claim was filed with the Federal Court on 2 February 2024 and subsequently served upon the owner. No defense has been received yet from the owner.

A follow-up service letter was sent to the owner on 11 March 2024.

Status

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

Knot (2021)

Location: Todd Inlet, British Columbia

File number: 120-901-I-G

The Incident

The Canadian Coast Guard (CCG) responded to an incident involving a former fishing vessel known as the *Knot* on or about 26 September 2021. The Administrator's understanding is the ship had been abandoned at anchor for some time. The vessel took on water and sank, or substantially sank, prompting a response by the CCG.

Measures taken by the Administrator

The vessel appears to be unregistered. Its present owners are not known, and it appears to have been used for illicit purposes for some time prior to its sinking. Consequently, it is not possible to take steps to obtain security at this time.

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Lady Candy (2022)

Location: Bella Coola, British Columbia

File number: 120-914-I-G

The Incident

The Canadian Coast Guard (CCG) responded to an incident involving the fishing vessel known as the *Lady Candy* on or about 1 January 2022. The Administrator's understanding is that the ship sank while at a dock. It was subsequently refloated and towed. Some discharge of oil is believed to have occurred during the incident.

Measures taken by the Administrator

Following the incident, the Administrator investigated the ownership status of the vessel. Based on the available information, it was determined that obtaining security with respect to the ship was not feasible.

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Lurch (2020)

Location: Deep Bay, Vancouver Island, British Columbia
File number: 120-934-C1

The Incident

On 9 November 2020, the owner of the derelict ex-fishing vessel *Lurch* reported to the Canadian Coast Guard (CCG) that his vessel was partially submerged. The vessel had a wooden hull and was built in 1946. It measured at 41.4 ft long and was equipped with one diesel engine.

CCG response officers deployed later the same day to assess the situation. They reported a light continuous sheen around the vessel and noted that the bow was above the waterline. The *Lurch* was tied to a mooring dock located southwest of the Deep Bay breakwater and beyond the limits of the Deep Bay Harbour Authority. CCG personnel and a contractor deployed boom around the vessel.

On 10 November, the CCG and its contractor began refloating operations. Divers plugged the vessel's fuel vents, but the *Lurch* continued to release small amounts of oil into a contained area.

On 11 November, the CCG removed the surface oils and floating debris from within the boomed off area, and the contractor refloated the *Lurch*. The vessel was then towed to Union Bay, but unsafe weather conditions arose upon arrival, and the vessel was taken instead to Comox Harbour for temporary securing before it could be moved back to Union Bay.

On 12 November, the CCG assessed the condition of the *Lurch* and returned to Victoria to pick up equipment for lightering the vessel of its fuel and other oils.

On 14 November, the CCG removed diesel, hydraulic, and engine oils. The contractor towed the vessel back to Union Bay where it remained secured until it was removed from the water.

On 19 November, the *Lurch* was removed from the marine environment. During the week of 23 November, the vessel was deconstructed.

The Claim

On 24 October 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$84,205.61 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Lurch*.

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 costs associated with the initial assessment, placing of boom and pads, the removal and disposal of pollutants, and the refloating and lifting of the *Lurch* are reasonable measures for

mitigating oil pollution, so they were accepted. The towing, deconstruction and disposal of the vessel were considered wreck removal measures, so they were not accepted. Additionally, some of the salary and overtime costs were not established based on the lack of evidence provided.

The Administrator made an offer of compensation to the CCG on 13 April 2023 in the amount of \$55,087.42, plus accrued statutory interest. The CCG accepted the Administrator's offer on 31 May 2023.

The requisition for payment was sent to TC on 1 June 2023 in the amount of \$55,087.42 plus \$4,977.18 in accrued interest for a total of \$60,064.60. The payment was made soon after.

Recovery Action

On 6 October 2023, a statement of claim was filed and sent to the known physical address of the owner of the *Lurch*. The mailed copy of the statement of claim was returned to the Administrator's office on 9 November 2023.

Google searches for the owner's address revealed two more possible addresses. A demand letter was sent to both addresses on 23 January 2024. No answer was received from either letter.

Status

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

Maggie Mae (2022)

Location: Campbell River, British Columbia
File number: 120-969-C1

The Incident

On 4 November 2022, the Canadian Coast Guard (CCG) received a report that an approximately 64-foot wooden hulled pleasure craft sank at its berth at Discovery Harbour Marina in Campbell River, British Columbia. The report noted a significant amount of fuel on the water. Containment boom was placed around the vessel.

The owner estimated at least 50 gallons of diesel fuel on board the *Maggie Mae*. The owner was unable to mount a response, so the CCG hired a contractor to conduct the initial assessment. The contractor was at the incident site on 5 and 6 November, noting minimal sheening on the water. The owner was in discussions with a contractor to remove the vessel.

The CCG took over the removal operations on 10 November and hired a contractor to remove approximately 30 gallons of diesel fuel and 10 gallons of engine oil from the *Maggie Mae*. The CCG returned to the incident site to remove all remaining sorbents and boom.

The Claim

On 25 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$104,739.19, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Maggie Mae*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

An offer of compensation was in preparation at the end of the fiscal year.

Recovery

An email was sent to the owner of the *Maggie Mae* on 8 September 2023. The email asked for the owner's input on the incident and the response, noting that the Administrator would seek to recover the costs of the claim from him.

Status

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

Maipo River (2023)

Location: Port of Nanaimo, BC

Case number: 120-962-I-G

The Incident

On or about 26 July 2023, the Hong Kong flagged 180-meter cargo ship, weighing approximately 21,000 GT, discharged bunker and heavy fuel oil during a fuel transfer while docked at the Nanaimo cruise-ship terminal. The Canadian Coast Guard (CCG) and West Coast Marine Response Corp. responded to the incident. Response measures include placing containment boom around the vessel and dispatching skimming vessels.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

Maverick IV (2018)

Location: Cowichan Bay, British Columbia

File number: 120-871-C1

The Incident

On 5 October 2018, the Canadian Coast Guard (CCG) was notified that an approximately 55-foot pleasure craft, identified as the *Maverick IV*, was sinking at Cowichan Bay, British Columbia. Local marina personnel had deployed several small pumps on board the vessel, and contact had not been made with the owner.

The CCG dispatched personnel from the Ganges Lifeboat Station to assess the situation. It also dispatched Environment Response (ER) personnel from Victoria, who were equipped with a Pollution Response Vessel (PRV). In addition, a local contractor was engaged. The contractor was first to arrive on scene. It reported that the *Maverick IV* had broken loose from the dock and was still slightly buoyant. A slight oil sheen was present. The contractor towed the vessel into shallower water, grounding it, and Ganges Lifeboat Station personnel deployed sorbent materials around the vessel.

When ER personnel arrived on scene, they deployed additional sorbents and relieved the Lifeboat Station personnel. The *Maverick IV* was deemed a continuing oil pollution threat, and the contractor was engaged to raise it and remove it from the water.

The *Maverick IV* was raised at low tide on 6 October 2018, under the supervision of ER personnel. Subsequently, pumps were placed on the vessel and the CCG's contractor towed it to the Sidney facilities of another contractor, where it was removed from the water. ER personnel escorted much of the tow in their PRV.

Though the CCG's narrative terminated at that stage, invoices submitted as part of the claim showed that the *Maverick IV* was ultimately surveyed and deconstructed by contractors engaged by the CCG. The survey report found that the vessel's fuel tanks and machinery were estimated to be full of oils and water. The surveyor could not access much of the vessel's interior, as it was full of detritus, but it was concluded based on leaking lower hull planks that oily water was present in the bilge.

The Claim

On 24 September 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$52,522.45, seeking compensation for costs and expenses arising from the response to the incident involving the *Maverick IV*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding

generally that the early stages of the CCG's response were reasonable given the discharge and unknown quantity of oil pollutants on board the *Maverick IV*. As a result, costs associated with the deployment of sorbent materials, the raising, and removal of the vessel were accepted. Due to a lack of evidence showing that the vessel was saturated with oils and in the absence of any explanation of the CCG's decision-making process, however, the deconstruction costs were largely rejected. To the extent that they could be clearly linked with oil pollutants, some of the claimed disposal costs were accepted.

The Administrator made an offer of compensation to the CCG in the amount of \$18,905.55, plus accrued statutory interest, on 17 December 2020.

The CCG accepted the offer on 26 January 2021, and payment from the Fund in the amount of \$20,439.56, including \$1,534.01 in interest, was made shortly thereafter.

Recovery Action

On 28 September 2020, in-house Legal Counsel the Administrator obtained the registration transcript for the *Maverick IV* from Transport Canada.

The same day, counsel spoke to the manager of the marina where the *Maverick IV* incident occurred. The manager wrote back on 30 September 2020, providing a name and contact details for an individual who he understood to be the owner of the vessel. That individual was not the registered owner of the vessel.

On 7 and 8 October 2020, the Administrator issued *Inquiries Act* subpoenas to BC Hydro in an attempt to obtain a current address for the registered owner of the *Maverick IV* as well as the individual identified by the marina manager. Responses were received shortly thereafter, appearing to disclose a viable address for the registered owner but not for the other individual.

On 15 October 2020, counsel sent a letter of inquiry to the registered owner of the *Maverick IV*.

Counsel wrote to the CCG on 29 October 2020 to request further detail on an unnamed individual identified in the CCG's claim documentation as a possible owner of the *Maverick IV*. On 8 November 2020, the CCG replied, stating that the individual its personnel had spoken to turned out not to be the owner, and that the vessel's registered owner was deceased by the time of the incident. Further details on the CCG's interactions with the unnamed individual were requested, along with an explanation of how that individual was ruled out as a possible owner.

On 11 November 2020, counsel received an email from the registered owner of the *Maverick IV*, who was not in fact deceased. The registered owner stated that he had sold the vessel nearly a decade prior to its sinking. He was not able to offer documentation of the transfer, but he provided a physical description of the alleged purchaser and confirmed that he recognized the name provided by the marina manager.

On 27 November 2020, the Administrator issued an *Inquiries Act* subpoena to the Insurance Corporation of British Columbia, in an attempt to locate the individual identified by the marina manager and the registered owner of the *Maverick IV*. A response was received on 8 December 2020.

On 12 April 2021, counsel sent a demand letter to the apparent owner of the *Maverick IV*. The individual responded shortly thereafter, providing documentation of correspondence between himself and the registered owner. Though he had entered into an agreement to purchase the vessel in 2012, paid for it in part, and taken possession, the individual took the position that he was not the owner at the time of the *Maverick IV* at the time of its sinking. A list of follow-up questions was put to the individual, but no response was received.

On 30 September 2021, in-house counsel to the Administrator filed an action in the Federal Court against the apparent owner of the *Maverick IV*. Initial attempts to serve him were unsuccessful, as it appeared he had moved house since April 2021. Follow-up *Inquiries Act* subpoenas were issued, and a current address for service was obtained. Ultimately, the Defendant was served just outside the time period allowed under the *Federal Courts Rules*, so a motion was filed with the Court on 23 December 2021 to retrospectively extend that time period. In early January 2022, the Defendant hired a lawyer.

As of 31 March 2024, litigation remains ongoing.

Status

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

Mini Fusion (2020)

Location: Doctor Bay, British Columbia

File number: 120-929-C1

The Incident

On 28 October 2020, the Canadian Coast Guard (CCG) was notified that the *Mini Fusion*, a foreign-flagged cargo vessel of 346 gross tons, had begun to list. The person who made this report was related to the former Canadian owner of the ship, which was known to the CCG and had been moored at Doctor Bay, British Columbia for several years.

On 19 November 2020, a marine surveyor retained by the CCG boarded and surveyed the ship. The surveyor found little water in the ship's bilge. As to the list, the probable cause was identified as a hole in a wing tank mid-ship on the port side. Water was pumped from that tank. No obvious signs of water re-entering were noted. The ship's external hull was marked with a line so that a follow up observation could be made of the list.

On 20 November 2020, the CCG reattended. The water in the wing tank had returned to its original level. The CCG concluded that there had been water ingress, but that the list was stable as the water would not rise further than that level.

The surveyor issued reports to the CCG on 9 and 26 December 2020, noting quantities of hydrocarbons aboard the ship. The surveyor concluded that, in its present state, the vessel posed an immediate environmental threat and recommended the vessel be moved to a secure mooring, which would deal with the decay of the existing moorings and allow further investigation of the degradation of the hull.

The CCG elected to instead replace the moorings of the ship where it was anchored. This was done on 6 and 7 January 2021.

On 16 January 2021, CCG divers completed an underwater survey of the hull. The survey established that the hull was covered in marine growth, and that there was significant corrosion. However, the divers did not locate visual evidence of holes, cracks or openings. The conclusion of the dive survey report was that further investigations were necessary.

On 8 August 2021, CCG-engaged contractors arrived on site to remove bulk oils from the *Mini Fusion*. That operation concluded on 18 August, at which point the CCG handed the ship over to its Vessels of Concern Program for removal and disposal.

The Claim

On 24 October 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$1,083,551.42 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Mini Fusion*.

Despite some concerns that the claim did not meet the “grave and imminent threat” requirement found in sections 71(1.1) and 101(1.1) of the *Marine Liability Act* (MLA), the Administrator ultimately determined that the claim was admissible under Part 7 of the *MLA*.

Assessment and Offer

The initial response by the CCG was prompted by reports that the vessel was listing. It was determined relatively quickly that the list did not, in fact, pose a threat. The costs of this initial response and assessment were accepted. So too were costs of resecuring the vessel, which were accepted as a less costly than relocating the vessel for monitoring. As well, the costs of further assessments including the dive survey were deemed to be reasonable out of concerns for the hull's conditions. However, once that assessment resulted in a conclusion that the vessel did not pose an imminent risk, further costs could not be accepted. There was no "incident" for which measures could be taken. The costs of removing oil from the vessel after it was found to be at no imminent risk of polluting were therefore disallowed.

The Administrator made an offer of compensation on 27 July 2023 in the amount of \$88,878.11, plus accrued statutory interest.

The CCG accepted the offer on 22 September 2023. The Administrator requisitioned payment on 25 September 2023 for a total of \$99,654.01, including \$10,775.90 in interest.

Recovery Action

With the CCG's assistance, in-house Counsel for the Administrator was able to obtain information about the corporation that owned the *Mini Fusion* at the time of the incident. The corporation is based in Ecuador, and the vessel was last registered in Bolivia.

The Administrator filed an action in the Federal Court against the owner on 13 October 2023. Service was unable to be affected because Ecuador is not a signatory of Section 14 of the Hague Convention, which recognizes extraterritorial service of judicial documents.

The Administrator caused a Spanish-translated demand letter with the statement of claim attached to be sent to the owner and the owner's parent company via registered mail on 29 November 2023.

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.

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)

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.

It is believed that the judgment debtor owns valuable real estate. External counsel on Vancouver Island has been retained to conduct an asset search and register the judgment against any property that may be found.

The judgment was registered in the Victoria Land Title Registry on 29 February 2024.

Status

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

Noelani (2020)

Location: Sand Heads, Fraser River, British Columbia
File number: 120-927-C1

The Incident

On 9 August 2020, the Canadian Coast Guard (CCG) was notified that the *Noelani*, a 1963 wooden cabin cruiser of 24.25 gross tons and roughly 41 feet in length, had struck a buoy and was sinking.

The incident was initially treated as a search and rescue matter. Once the passengers were rescued, the vessel was towed to shallower waters, at which point the CCG became involved in the response operations. The vessel was uninsured, and the owner informed the CCG that he was unable to complete the necessary response measures, prompting the CCG to take over the operation. Sorbent and containment boom were deployed around the vessel, and an assessment was conducted via hovercraft.

The next day, it was reported that the containment boom had broken free overnight, the *Noelani* was breaking apart, and an oil sheen was visible. Weather conditions caused delays, but most of the vessel was removed from the marine environment on 11 August 2020, except for its two engines which sank and remained underwater. CCG personnel recovered all boom and site markers.

On 12 August 2020, Environment and Climate Change Canada recommended that the engines be recovered. Salvage operations to recover the engines were completed the next day. The vessel was deconstructed and disposed of on 20 August 2020.

The Claim

On 29 July 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$44,871.15, seeking compensation for costs and expenses arising from the response to the incident involving the *Noelani*.

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. It was found that the principal pollution threat was mitigated by 11 August 2020, and the costs incurred up to that date were accepted. The costs incurred after that date were generally rejected as the evidence did not show they were reasonably directed at mitigating an oil pollution threat.

The Administrator made an offer of compensation to the CCG on 10 February 2023 in the amount of \$18,901.64, plus accrued statutory interest. The CCG accepted the Administrator's offer on 3 April 2023. The requisition for payment was sent to TC on 3 April 2023 in the amount of \$18,901.64 plus \$1,584.65 in accrued interest for a total of \$20,485.99. The payment was made soon after.

Recovery Action

To identify and locate the owner of the *Noelani*, four subpoenas were issued in the summer of 2022. The results of those subpoenas revealed multiple addresses for the owner of the *Noelani*, as well as an email address.

A demand letter was sent to the email address of the owner of the *Noelani* on 1 June 2023. No answer was received.

On 27 July 2023, a statement of claim was filed and sent to one of the known physical addresses of the owner, and a copy was also sent to his email address. The mailed copy of the statement of claim was returned to the Administrator's office on 18 August 2023.

On 3 August 2023, the owner sent an email to counsel for the Administrator in response to receiving the statement of claim via email. Since then, there has been a chain of communications between the owner and counsel for the Administrator.

The Administrator filed a motion validating irregular service to the Federal Court on 12 December 2023. The Court issued an order on 2 January 2024 validating service of the statement of claim via email.

Status

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

Ocean Tribune (2020)

Location: Steveston, British Columbia

File number: 120-941-C1

The Incident

On the morning of 25 December 2020, the Steveston Harbour Authority requested the assistance of the Canadian Coast Guard (CCG) with the *Ocean Tribune*, a roughly 17-metre fishing vessel that was taking on water dockside. The vessel was of wooden construction and in poor condition. It had reportedly not left its berth for several years.

The CCG spoke with a representative of the vessel's corporate owner, who stated that he was not able to manage an adequate response. He also informed the CCG that 10,000 litres of diesel fuel were on board the vessel.

The CCG initiated a response operation, deploying personnel to boom off the vessel. Only minimal oil sheening was observed, but the CCG was concerned about the stability of the *Ocean Tribune*. If the vessel came loose or caused a more significant spill, there were concerns that surrounding vessels would be negatively impacted.

The CCG entered an emergency contract to have the vessel removed from the water the following day. CCG personnel departed the scene and left overnight monitoring of the vessel to the Steveston Harbour Authority.

On 26 December 2020, the CCG's contractor arrived on scene. The vessel was first assessed by divers before it was raised, towed to Shelter Island Marina, and removed from the water. CCG personnel removed soiled boom and sorbent materials from the site. On 7 January 2021, the CCG had the *Ocean Tribune* surveyed.

The CCG contacted the owner's representative, who indicated that he lacked the resources to rehabilitate the vessel. The CCG ultimately decided to have the vessel deconstructed by Shelter Island Marina. The narrative offers the following in support of that decision: "In order to prevent the vessel from becoming a liability to the crown, it was deemed necessary to proceed with deconstruction to prevent any further potential costs." The deconstruction and disposal operation was completed on 25 February 2021.

The Claim

On 23 November 2022, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$130,411.28 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Ocean Tribune*.

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

An investigation determined not all measures taken by CCG in their response to the incident were reasonable. Therefore, on 14 November 2023, the Administrator issued an offer in the

amount of \$94,603.77, representing a principal of \$83,745.93 and \$11,127.84 in accrued statutory interest.

The offer was accepted by CCG on 20 December 2023 and a requisition for payment was made to Transport Canada on 21 December 2023.

Recovery Action

The owner of the vessel, a corporation, was identified and a Federal Court action was promptly served. It was soon communicated to the Administrator that the sole owner of the corporation had recently passed. His estate provided sufficient evidence showing that the corporation was not financially sound and therefore unable to absorb the costs associated with the incident.

Due to having no reasonable chances of recovery, it was recommended that the file be closed.

Status

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

Orca G (2021)

Location: Ladysmith, British Columbia

File number: 120-955-C1

The Incident

On 21 December 2021, the Canadian Coast Guard (CCG) received a report that an approximately 48-foot motorized vessel sank at its berth at Ladysmith Harbour in Ladysmith, British Columbia. The vessel was discharging diesel oil and persistent oil into the marine environment.

The CCG hired a contractor to follow up. The contractor confirmed that the *Orca G* had been derelict, and persons were living on the vessel prior to its sinking. The vessel had no known owner, and the amount of fuel onboard at the time of the incident was unknown.

On 22 December 2021, the CCG sent one employee to assess the *Orca G* and the boom laid by the contractor. It was observed that the vessel was still discharging pollution, with a small amount escaping the containment. It was decided that the vessel had to be removed.

The CCG hired a contractor for removal operations. On 23 December 2021, the *Orca G* was successfully removed from the marine environment. Since there was no identifiable owner, the vessel was held in storage until it was deconstructed in July 2022.

The Claim

On 21 June 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$89,037.95, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Orca G*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs for the initial assessment and the placing of boom around the vessel are accepted as reasonable measures to mitigate oil pollution. The contractor's costs for the refloating and removal of the vessel are accepted but reduced because the invoice contained calculation errors. The costs for deconstruction of the vessel are rejected for being considered wreck removal.

The Administrator made an offer of compensation in the amount of \$18,691.87 to the CCG on 21 March 2024. The CCG has not yet responded to the Administrator's offer.

Status

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

Related Files

Unknown Name (Ladysmith Harbour, Flybridge Cabin Cruiser) (2021) 120-959-C1 (same location)

Rnooknoo (2021) 120-954-C1

Pacific Poet (2021)

Location: Oak Bay Marina, British Columbia

File number: 120-911-I-G

The Incident

The Canadian Coast Guard (CCG) responded to an incident involving a pleasure craft known as the *Pacific Poet* on or about 24 December 2021. The Administrator's understanding is the ship began taking on water while at Oak Bay Marina, in Oak Bay, British Columbia. Measures were required to keep the vessel from sinking. After the vessel was stabilized, it was towed and removed from the water.

Measures taken by the Administrator

The vessel is not registered. Information about an apparent owner of the vessel has been obtained from a third party. The available information suggests that security against future claims cannot presently be obtained.

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Princeton No. 1 (2021)

Location: Alert Bay, British Columbia

File number: 120-947-C1

The Incident

On 10 February 2021, the CCG received a report that an approximately 56-foot wooden hulled pleasure craft sank at its mooring on Cormorant Island in Alert Bay, British Columbia. The vessel was actively discharging pollutants. The harbour manager deployed sorbent boom around the vessel.

The CCG sent two personnel to the incident site with two trucks, a response trailer, and a PRV. They confirmed that the *Princeton I* was actively discharging hydrocarbons. Local First Nations were told to stay in contact during the response. The CCG contacted the owner who stated that he was unable to mount a response, so the CCG took over.

The CCG deployed sorbent and containment boom around the *Princeton I*. Three CCG personnel returned to the incident site on 11 February 2021 and replaced the sorbent boom. They noted that the sorbent boom could not keep up with the rate of pollutant discharge, so refloating the vessel would be necessary.

The *Princeton I* was still discharging pollutants on 12 February 2021. A plan was developed with Alert Bay Public Works and the local First Nations group to temporarily store the vessel after refloating it. The response plan began on 14 February.

The initial attempt to lift the *Princeton I* with lift bags was unsuccessful because it was larger and heavier than expected, so this endeavour was deemed unsafe due to the vessel's size and stability issues. A contractor sent divers to do a survey. The divers plugged eight vents to slow the rate of discharge. Sorbent boom was deployed around the vessel again.

The discharge of pollutants from the *Princeton I* continued. The CCG hired a contractor to refloat and remove the vessel. Two CCG response officers attended the incident site on 16 February 2021. A barge and crane were procured for the response. The CCG delivered a restock of sorbent pads and boom on 17 February 2021.

On 21 February 2021, the CCG sent three response officers with a trailer to the incident site in preparation for the start of refloating operations. The *Princeton I* continued to discharge pollutants within the contained area. The vessel was successfully refloated on 22 February 2021. Some upwelling occurred during operations. The attempts to remove the vessel were unsuccessful due to the weight of the vessel. It was the full tanks and saturated wooden hull that added to the vessel's weight.

On 23 February 2021, CCG personnel lightered the *Princeton I*, which allowed for the vessel to be successfully lifted onto the barge. The CCG returned to the incident site to recover the soiled sorbents for disposal. The vessel was deconstructed in March 2021.

The Claim

On 2 February 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$262,683.11, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Princeton I*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

Some of the costs submitted for contract services were rejected due to a lack of evidence to substantiate work done. A contractor charged the CCG for an apparent discrepancy in expected weight and actual weight, which is unreasonable given the information available to the contractor and CCG at the time operations began. In addition, costs associated with deconstructing the *Princeton I* were not accepted because the oil pollution threat had been mitigated once removal operations were completed. The remaining costs associated with the initial assessment, the placing of sorbents, and the refloating and removal operations were accepted as reasonable measures to mitigate oil pollution.

The Administrator made an offer of compensation in the amount of \$158,197.04 to the CCG on 13 December 2023. The CCG accepted the Administrator's offer on 30 January 2024. The requisition for payment was sent on 5 February 2024 to TC in the amount of \$180,223.60, which is the principal plus accrued interest in the amount of \$22,026.56.

Recovery Action

The Administrator's office decided not to pursue the claim against the owner of the *Princeton I* based on an understanding of the owner's finances and other ongoing litigation.

Status

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

Red Fir No. 9 (2019)

Location: English Bay, Vancouver, British Columbia

File number: 120-900-C1

The Incident

On 25 October 2019, the Canadian Coast Guard (CCG) was notified that the 47-foot motor vessel *Red Fir No. 9* was sinking in Vancouver's English Bay. Three CCG officers were dispatched to the scene to dewater the vessel and keep it afloat. They observed free-floating hydrocarbon oil in the vessel's engine space.

On 30 October 2019, the CCG directed the owner to clean all remaining hydrocarbons from the bilge to prevent further oil discharges and requested proof of completion. The owner did not provide such proof and subsequently moved the *Red Fir No. 9* to an unknown location.

On 9 November 2019, while responding to an unrelated incident in False Creek, which empties into English Bay, CCG officers observed the *Red Fir No. 9* surrounded by an oily sheen. They again contacted the owner, who stated that he was away but would return on 11 November.

The owner informed the CCG on 12 November 2019 that the *Red Fir No. 9*'s bilge had been cleaned but failed to produce photographic evidence when requested by the CCG.

CCG officers again attended at the scene on 15 November 2019, where they found the *Red Fir No. 9* discharging unrecoverable oil into the marine environment. They provided the owner's representative with pollution response materials and instructed him to act. When they returned on 19 November, they found the vessel's state unchanged and the materials unused.

The CCG officers used the sorbent materials at the scene to recover hydrocarbons from the vessel's engine room and engaged a contractor to tow the vessel to a marina, where it was removed from the water. A subsequent marine survey concluded that the *Red Fir No. 9* had no realistic market value. The CCG placed a detention order on the vessel and required the owner to pay the costs of its deconstruction.

In January 2020, the owner initiated and served a small claims legal action against the CCG, in opposition to its detention of his vessel. The legal proceeding delayed the CCG's vessel deconstruction plan. During this time, the CCG removed accessible hydrocarbons from the vessel.

In November 2020, the CCG determined to proceed with deconstruction despite the ongoing legal proceedings. Deconstruction was completed on 18 January 2021.

The Claim

On 6 October 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$37,526.55, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Red Fir No. 9*.

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

Assessment and Offer

The Administrator investigated and assessed the CCG's claim, determining that the CCG's long-term storage and deconstruction costs were not reasonably incurred with respect to mitigating oil pollution. On 31 January 2022, an offer of compensation was made to the CCG in the amount of \$15,058.53, plus accrued interest.

The CCG accepted the offer on 25 March 2022, and a payment in the amount of \$16,253.34, representing the principal plus \$1,194.81 in statutory interest, was made shortly thereafter.

Recovery Action

Investigatory subpoenas were issued in an attempt to obtain a service address for the owner of the *Red Fir No. 9*, but the results were inconclusive.

In-house counsel to the Administrator filed an action in the Federal Court against the owner of the vessel on 25 October 2022.

Attempts to locate and serve the Defendant were unsuccessful.

The Administrator filed a discontinuance with the Federal Court on 4 May 2023.

Status

The file was closed on 21 June 2023.

Rnooknoo (2021)

Location: Cooper's Cove, Sooke Basin, British Columbia

File number: 120-954-C1

The Incident

On 3 August 2021, the CCG received a report about three separate derelict vessels in Cooper's Cove, British Columbia. An initial assessment of the approximately 48-foot motorized vessel *Rnooknoo* showed that it was not actively polluting, and it was being regularly restored and inhabited. The CCG did not consider the vessel to be a pollution threat at that time.

On 18 November 2021, the CCG received a report that the *Rnooknoo* broke free from its anchor and ran aground, becoming partially flooded. Light sheening was observable around the vessel. The owner was not on board at the time and was not aware of the incident. He informed the CCG that there were approximately 600 litres of diesel onboard and other hydraulic and engine fuels. The owner was informed of his obligations as owner.

CCG sent four personnel to the incident site, and the owner hired a contractor to conduct refloating operations. The sheening caused them to place containment boom around the *Rnooknoo*. The initial refloating attempt was unsuccessful, so the vessel remained partially submerged. The contractor reported a missing plank from the deck and a hole on the starboard side above the normal waterline.

On 19 November 2021, the owner was instructed to create a response plan. The narrative indicates he responded that he could not afford to carry one out. The CCG sent three personnel to the incident site and hired a contractor for refloating operations. During low tide, the CCG removed approximately 800 litres of oil and oily water from the tanks. The second refloating attempt was successful, although the CCG believed there was still residual oil in the tanks and the wooden timbers were saturated.

The CCG and the local First Nations monitored the *Rnooknoo* overnight as it was at risk of sinking. Two CCG personnel relieved the others in the morning on 20 November 2021 and did not observe any ingress or pollution. The contractor began towing the vessel towards Ladysmith on 21 November 2021, a distance of over 100 kilometers.

On 26 November 2021, three CCG personnel collected the containment boom from the incident site. On 17 January 2022, the *Rnooknoo* was removed from the water. The vessel was surveyed on 14 February, resulting in Transport Canada (TC) sending a notice to the owner prohibiting him from returning the vessel to the marine environment until it was seaworthy. The owner did not provide a refloating plan.

On 1 April 2022, a contractor conducted a visual survey of the vessel and considered it a total constructive loss. The vessel was stored at the contractor's compound until it was deconstructed, which finished on 17 August 2022.

The Claim

On 13 June 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$260,696.94, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Rnooknoo*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were asked of CCG, and responses were received in part.

The costs for the initial assessment and the placing of boom around the vessel are accepted as reasonable measures to mitigate oil pollution. However, the contractor's costs are reduced as, for some hours claimed, there was no explanation as to what work was done in that time. The costs incurred for raising and removing pollutants from the vessel were also accepted, as were the costs for monitoring the vessel after it was refloated.

The costs associated with the removal, tow, deconstruction, and disposal of the vessel were rejected because the claim lacked evidence to support the necessity of those measures in mitigating oil pollution.

The Administrator made an offer of compensation in the amount of \$31,221.45 to the CCG on 27 March 2024. The CCG accepted the Administrator's offer on 28 March 2024.

Recovery Action

A demand letter was being prepared as of 31 March 2024.

Status

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

Related Files

Unknown Name (Ladysmith Harbour, Flybridge Cabin Cruiser) (2021) 120-959-C1 (same location of deconstruction)

Orca G (2021) 120-955-C1 (same location of deconstruction)

Rolano (2019)

Location: Cortes Island, British Columbia

File number: 120-882-C1

The Incident

On 10 February 2019, the Canadian Coast Guard (CCG) was notified that a 70-foot wooden motor vessel, identified as the *Rolano*, had grounded at the western corner of Gorge Harbour, on Cortes Island, in the Province of British Columbia. The initial reports included mention of barrels and buckets of oil on the deck, and as much as 10,000 litres of oil in its fuel tanks. No oil slick was observed.

On 11 February 2019, the CCG retained the Western Canada Marine Response Corporation (WCMRC) to attend the scene and place a boom around the *Rolano*. WCMRC confirmed the presence of containers of oil on the deck of the vessel.

Later the same day a CCG crew arrived at the scene to inspect the *Rolano*. They confirmed that the vessel was grounded on a rocky shore. It was determined a contractor should be retained to shift the vessel at the next high tide, before being towed to Campbell River for further assessment.

The *Rolano* was successfully shifted from its position the next day and towed to Campbell River. On 14 February 2019, the vessel was towed to Ladysmith, arriving on 16 February.

On 11 March 2019, the CCG had a marine surveyor inspect the *Rolano* while it was still in the water. Subsequently, the CCG determined that the vessel should be deconstructed. That effort began on 26 August 2019 and was completed on 18 October 2019.

The Claim

On 2 February 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$248,265.04, seeking compensation for costs and expenses arising from the response to the incident involving the *Rolano*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, which included correspondence with the CCG.

Ultimately, the Administrator concluded that the early stages of the CCG's response were reasonable given the size of the *Rolano*, the possible volume of oils on board, and the situation of the vessel. As a result, costs associated with refloating and towing the vessel to Campbell River were accepted, along with the costs associated with removing accessible oils. Given the size and complexity of the vessel, the Administrator allowed for a 21-day assessment period,

which would have enabled the CCG to determine whether the vessel continued to pose an oil pollution threat. Most of the CCG's costs during this period were allowed.

On the evidence, the Administrator determined that the *Rolano* did not in fact continue to pose an oil pollution threat following the removal of its accessible oils at Campbell River. Accordingly, the CCG's costs following the 21-day assessment period were not accepted.

The Administrator made an offer of compensation to the CCG in the amount of \$71,058.05, plus accrued statutory interest, on 28 September 2021.

The CCG accepted the offer on 26 November 2021, and payment from the Fund in the amount of \$77,627.43, including \$6,569.38 in interest, was made on 30 November 2021.

Recovery Action

In the course of the Administrator's investigation and assessment of the CCG's claim, it was discovered that the British Columbia corporation that was registered as the owner of the *Rolano* had been dissolved prior to the subject incident for failure to file its annual reports. As a result, by operation of the British Columbia *Business Corporations Act*, it was determined that the Province of British Columbia was the likely owner of the vessel at the time of the incident, and therefore the liable party under the *Marine Liability Act*.

On 7 February 2022, in-house counsel to the Administrator filed an action against the Province of British Columbia in the Federal Court. The Province was duly served, and a timely defence was filed.

The Administrator and the Province reached a settlement agreement on 11 December 2023. The settlement included the Province paying \$71,058.05 plus statutory interest to the Administrator in exchange for a release of liability.

The action was discontinued on 19 December 2023.

Status

The file was closed on 16 February 2024.

Salerosa (2017)

Location: Oak Bay, British Columbia

File number: 120-809-C1

The Incident

On 6 February 2017, the Canadian Coast Guard (CCG) was notified that the *Salerosa*, a 45-foot sailboat of ferro-cement construction, was sinking at its moorings at Oak Bay, British Columbia. The CCG contacted the owner who indicated that he lacked the capacity to respond adequately.

The CCG engaged a contractor to assess the situation. The contractor reported that the vessel had sunk completely and was upwelling oil pollution. Booms were deployed.

On 7 February 2017, two CCG Environmental Response (ER) personnel attended on scene. They observed a sheen around the sunken vessel and replaced the soiled sorbent boom. The CCG resolved to remove the vessel from the marine environment, engaging a contractor to this end.

Weather and equipment constraints delayed the raising of the vessel to 11 February 2017, and the CCG monitored the situation in the intervening days. Once raised, the *Salerosa* was placed on a barge and towed to a facility at Bamberton. Two ER personnel monitored this operation.

The CCG arranged to have the *Salerosa* surveyed on 20 February 2017, while it lay on a barge at Bamberton. The CCG ultimately had the vessel deconstructed, citing oil saturation.

The Claim

On 1 February 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$62,673.20, seeking compensation for costs and expenses arising from the response to the incident involving the *Salerosa*.

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

Assessment and Offer

The Administrator conducted an investigation and assessment of the claim. On 19 February 2019, a request for further information and documentation was made to the CCG. No response was received.

On the claim documentation submitted by the CCG, the Administrator was not satisfied that the *Salerosa* remained an oil pollution threat by the time the delayed raising operation was conducted. As a result, many of the costs associated with contracted services were rejected.

The Administrator made an offer of compensation to the CCG in the amount of \$8,254.51, plus accrued interest of \$619.95, on 11 April 2019.

The CCG accepted the offer on 24 April 2019, and payment from the Fund in the amount of \$8,874.46, including interest, was made three days later.

Recovery Action

In-house legal counsel to the Administrator sent a demand letter to the registered owner of the *Salerosa* at the address provided by the CCG on 21 May 2019. No response was received.

Additional investigatory work conducted by the Administrator's in-house legal team yielded no useful leads on the owner's address or contact information.

On 28 January 2020, the Administrator issued a subpoena under the *Inquiries Act* to a local utilities provider in an attempt to reliably locate the owner of the *Salerosa*. A response to the subpoena was received on 11 February 2020.

On 5 February 2020, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Salerosa*. On 29 June 2020, the Administrator's claim was served on the Defendant.

On 2 February 2021, the Court issued a Notice of Status Review. In-house counsel to the Administrator responded with written representations on 17 February 2021, proposing a timetable for proceeding with the action.

On 17 March 2021, the Federal Court responded with an order giving the Defendant until 20 April 2021 to file a defence. No defence was entered.

On 7 May 2021, the Federal Court granted the Administrator a judgment in default for the full amount of the claim.

The Administrator later determined that the defendant died after being served with the legal action. Efforts to locate a representative of his estate have not yet been successful.

Status

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

Salish Guardian (2019)

Location: Goat Island, Ganges Harbour, British Columbia

File number: 120-898-C1

The Incident

On 24 July 2019, the Canadian Coast Guard (CCG) was notified that the *Salish Guardian*, a fibreglass pleasure craft of approximately 15 metres in length, had grounded on Goat Island, in Ganges Harbour, British Columbia. The vessel had sustained considerable damage and was discharging oil. It was known to have capacity for 3,000 litres of fuel.

CCG personnel were dispatched to the scene, where they deployed sorbent materials. As the owner of the vessel could not be identified, the CCG engaged a contractor to refloat the vessel and remove it from the water. The owner was then identified, but it became apparent that he lacked the means to adequately respond. An attempt was made during the night of 24 July 2019 to refloat the vessel, but it was unsuccessful due to crew fatigue and low tides.

On 25 July 2019, a second attempt was made to refloat the vessel, and accessible oils were removed. It was discovered that the vessel was holed in its port side, so temporary repairs were necessary in order to allow it to be safely towed to Sidney, where it was removed from the water that evening.

The CCG had the vessel surveyed and ultimately decided to have it deconstructed, after several attempts to contact its owner. Deconstruction was completed on 4 October 2019.

The Claim

On 20 July 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$98,810.32, seeking compensation for costs and expenses arising from the response to the incident involving the *Salish Guardian*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim. In large part because the documentation submitted in support of some contractor costs was very limited, the Administrator disallowed large portions of the claim, including those with respect to removing the *Salish Guardian* from the water, surveying it, and deconstructing it. In addition, substantial reductions were made to the claimed amounts for CCG personnel overtime and equipment costs.

The Administrator made an offer of compensation to the CCG in the amount of \$38,662.05, plus accrued statutory interest, on 29 November 2021.

The CCG accepted the offer on 22 December 2021, and payment of \$41,823.42, which included the principal plus \$3,161.37 in accrued statutory interest, was made shortly thereafter.

Recovery Action

A demand letter was sent to the registered owner of the *Salish Guardian* on 22 February 2022. No reply was received. Further letters were sent via both registered mail and email in May 2022, and again no responses were received.

Subpoenas were issued under the *Inquiries Act* in an attempt to confirm the owner's address. The results of those subpoenas were helpful.

On 21 July 2022, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Salish Guardian*. A process server was hired, and a copy of the Statement of Claim was left with individuals at a home thought to be the owner's residence.

The Federal Court validated service on the Defendant following a motion brought by the Administrator.

The Defendant never filed a defence. The Court granted the Administrator's motion for default judgment on 9 May 2023.

Status

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

San Jolyne III (2018)

Location: Dusenbury Island, British Columbia

File number: 120-874-C1

The Incident

On 19 October 2018, the Canadian Coast Guard (CCG) was notified of an oil slick between Dusenbury Island and the Francis Peninsula in British Columbia. The CCG investigated. On 21 October 2018, the CCG determined that the source of the slick was a sunken vessel, which it identified as the *San Jolyne III*, a 45-foot fishing vessel.

The owner of the *San Jolyne III* carried out an operation to raise it while the CCG monitored the operation. The owner was ultimately able to raise the vessel himself. The CCG issued a direction to the owner to not move the *San Jolyne III* until certain measures were taken. Ultimately, the *San Jolyne III* sunk a second time.

The CCG retained contractors to raise the *San Jolyne III* a second time. The operation was successful, and the CCG subsequently had the ship deconstructed.

The Claim

On 16 October 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$181,475.67, seeking compensation for costs and expenses arising from the response to the incident involving the *San Jolyne III*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, which included requesting additional submissions from the CCG. The owner of the *San Jolyne III* was also contacted. On 18 August 2021, the Administrator made an offer of compensation to the CCG in the amount of \$127,118.46, plus statutory interest.

The CCG accepted the offer on 24 August 2021, and payment from the Fund in the amount of \$138,452.17, including statutory interest, was made on 27 August 2021.

Recovery Action

Inquiries Act subpoenas were issued to BC Hydro and a telecommunications company in an attempt to obtain an address for the owner of the *San Jolyne III*.

On 15 October 2021, in-house counsel to the Administrator commenced an action in the Federal Court against the owner. Contact with the Defendant was established in December 2021, but service was effected on him just outside the time period allowed by the *Federal Courts Rules*.

A motion was brought on 4 March 2022 to extend the time allowed for serving the Defendant. The Court granted the requested order on 29 March, and the Defendant was subsequently served.

The Defendant initially said he would serve an Affidavit of Documents as required by the rules of court. After he failed to do so, the Administrator secured an order setting a deadline for the Defendant to comply. The Defendant failed to file his affidavit of documents by June 2023.

A case management conference occurred on 26 January 2024, where both parties expressed an intention to settle this matter. Mediation took place in a hybrid format in Vancouver on 26 March 2024, where the parties reached a settlement. Counsel for the Administrator drafted a consent judgment and settlement agreement on 27 March 2024, and the Defendant has not yet obtained independent counsel to review and sign the documents. The Administrator is waiting on the Defendant to respond before another scheduled appearance before the Associate Justice who governed the case management conference and the mediation.

Status

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

Santa Rita (2022)

Location: Goldstream, British Columbia

File number: 120-925-C1

The Incident

On 28 June 2022, the motor vessel *Santa Rita* sank near the Goldstream Marina, in Langford, British Columbia. Discharges of oil resulted. The Canadian Coast Guard (CCG) responded, taking measures to contain and recover spilled oil and ultimately having the sunken vessel raised and removed from the marine environment. The CCG engaged with local First Nations during its response.

The Pauquachin First Nation (PFN) decided to take samples and have them tested in a lab to determine the degree of shoreline contamination. The resulting report was inconclusive but indicated in general that contamination resulting from the sinking of the *Santa Rita* was either low or undetectable.

The Claim

On 12 July 2022, the Administrator received a submission from the PFN by way of the General Claims Form available on the Fund's website. The submission included a claim totalling \$3,224.76, seeking compensation for costs and expenses arising from the incident involving the *Santa Rita*.

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, concluding that the entirety of the claim was established.

The Administrator made an offer of compensation to the PFN in the amount of \$3,224.76, plus accrued statutory interest, on 26 August 2022.

The PFN accepted the offer on 31 August 2022, and payment in the amount of \$3,247.49, including interest, was made on 5 September.

Recovery Action

At the end of the fiscal year, efforts were underway to locate the owner of the *Santa Rita*.

Status

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

Scotch Cap (2021)

Location: Port Edward, British Columbia

File number: 120-937-C1

The Incident

The *Scotch Cap* was a derelict 33-meter former fish-packing barge that had been moored at Port Edward, British Columbia for over a decade. The Canadian Coast Guard (CCG) had been aware of the vessel for some time and assessed it numerous times as a possible pollution threat.

On 2 September 2021, the *Scotch Cap*, along with a pier and another vessel, broke free and grounded. The vessel was holed, and a discharge of oils resulted. The CCG assessed the vessel and concluded that it posed a minimal oil pollution threat. This assessment was based in part on previous work that had been conducted to remove accessible oils from the vessel.

On 9 September 2021, the CCG became aware of additional sheening and reassessed the vessel as a result. It ultimately removed 30,000 litres of oily wastewater and 4,000 litres of hydraulic oil from the *Scotch Cap*.

On 11 September 2021, CCG refloated the *Scotch Cap* and moved it further up the beach. The next day, it had to be refloated and moved up the beach again, away from a public boat launch. More sheening was observed. The vessel was ultimately secured.

From 13 through 18 September 2021, the vessel was lightered of all hydrocarbons.

On 20 September, the vessel's entry and exit points were welded shut. It was ultimately deconstructed as a vessel of concern.

The Claim

On 31 October 2022, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$229,645.64, seeking compensation for costs and expenses arising from the response to the incident involving the *Scotch Cap*.

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

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 costs incurred for the refloating and removal of the *Scotch Cap* were not established as oil pollution measures. The vessel had been lightered and no longer posed a pollution risk. These

measures are considered to be wreck removal and were rejected. The remainder of costs incurred for this response were accepted as reasonable to mitigate oil pollution.

Status

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

Sea Lion VI (2021)

Location: Maple Bay, British Columbia

File number: 120-912-I-G

The Incident

The *Sea Lion VI* was a 116-year-old derelict wooden tugboat anchored in Maple Bay. On or around 24 December 2021, the vessel became a vessel of concern and environmental hazard after developing a five-degree list and rainwater started leaking into the ship. Its overall condition was worrisome and presented a high risk of sinking and potentially releasing pollutants into the marine environment. On or around 1 January 2022, the Canadian Coast Guard (CCG) took action in response to the vessel.

Ultimately, the vessel was dismantled and disposed of.

The Claim

As of 31 March 2024, no claim has been received for this incident.

Status

The file remains open.

Sea-Que (2016)

Location: Sidney Marina, Sidney, British Columbia

File number: 120-701-C1

The Incident

On 21 September 2016, the Canadian Coast Guard (CCG) was advised that an unidentified 42-foot wooden vessel had partially sunk at Vancouver Island Marina in Sidney, British Columbia the previous day. The report indicated that the vessel was actively discharging pollutants into the marine environment. The Marina had engaged a local contractor to raise the vessel and contain upwelling pollutants.

When CCG personnel arrived on scene later in the day on 21 September 2016, they observed an oil sheen around the vessel, which had been refloated with air bags and surrounded by sorbent boom. CCG personnel also observed that the vessel's machinery spaces were filled with oily water and debris and that its fuel tanks were at least partially full.

Attempts by the CCG to contact the owner were not successful. The CCG decided to remove the vessel from the marine environment.

The CCG engaged its own contractors to tow the vessel to a facility in Ladysmith on 26 September 2016. The vessel was removed from the water at Ladysmith the same day, and placed in temporary storage pending a survey, which was conducted on 28 September 2016.

The CCG made further unsuccessful attempts to contact the vessel owner. Based on the results of the survey, the CCG decided to have the vessel deconstructed, which was completed on 8 November 2016.

The Claim

On 2 August 2018, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$18,730.67, seeking compensation for costs and expenses arising from the response to the incident involving the unidentified vessel.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim and made a request to the CCG seeking further information, which was received. In the course of investigation and assessment, the unnamed vessel was identified as the *Sea-Que*.

On 21 September 2018, the Administrator made an offer of compensation to the CCG in the amount of \$18,730.67, plus interest.

The CCG accepted the offer on 5 October 2018, and payment from the Fund in the amount of \$19,996.23, including interest, was made on 11 October 2018.

Recovery Action

On 22 May 2019, in an attempt to reliably locate the owner of the *Sea-Que*, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company. A response to the subpoena was received on 24 May 2019.

The office of the Administrator sent a demand letter to the owner of the *Sea-Que* on 4 June 2019. No response was received.

The Administrator contracted a private investigations service to run an asset search on the owner of the *Sea-Que*, the results of which were received on 15 August 2019.

The office of the Administrator sent a second demand letter to the owner of the *Sea-Que* on 16 August 2019. Again, no response was received.

On 30 August 2019, the Administrator retained external legal counsel, who was instructed to file an action in the Federal Court against the owner of the *Sea-Que*. This was done on 16 September 2019.

The Defendant was personally served with the Administrator's Statement of Claim on 28 September 2019.

As the Defendant had neither filed nor served a Statement of Defence, a motion for default judgment was prepared and filed in December 2020. On 1 April 2021, the Federal Court dismissed the motion without prejudice to further submissions, finding that the evidence provided in support of the Defendant's ownership of the *Sea-Que* was insufficient.

Additional affidavit evidence of ownership was obtained by the Administrator's in-house counsel, and a second motion for default judgment was filed. On 16 June 2021, the Federal Court issued a judgment in favour of the Administrator for \$21,295.97 plus post-judgment interest.

As of 31 March 2024, the Administrator was considering steps to enforce or otherwise recover on his judgment.

Status

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

Seal Rock (2019)

Location: Saturna Island, British Columbia

File number: 120-887-C1

The Incident

On 4 April 2019, the Canadian Coast Guard (“CCG”) was notified that the *Seal Rock*, a 43-foot vessel which in the past had been used as a forestry services vessel, was at risk of sinking off of Saturna Island, British Columbia.

The CCG dispatched a crew who attended the scene. CCG personnel removed approximately 800 litres of oil from the *Seal Rock* and made temporary repairs so that the vessel would not sink when subjected to sea water.

The CCG requested that the vessel’s owner produce a plan to address the pollution threat posed by the vessel. The plan provided by the owner was deemed unsatisfactory. The CCG had the vessel towed to a contractor’s facility, where it was deconstructed.

The Claim

On 15 March 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$51,805.59, seeking compensation for costs and expenses arising from the response to the incident involving the *Seal Rock*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim. Substantial markdowns were deemed necessary, as the CCG had not provided sufficient evidence to show that the *Seal Rock* remained an oil pollution threat after it was removed from the water.

On 25 June 2021, the Administrator made an offer of compensation to the CCG in the amount of \$13,390.66, plus statutory interest.

The CCG accepted the offer on 30 July 2021. Payment from the Fund in the amount of \$14,260.86, including statutory interest, was made shortly thereafter.

Recovery Action

In an attempt to locate the individual identified by the CCG as the owner of the *Seal Rock*, an *Inquiries Act* subpoena was sent to the Insurance Corporation of British Columbia. A demand letter was sent to the address yielded from the subpoena, but no response was received.

In-house counsel to the Administrator filed an action in the Federal Court against the owner of the *Seal Rock* on 4 April 2022. The Defendant was duly served, and retained counsel, who filed

a Statement of Defence on his behalf on 10 June 2022. The Defendant also filed a Third-Party Claim, against a dock owner. That claim was defended by the dock owner on 10 August 2022.

As of the end of the fiscal year, the litigation process continued.

Status

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

Silver Grizzly (2022)

Location: Bella Coola, British Columbia

File number: 120-985-C1

The Incident

On 1 January 2022, the Canadian Coast Guard (CCG) received a report that an approximately 36-foot wooden hulled fishing vessel, known as the *Silver Grizzly*, sank at its berth at Bella Coola Harbour in Bella Coola, British Columbia. The Harbour Authority placed sorbent pads and containment boom around the vessel. The next day, several litres of diesel fuel were found within the boom, so additional pads and boom were placed.

The pads and boom were monitored and replaced when necessary for the next few weeks until a contract was awarded for the removal of the *Silver Grizzly* on 10 February. The CCG arranged for the Harbour Authority's stock of pads and boom to be replaced. Waste was recovered from the vessel and disposed of.

On 7 February, the CCG sent a Pollution Response Vessel (PRV) to the incident site with various forms of personal protective equipment. A drone team was also sent. A contractor was hired to remove and deconstruct the vessel.

The *Silver Grizzly* continued to discharge oil pollution, but it was contained by the boom. During operations on 15 February, approximately 75 litres of diesel fuel was released into the containment boom with none escaping.

Recovery operations were successfully completed on 17 February. A dive survey was conducted after the *Silver Grizzly* was removed. It was eventually deconstructed. Debris was picked up from the incident site and approximately 5025kg of waste material was picked up and disposed of.

The Claim

On 21 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$246,061.73, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Silver Grizzly*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

This file remained under assessment as of the close of the fiscal year.

Status

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

Spudnik (2014)

Location: Howe Sound, British Columbia

Case number: 120-665-C1

The Incident

On 12 November 2014, the 487 GT, ex-US Navy landing ship built in 1945, *Spudnik*, broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Seaspan tugs were hired to tow the *Spudnik* to a facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on 20 November 2014 and was completed on 4 December. A total of 120,000 litres of oil and water were removed from the vessel. At the completion of the hydrocarbon removal, all double bottom tanks were opened, and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

The Claim

On 28 April 2016, the Administrator received a claim from CCG, on behalf of the Department of Fisheries and Oceans (DFO/CCG), made pursuant to the *Marine Liability Act*, for costs and expenses incurred in the cleaning of the *Spudnik* in the amount of \$149,043.60.

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

Assessment and Offer

After investigation and assessment of the claim, the costs associated with moorage from 22 December 2014 through 31 March 2016 in the amount of \$17,979.15 were disallowed, since all work related to hydrocarbon removal had been completed by 9 December 2014, the daily moorage costs were only accepted from 12 November through 21 December 2014. Therefore, on 26 July 2016, the Administrator made a final offer to CCG for the established amount of \$131,064.45 plus interest, as full and final settlement. The offer was accepted by DFO/CCG on 8 September 2016 and a payment in the amount of \$137,747.51 including interest was sent to DFO/CCG on or about 13 September 2016.

Recovery Action

A locator service was tasked to complete a locate and asset search on the *Spudnik*'s owners but it did not identify any exigible assets. Additionally, in December 2016, demand letters were sent to the vessel owners, but were returned as unclaimed.

On 27 March 2017, a Statement of Claim was filed with the Federal Court against both owners. Since no defence was received from any defendants, the Administrator filed a Motion for Default Judgment on 30 August 2017, following which a Default Judgment was rendered in favour of the Administrator. The Examination in Aid of Execution of one of the owners was held in November 2017.

The Administrator continued to monitor the judgment debtors' financial status.

Status

The file remains open.

Related file

120-689-C1 – *King Arthur* and *SL 104* (same owner)

120-856-I-G – *Spudnik* (same ship)

120-833-C1 – Darrell Bay Incident (same owner)

120-885-C1 – Unknown name (Deck Barge) (same owner)

Spudnik (2019)

Location: Howe Sound, British Columbia

File number: 120-856-I-G

The Incident

On 12 November 2014, the 487 GT, ex-US Navy landing ship *Spudnik* broke free of its moorings and was adrift in Howe Sound, British Columbia. It was estimated that there were 5,000 litres of diesel fuel in open tanks on board, and 1,500 litres of lube oils and oily water in the engine room. The vessel owner was unable to take any proper response action. Hence, the Canadian Coast Guard (CCG) assumed the role of On-Scene Commander.

Tugs were hired to tow the *Spudnik* to a facility in the Fraser River for removal of the pollutants from the vessel. The hydrocarbon removal operation commenced on 20 November 2014 and was completed on 4 December. A total of 120,000 litres of oil and water were removed from the vessel. At the completion of the hydrocarbon removal, all double bottom tanks were opened, and individual tanks were inspected. Inspection revealed that the engine room bilges were cleaned to the extent that no recoverable oil would be discharged from the bilges should the vessel become submerged again. Furthermore, oil absorbent pads were placed in each tank.

On 6 January 2020, the CCG announced that it was taking action to remove the *Spudnik* from the Fraser River. The stated reason for doing so was to prevent long-term impacts to the environment and public safety, as well as the discovery of oil aboard the vessel which was not removed during the 2014 operation. The measures to be taken may include deconstruction of the vessel.

Measures Taken by the Administrator

On 10 January 2020, the Administrator opened a dedicated file on this matter.

The Claim

The Administrator has yet to receive a claim with respect to the measures taken by the CCG with regard to the *Spudnik*, that commenced in January of 2020.

Status

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

Related File

- 120-665-C1 – *Spudnik* (Same vessel, claim for measures taken in 2014)
- 120-689-C1 – *King Arthur* and *SL104* (same owner)
- 120-833-C1 – Darrell Bay Incident (same owner)
- 120-885-C1 – Unknown name (Deck Barge) (same owner)

Stormlander (2021)

Location: Hecate Channel, British Columbia

File number: 120-974-C1

The Incident

On 27 November 2021, the Canadian Coast Guard (CCG) received a report that an approximately 36-foot wooden hulled fishing vessel, identified as the *Stormlander*, struck a rock in Hecate Channel, British Columbia. The report stated that the vessel contained approximately 1,500 litres of diesel fuel and 100 litres of engine oil onboard. The vessel drifted ashore where the Tahsis lifeboat secured it with mooring lines and plugged the fuel vents.

The next day, the owner unsuccessfully tried to refloat the *Stormlander*. The CCG sent two personnel with a Pollution Response Vessel (PRV) for its response. The vessel was listed 45 degrees to port and discharging oil. The CCG hired a contractor to surround the vessel with containment boom and sorbent pads. The contractor's personnel monitored the boom while the CCG personnel removed fuel from the tanks. There was minimal sheening outside the containment.

The CCG and contractor leave the incident site on 3 December. They left equipment for the local First Nations to monitor the vessel. The CCG hired a contractor to remove and deconstruct the *Stormlander*, which occurred on 9 August 2022.

The Claim

On 9 November 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$284,064.47, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Stormlander*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator has yet to make an offer of compensation to the CCG.

Status

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

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 40foot 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 \$28,637.28, seeking compensation for costs and expenses arising from the response to the incident involving the *Theresa N*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim and determined that the measures taken by the CCG were reasonable and taken with a view to responding to oil pollution damage or the threat of oil pollution damage.

The Administrator made an offer of compensation to the CCG in the amount of \$28,656.55, plus accrued statutory interest, on 22 October 2020.

The CCG accepted the offer on 16 December 2020, and payment from the Fund in the amount of \$31,130.13, including \$2,473.58 in interest, was made shortly thereafter.

Recovery Action

In-house counsel to the Administrator sent a demand letter to a post office box associated with the registered owner of the *Theresa N.* in January 2021. No response was received.

In June 2021, two *Inquiries Act* subpoenas were issued in an attempt to locate the owner of the vessel. A possible physical address for the owner was obtained.

On 7 September 2021, in-house counsel to the Administrator filed an action in the Federal Court against the registered owner of the *Theresa N.* Attempts to effect personal service on the Defendant in October and November 2021 were unsuccessful.

Two further *Inquiries Act* subpoenas were issued in January and February 2022, to Canada Post and BC Hydro. A further possible physical address for the Defendant was obtained, and a copy of the Statement of Claim was posted to that address via registered mail. The Defendant signed a Canada Post receipt for the Statement of Claim on 9 February 2022 and called the Administrator's counsel the next day.

As service occurred outside the time period allowed under the *Federal Courts Rules*, counsel filed a motion with the Court seeking to have that period extended. The Court issued the requested order on 29 March 2022.

Settlement discussions broke down. On 28 October 2022, a default judgment was obtained in the amount of \$32,828.95 plus interest.

Recovery efforts remain ongoing.

Status

The file remains open.

Trailer Princess (2022)

Location: Campbell River, British Columbia

File number: 120-918-C1

The Incident

On 14 February 2022, the CCG was notified that the *Trailer Princess*, a 93.79-meter steel hulled ex-ferry, had partially sunk at Discovery Industrial Park in Campbell River, BC. The report also stated the vessel was listing in a different location 3-4 days before the incident. No sheen was reported, but various fuels were suspected to be on board.

The CCG dispatched a response officer to the Incident site and contacted the owner who informed them of the estimated quantities of hydrocarbons on board. The owner had the vessel dewatered and a dive survey conducted which came back inconclusive.

On 15 February 2022, a sheen was reported around the vessel which the owner reported as an accidental spill from pumping operations. The CCG initiated its powers under s.180 of the *Canada Shipping Act* and ordered a response plan from the owner by 1100 the next day. They also requested a National Aerial Surveillance Program overflight from Transport Canada.

On 16 February 2022, the owner failed to comply with the CCG order, so the CCG took over the response. The vessel remained in the water for several months with continual monitoring and pollution prevention measures taken. In collaboration with contractors, the CCG lightered and removed the vessel from the marine environment on or around 17 October 2022 and later deconstructed it.

The Claim

On 9 February 2024, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$5,462,522.84, seeking compensation for costs and expenses arising from its response operation.

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

Assessment and Offer

The claim is currently under assessment.

Status

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

Tracy Isle (2021)

Location: Kitimat, British Columbia

File number: 120-948-C1

The Incident

The *Tracy Isle* was a wooden ex-fishing vessel. It was built in 1967 and measured 10.58 metres in length.

On 4 April 2021, the Canadian Coast Guard (CCG) at Prince Rupert received a report that the *Tracy Isle* was slowly sinking at its berth at MK Bay Marina in Kitimat. The CCG contacted the owner and advised him of his obligations. He informed them that he was not able to conduct an effective response, so the CCG took over operations.

Two CCG personnel deployed to the scene and assessed the vessel. When they arrived, they found that the vessel had been cut away from the dock and was mostly sunk in 30 or 40 feet of water. It was continuously discharging oils, so containment and sorbent boom were deployed. Sorbent materials were replaced as needed over the next few days.

On 9 April 2021, divers plugged the vessel's fuel vents to minimize further discharges of oil. The vessel remained underwater in the containment area for another 20 days. On 29 April, contractors engaged by the CCG lifted the vessel out of the water.

On 6 May 2021, the *Tracy Isle* was deconstructed.

The Claim

On 16 February 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The claim totalled \$118,155.63 for costs and expenses arising out of measures taken by the CCG with respect to the incident involving the *Tracy Isle*.

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

Assessment and Offer

The Administrator investigated and assessed the claim.

The costs associated with some of the work performed by contractors are not substantiated by available evidence, so they were rejected. Some costs associated with the work performed by CCG personnel while the vessel was stored at the contractor's facility were rejected as being duplicative. The remainder of the costs for the response were accepted because the measures taken, including the placing of boom, plugging the vents, and removal operations, were reasonable for the mitigation of oil pollution.

The Administrator made an offer of compensation in the amount of \$99,459.13 to the CCG on 5 October 2023. The CCG accepted the Administrator's offer on 5 December 2023. The requisition for payment was sent to TC on 5 December 2023 in the amount of \$99,459.13 plus \$11,016.59 in accrued interest for a total of \$110,475.72. The payment was made soon after.

Recovery Action

The Administrator's office sent a demand letter to the owner of the *Tracy Isle* on 8 January 2024. No response was received.

Efforts to contact the owner are ongoing.

Status

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

Tymac No. 20 (2017)

Location: Tsehum Harbour, Sidney, British Columbia

File number: 120-815-C1

The Incident

On 12 September 2017, the Canadian Coast Guard (CCG) was notified that a wooden 40 or 45-foot wooden tug had sunk and was upwelling pollution at Tsehum Harbour, near Sidney, British Columbia. The Harbour deployed boom around the sunken vessel, which was later identified as the *Tymac No. 20*.

Initially, a single CCG Environmental Response (ER) Specialist was sent to the scene to conduct an assessment. The ER Specialist observed a large sheen extending throughout the Harbour. The CCG contacted the registered owner of the vessel, who explained that he lacked the resources to respond, and that the vessel was uninsured. The CCG determined that it was necessary to raise the *Tymac No. 20*. A contractor was engaged.

On 13 September 2017, four CCG ER personnel arrived on scene to reassess the situation and monitor the raising operation, which was conducted using divers and air bags. By the evening, the *Tymac No. 20* had been removed from the water and placed on blocks awaiting inspection by a marine surveyor contracted by the CCG.

The survey of the *Tymac No. 20* was conducted on 18 September 2017. Based on the findings of the surveyor, the CCG ultimately resolved to have the oily vessel deconstructed by a third contractor, in a local yard.

The Claim

On 9 July 2019, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$36,177.31, seeking compensation for costs and expenses arising from the response to the incident involving the *Tymac No. 20*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, finding generally that the CCG response was reasonable in light of the pollution threat posed by the *Tymac No. 20*. Due to a lack of clarity and detail on the scope, costing, and specific tasking associated with the vessel's deconstruction and storage, however, these items were the subject of reductions.

The Administrator made an offer of compensation to the CCG in the amount of \$26,786.87, plus accrued interest of \$1,899.04, on 29 August 2019.

The CCG accepted the offer on 11 September 2019, and payment from the Fund in the amount

of \$28,685.91, including interest, was made on 16 September 2019.

Recovery Action

In-house counsel to the Administrator sent a demand letter to the registered owner of the *Tymac No. 20* on 16 October 2019. No response was received.

Further investigatory work by the Administrator's in-house legal team identified a different potential owner of the *Tymac No. 20*. On 1 November 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in an attempt to obtain current contact information for this second individual. A response to the subpoena was received on 4 November 2019.

On 2 March 2020, in-house counsel to the Administrator contacted the CCG, seeking further details on the ownership status of the *Tymac No. 20*. A partial response was received on 16 March 2020. Further details and documentation followed on 27 April 2020.

On 8 May 2020, the Administrator issued a subpoena under the *Inquiries Act* to BC Hydro in an attempt to locate the registered owner of the *Tymac No. 20*. A response was received on 19 May 2020. It showed that the registered owner's most recent BC Hydro account was closed in 2011. Further investigatory work by the Administrator's in-house legal team was also unsuccessful in locating the registered owner.

On 16 July 2020, counsel sent a letter of inquiry to the other potential owner of the *Tymac No. 20*. Following discussions with this individual, it became apparent that the registered owner no longer resided in Canada. His exact location was uncertain, but he was thought to be in Europe. Initial attempts to contact the registered owner of the *Tymac No. 20* via email were unsuccessful.

On 9 September 2020, in-house counsel to the Administrator filed an action in the Federal Court against the registered owner of the *Tymac No. 20*.

On 11 November 2020, counsel established email contact with the Defendant, who was provided with a copy of the Administrator's Statement of Claim.

As no physical address for the Defendant could be obtained, counsel to the Administrator filed a motion seeking an order for substitutional service of the Statement of Claim. The requested order was granted on 30 April 2021, and the Defendant was duly served via email.

As the Defendant did not serve and file a statement of defence within the required time period, counsel to the Administrator filed a motion for default judgment. The Federal Court issued a judgment in the amount of \$30,384.14, plus post-judgment interest, on 20 July 2021.

As of 31 March 2024, the Administrator was considering steps to enforce or otherwise recover on the judgment

Status

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

Unknown Name (Ladysmith Harbour, Flybridge Cabin Cruiser) (2021)

Location: Ladysmith, British Columbia

File number: 120-959-C1

The Incident

On 24 December 2021, the Canadian Coast Guard (CCG) received report that a wooden hulled pleasure craft with an unknown name was actively polluting at its berth at Ladysmith Harbour in Ladysmith, British Columbia. The vessel's hull was degraded, and its overall state was poor. The CCG believed the vessel was at risk of sinking.

The CCG hired the contractor who had made the original report to place containment boom around the vessel and keep it from sinking with salvage pumps. The contractor could not board the vessel due to the health risk that it posed. The CCG could not contact the owner, and the amount of fuel onboard at the time of the incident was unknown.

The contractor successfully raised and removed the vessel from the marine environment later in the day. The vessel was transported to the contractor's facility for a survey. The survey was conducted on 1 April 2022, and the vessel was deconstructed in August 2022. The CCG monitored the entirety of this response remotely.

The Claim

On 28 June 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$61,856.62, seeking compensation for costs and expenses incurred in the course of responding to the incident involving this vessel.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The costs for the contractor that placed containment boom around the vessel and removed the vessel are accepted as reasonable measures for mitigating oil pollution. The costs for deconstruction of the vessel are rejected for being considered wreck removal.

The Administrator made an offer of compensation in the amount of \$10,064.20 to the CCG on 12 March 2024. The CCG has not yet responded to the Administrator's offer.

Status

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

Related Files

Orca G (2021) 120-955-C1 (same location)

Rnooknoo (2021) 120-954-C1

Unknown Name (Mark Bay Sailboat) (2022)

Location: Mark Bay, British Columbia

File number: 120-949-C1

The Incident

On 1 December 2022, a sailing vessel with no name or registration number sank and discharged oil pollution in Mark Bay, British Columbia.

On 3 January 2023, a crew from the Snuneymuxw First Nation (SFN) took a boat to Mark Bay to photograph and record videos of the sunken sailboat. A drone was successfully launched by a licensed pilot and took footage of the sunken vessel.

The photos captured by the drone did not clearly show oil pollution, but SFN reported that the smell of fuel was noted by crew members on site. The drone suddenly lost power and plunged into Mark Bay. A dive crew was retained, and the drone was successfully recovered but was no longer operational and could not be repaired.

The Claim

On 8 March 2023, the Administrator received a submission from the Snuneymuxw First Nation (SFN). The submission included a claim for costs and expenses in the amount of \$3,494.92, seeking compensation for costs and expenses incurred in the course of the efforts made to assess the potential environmental risks related to the unknown sunken sailboat.

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 CRA's depreciation guidelines relating to drones, which represents 25% per annum, would be retained. At the time of its loss, the drone was approximately 8 months old.

The Administrator made an offer of compensation to the SFN in the amount of \$3,058.08, plus accrued statutory interests, on 19 May 2023.

The SFN accepted the offer on 29 May 2023.

A requisition for payment in the amount of \$3,150.72, representing the principal plus \$92.64 in statutory interest, has been made to Transport Canada on 29 May 2023.

Status

The file has been closed.

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 to collect additional information on the incident. As of 31 May 2021, no response had been received from the CCG.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

The file remains open.

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 \$25,791.39, including interest, was made shortly thereafter.

Recovery Action

On 29 October 2019, the Administrator issued a subpoena under the *Inquiries Act* to a telecommunications company in order to obtain a current address for the individual identified by the CCG as the owner of the subject vessel. A response was received shortly thereafter.

The office of the Administrator obtained possible email addresses for the owner of the vessel, and demand letters were sent to those addresses, as well as the physical address obtained via subpoena, on 26 August 2020. The physical letter was returned undeliverable, but the owner responded via email on 27 August 2020, indicating that he had changed physical addresses.

The office of the Administrator began discussions with the owner that were inconclusive, with the last communication from the owner received in November 2020.

On 23 November 2020, in-house counsel to the Administrator filed an action in the Federal Court against the owner of the vessel.

Three additional subpoenas were issued, with inconclusive results. Thereafter, several attempts at service were made unsuccessfully, with the Defendant having evidently changed physical addresses yet again.

Ultimately, counsel to the Administrator filed a motion in the Federal Court seeking an order for substitutional service on the Defendant, which would be effected by emailing the Statement of Claim to the Defendant, as well as posting a copy to a post office box known to be used by him. The Federal Court issued the requested order on 19 April 2021 and the Defendant was duly served.

As the Defendant did not serve and file a statement of defence within the required time period, counsel to the Administrator filed a motion for default judgment. The Federal Court issued a judgment in the amount of \$26,348.27, plus post-judgment interest, on 17 June 2021.

As of the end of the fiscal year, the Administrator was taking steps to enforce or otherwise recover on his judgment.

Status

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

Unknown Name (Port Alberni, sunken converted pleasure craft) (2023)

Location: Port Alberni, British Columbia

Case number: 120-997-I-G

The Incident

In May of 2023, a vessel converted into a pleasure craft sank. The vessel was raised, then sank again. The vessel was believed to be damaging port authority equipment and fixtures, and was also believed to have discharged oil.

The Port authority advised that they were investigating taking steps but were unsure whether a claim would be submitted.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

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

Unknown Name (Deck Barge) (2019)

Location: Port Mellon, British Columbia

File number: 120-885-C1

The Incident

On 7 March 2019, the Canadian Coast Guard (CCG) was notified that a steel-hulled deck barge with dimensions of 160 feet by 40 feet was listing in the vicinity of Port Mellon, British Columbia. The barge had no known name. The CCG mobilized a response.

The CCG determined that the barge posed a significant threat to the environment. The deck of the barge had a number of containers of potentially hazardous chemicals on it, including Brill Sheen, bromine chloride and corrosive adhesive vinyl. There was also an excavator aboard the barge, which was considered likely to have oil in its fuel tanks and hydraulic systems.

The apparent owner of the barge was well known to the CCG. His vessels have been the subject of a number of claims by the CCG to the Administrator of the Fund.

The CCG retained contractors to remove the hazardous substances and right the barge. On the evening of 7 March 2019, the excavator was removed. On 9 and 10 March, efforts continued to assess and remove the other chemicals and right the barge.

By 11 March 2019, the barge was turned over to the CCG Vessels of Concern Program, and the environmental response portion of the effort was completed.

The Claim

On 26 February 2021, the Administrator received a submission from the CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$396,954.40, seeking compensation for costs and expenses arising from the response to the incident involving the unknown name deck barge.

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

Assessment and Offer

On investigation and assessment, the Administrator determined that most of the CCG's response operation was not directed at mitigating oil pollution. As a result, only the costs associated with the initial response operation and removing the excavator from the barge were accepted. On 20 October 2021 an offer of compensation in the amount of \$57,102.91, plus interest, was issued to the CCG.

The CCG accepted the offer on the same day, and payment of \$62,613.93, including the principal and interest of \$5,511.02, was made shortly thereafter.

Recovery Action

The CCG documentation identified the owner of the barge as one individual, who is known to the Fund from other files.

The Administrator commenced an action against the owner in the Federal Court on 20 December 2021. Following the owner's failure to submit a defence, the Administrator presented a motion for default judgement.

Status

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

Related File

Darrell Bay Incident, Case number: 120-833-C1 (same owner)

Unknown Name (Trevor channel boom boat) (2021)

Location: Trevor Channel, British Columbia

File number: 120-913-I-G

The Incident

The Canadian Coast Guard (CCG) responded to an incident involving a boom boat with no known name on or about 7 December 2021. The Administrator's understanding is that the ship sank in Trevor Channel, British Columbia. It was subsequently refloated and removed from the marine environment.

Measures taken by the Administrator

The vessel is unregistered and as of 31 March 2022, no information is available about possible owners.

The Claim

As of 31 March 2024, no claim had been filed with the Administrator.

Status

The file remains open.

Unknown Name (Bedford Channel, sailing vessel) (2022)

Location: Bedford Channel, British Columbia

File number: 120-978-C1

The Incident

On 13 January 2022, the Canadian Coast Guard (CCG) received a report that an approximately 60-foot sailing vessel sank in Bedford Channel, British Columbia. The contractor that filed the report was in the area responding to a different vessel, and noted the sailing vessel that sank in the same location. The CCG could not identify an owner, nor could they estimate the pollution risk the vessel posed.

On 17 January 2022, the CCG mobilized a team of four personnel on a Pollution Response Vessel (PRV) to the incident site. The crew discovered a sheen on the water and followed it to the incident site. The contractor plugged the fuel vents and placed containment boom around the vessel.

On 18 January, the CCG asked the contractor to remove the other vessel and the sailing vessel. On 24 January, the CCG sent three personnel on a PRV to the incident site, and they noted that there were no affected shorelines.

Removal operations began the week of 2 February 2022. On 11 February 2022, Transport Canada (TC) sent a surveyor to assess the vessel. The survey noted that the vessel contained excessive oil, diesel-contaminated bilge water and the potential presence of fuel in the tanks. As a result, CCG decided to deconstruct the vessel, which occurred on 4 March 2022.

The Claim

On 6 December 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$92,854.64, seeking compensation for costs and expenses incurred in the course of responding 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 investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

The Administrator has yet to make an offer of compensation to the CCG.

Status

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

Viking I (2016)

Location: Nanaimo, British Columbia

File number: 120-716-C1

The Incident

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed of the situation by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800 gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge were set up at the boat launch facility and the *Viking I* was brought to an upright position for dewatering.

On August 19, 2016, the vessel was lifted onto a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

The Claim

On May 3, 2017, the Administrator received a claim from the NPA for costs and expenses in the amount of \$31,458.19, made pursuant to the *Marine Liability Act* (MLA).

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

Assessment and Offer

On May 24, 2017, further information was requested from NPA in support of its claim. Several reminders were sent over the following months. On August 30, 2017, after investigation and assessment of the claim, the Administrator made an Offer to the NPA for the established amount of \$29,432.92, plus interest. On October 3, 2017, the offer was accepted by the NPA.

On October 12, 2017, the Administrator directed that the amount of \$30,484.30 (including \$1,051.38 in interest) be paid from the Fund to the NPA.

Recovery Action

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship S/V *Full Circle* on October 22, 2018.

On November 20, 2018, the owner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the *Full Circle*. On January 15, 2019, counsel sent demand letters to both potential owners of the *Full Circle* asking them to provide all documents they had relating to both that vessel and the *Viking I*.

On March 12, 2019, counsel to the Administrator granted the person claiming to be the owner of the *Full Circle* a 30-day extension to retain counsel. This defendant subsequently filed a defence, without retaining counsel.

The parties to this matter exchanged documents pursuant to the *Federal Courts Rules* on documentary discovery. The Administrator examined the shipowner of the *Viking I* and the person claiming to be the owner of the *Full Circle*. The Administrator answered written questions posed by the defendants.

After reviewing the responses to her questions, the Administrator determined that no further steps could reasonably be taken with respect to the suspected sistership. The Administrator agreed to release the *Full Circle* from arrest and discontinue claims against its owners, on a without costs basis.

After a number of case conferences, the Court issued an Order on February 12, 2020, directing a summary trial to proceed. After a number of delays related to COVID-19, the matter proceeded to a summary trial. A decision issued on 26 October 2021 granted judgment to the Administrator in the full amount claimed.

The Administrator continues to monitor the debtor's ability to pay the judgment.

Status

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

Related File

120-716-C1-1 – *Viking I* (same incident, different claimant)

Viking I (2016)

Location: Nanaimo, British Columbia

File number: 120-716-C1-1

The Incident

On August 10, 2016, the Nanaimo Port Authority (NPA) received a report that the *Viking I* (29.7 GT), a 40-foot retired fishing vessel converted to a pleasure craft, was sinking in the small craft anchorage at Mark Bay, British Columbia. The Harbour Master found the vessel completely submerged in approximately 30 feet of water with evidence of oil pollution on the water's surface. A containment boom was deployed, and pads were placed inside the boom.

The Canadian Coast Guard (CCG) was informed of the situation by the NPA; the CCG instructed the NPA to provide both monitoring and response functions. The boat owner advised that there was an 800-gallon diesel fuel tank on board, but it was less than one-quarter full. Divers contracted to inspect the wreck for victims (none were found) were instructed to plug the fuel vents and try to raise the vessel by utilizing air bags and water pumps.

By August 15, 2016, the *Viking I* was brought to the surface using additional buoyancy equipment. The following day, it was shifted to a secure working site at the nearby Brechin boat launch. A heavy lift crane and barge were set up at the boat launch facility and the *Viking I* was brought to an upright position for dewatering.

On August 19, 2016, the vessel was lifted onto a barge and all debris and contaminated materials were removed prior to completion of the salvage efforts. The wreck was transported to Vancouver for disposal.

The Claim

On February 20, 2018, CCG on behalf of the Department of Fisheries and Oceans (DFO/CCG) filed a claim with the Administrator for costs and expenses in the amount of \$128,246.91, pursuant to the *Marine Liability Act* (MLA).

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

Assessment and Offer

During the assessment, the Office of the Administrator made requests to CCG for additional information and documentation, which was provided.

On April 24, 2018, after investigation and assessment of the claim, the Administrator made an offer for the established amount of \$128,246.91, plus interest, as full and final settlement to DFO/CCG. The offer was accepted on April 30, 2018 and on May 17, 2018, a payment in the amount of \$134,694.56 including interest was made to DFO/CCG.

Recovery Action

The Administrator tasked a professional locator service to investigate the assets and location of the owner of the *Viking I*.

On June 1, 2018, counsel for the Administrator sent a demand letter to *Viking I*'s owners. An action was then brought in Federal Court, with a Statement of Claim and Warrant and Affidavit served on the sister ship *S/V Full Circle* on October 22, 2018.

On November 20, 2018, the owner of the *Viking I* filed his Statement of Defence. He alleged not to be the actual owner of the *Full Circle*. On January 15, 2019, counsel sent demand letters to both potential owners of the *Full Circle* asking them to provide all documents they had relating to both that vessel and the *Viking I*.

On March 12, 2019, counsel to the Administrator granted the person claiming to be the owner of the *Full Circle* a 30-day extension to retain counsel. This defendant subsequently filed a defence, without retaining counsel.

The parties to this matter exchanged documents pursuant to the *Federal Courts Rules* on documentary discovery. The Administrator examined the shipowner of the *Viking I* and the person claiming to be the owner of the *Full Circle*. The Administrator answered written questions posed by the defendants.

After reviewing the responses to her questions, the Administrator determined that no further steps could reasonably be taken with respect to the suspected sistership. The Administrator agreed to release the *Full Circle* from arrest and discontinue claims against its owners, on a without costs basis.

After a number of case conferences, the Court issued an Order on February 12, 2020, directing a summary trial to proceed. After a number of delays related to COVID-19, the matter proceeded to a summary trial. A decision issued on 26 October 2021 granted judgment to the Administrator in the full amount claimed.

The Administrator continues to monitor the debtor's ability to pay the judgment.

Status

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

Related File

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

Watts-T-Use (2021)

Location: Britannia Beach, British Columbia

File number: 120-967-C1

The Incident

On 26 December 2021, the Canadian Coast Guard (CCG) received a report that an approximately 65-foot steel hulled ex-military vessel, known as the *Watts-T-Use*, had broken free from its moorings near Squamish, British Columbia. Weather conditions prevented an immediate response. The owner informed the CCG that the vessel had approximately 3000 gallons of diesel fuel, 10 gallons of hydraulic fluid, and various paints and other pollutants onboard.

The owner was unable to mount a response, so the CCG took over. The initial response plan was delayed due to extreme weather. The *Watts-T-Use* drifted to Sunset beach on 27 December. The CCG hired a contractor as part of its response. Divers noted extensive damage to the hull and keel and noted that there was no oil pollution. The CCG hired another contractor to tow the vessel.

The CCG received report on 1 January 2022 that the *Watts-T-Use* sank. The CCG mobilized a team of three with a Pollution Response Vessel (PRV) to the incident site the next day. The CCG contractor successfully raised the vessel on 3 January. A Transport Canada (TC) survey conducted on 4 January revealed that the vessel was not seaworthy and had numerous pollutants onboard beyond fuel. The vessel was deconstructed and disposed of in February 2022.

The Claim

On 22 August 2023, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim for costs and expenses in the amount of \$883,997.70, seeking compensation for costs and expenses incurred in the course of responding to the incident involving the *Watts-T-Use*.

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

Assessment and Offer

The Administrator investigated and assessed the claim. Several requests for further information and documentation were put to the CCG, and responses were received in part.

This matter remains under assessment.

Status

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

Western Breeze (2019)

Location: Steveston Harbour, British Columbia

File number: 120-897-C1

The Incident

On 10 July 2019, the Steveston Harbour Authority notified the Canadian Coast Guard (CCG) that the roughly 18-metre wooden fishing vessel *Western Breeze* was taking on water at Paramount Pond, near Steveston, British Columbia. As it was tied to another vessel, the *Western Breeze* was moved to another location, where it later sank entirely.

The CCG spoke to a representative of the corporate owners of the vessel, who stated that there was no fuel on board, but that some hydraulic oils remained. The owners had hired a contractor to address any oil pollution from the vessel and to ultimately raise and remove it from the water.

The CCG dispatched Environmental Response (ER) personnel to the scene, who considered that the owners' measures were insufficient to contain and recover upwelling oils. ER personnel provided assistance to the owners' contractor.

On 11 July 2019, ER personnel returned to the scene, again taking issue with the owners' oil pollution mitigation efforts. A conference call was held involving several government authorities, including the CCG. Those authorities decided to reject the salvage plan put forward by the owners' contractor. The contractor was given a few hours to present a new plan but failed to do so. Ultimately, the CCG removed the owners' contractor and hired a contractor of its own to raise and remove the *Western Breeze*.

On 12 July 2019, the CCG's contractor conducted a diver survey of the *Western Breeze*.

On the morning of 13 July 2019, a Saturday, the CCG's contractor began its salvage operation. Complications during the raising operation resulted in the vessel sinking a second time. Ultimately, the vessel was raised and towed to Shelter Island, where it was removed from the water.

The CCG had the *Western Breeze* surveyed before the vessel was returned to its owners.

The Claim

On 6 July 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$147,492.93, seeking compensation for costs and expenses arising from the response to the incident involving the *Western Breeze*.

The Administrator 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. In the course of that investigation and assessment, the office of the Administrator contacted several parties to procure additional information and documentation. Those parties included representatives of the owners of the *Western Breeze*, contractors involved in the response operation, the Steveston Harbour Authority, and the CCG. It was determined that significant reductions to the contract services portion of the CCG's claim were necessary.

The Administrator made an offer of compensation to the CCG in the amount of \$92,091.89, plus accrued statutory interest, on 11 August 2022.

The CCG accepted the offer on 12 September 2022, and payment from the Fund in the amount of \$101,471.73, including interest, was made shortly thereafter.

Recovery Action

In order to preserve her expected subrogated rights against the two corporate owners of the *Western Breeze*, in-house counsel to the Administrator filed an action in the Federal Court on 4 July 2022 against the owners and the *Neekis*, a sister ship to the *Western Breeze*. The owners were duly served, and the Statement of Claim was amended to reflect the Administrator's subrogated rights once payment had been made to the CCG.

Both owners of the *Western Breeze* retained counsel, and each defended the Administrator's claim, also filing third party claims against each other.

On 2 May 2023, all parties agreed to a settlement in the amount of \$12,500.00 and \$64,464.32, including interests.

Status

The file was closed 9 June 2023.

Western Carrier (2023)

Location: Chancellor Channel, British Columbia

Case number: 120-950-I-G

The Incident

On or about 20 April 2023, a diesel tanker truck rolled off of a barge known as the *Western Carrier*, in Chancellor Channel near Campbell River. The truck had 17,000 litres of diesel aboard when it rolled off the barge as a result of a storm. There was a small discharge of oil into the water from the truck. A response effort succeeded in removing the truck from the water.

No updates have been received as of 31 March 2024.

The Claim

As of 31 March 2024, no claim has been filed with the Administrator.

Status

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

Western Chief (2019)

Location: Miners Bay, British Columbia

File number: 120-895-C1

The Incident

On 24 June 2019, the Canadian Coast Guard (CCG) was notified that the roughly 82-foot fishing vessel *Western Chief* was taking on water. A contractor hired by the vessel's owner had been towing it from Sidney, British Columbia to Vancouver. When it discovered the water ingress, the contractor secured the vessel at Miners Bay, on Mayne Island and left the scene. A representative of the vessel's owner advised that it contained no fuel, but that an unspecified volume of hydraulic oils were on board.

Nearby CCG Search and Rescue (SAR) personnel were sent to assess the *Western Chief*. On arrival, they noted that the vessel was holed below the waterline and listing considerably. A contractor was hired to deploy pumps on board the vessel, and the situation gradually stabilized.

Because the SAR team might be called away at any moment, a team of four CCG Environmental Response (ER) personnel was sent to Miners Bay by boat. The ER personnel relieved the contractor, set up its own pump on the vessel, and deployed sorbent materials around the vessel to ensure that any discharges of oil would be recovered. The CCG contracted divers to conduct temporary repairs on the vessel's hull, and this work was completed in the early morning hours of 25 June 2019. ER personnel departed the scene and a representative of the owner remained on board through the night.

On the morning of 25 June 2019, ER personnel returned to the *Western Chief* to re-assess the vessel. The ER team noted that the vessel's bilge was oily and determined that—given the temporary nature of the hull repair job—the vessel would remain an oil pollution threat until it could be removed from the water.

The owner made arrangements for the *Western Chief* to be removed from the water near Vancouver, and ER personnel escorted the tow until satisfied that the vessel was not at risk of taking on water.

On 26 June 2019, the CCG learned that the *Western Chief* had not yet been removed from the water. The owner's representative reported that unfavourable tides had caused a delay, and that removal had been arranged for 2 July 2019. Further tide-related delays meant that the removal was ultimately delayed until 8 July 2019. Through this period, the CCG remained in contact with the owner's representative.

The Claim

On 14 June 2021, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$22,528.61, seeking compensation for costs and expenses arising from the response to the incident involving the *Western Chief*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding that the CCG's response operation and its costs had generally been reasonable. The only reductions made were with respect to costs associated with the use of a CCG vessel that was found to have been misclassified.

The Administrator made an offer of compensation to the CCG in the amount of \$16,498.07, plus accrued statutory interest, on 28 October 2021.

The CCG accepted the offer on 2 November 2021, and payment from the Fund in the amount of \$17,819.72, including interest, was made shortly thereafter.

Recovery Action

In an attempt to obtain a current address for the representative of the corporate owner of the *Western Chief*, the Administrator issued *Inquiries Act* subpoenas to BC Hydro, the Insurance Corporation of British Columbia, and a telecommunications company on 19 October 2021. The responses provided a physical address and an email address.

On 8 November 2021 in-house Legal Counsel to the Administrator sent demand letters to the owner's representative by post and by email.

On 16 November 2021, counsel made contact with the owner's representative. Settlement discussions were inconclusive, so counsel filed an action in the Federal Court on behalf of the Administrator against the owner on 20 June 2022. No defence was filed, so a default judgment was sought and ultimately obtained on 27 October 2022.

On 16 May 2023, the Administrator received a payment from the judgment debtor in the amount of \$1,000. The judgment debtor has yet to send any more payments and has not committed to a payment schedule.

Status

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

West Island 395 (2018)

Location: Haida Gwaii, British Columbia

File number: 120-822-C1

The Incident

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

The Claim

On 14 January 2019, the shipowner, Haida Tourism Limited Partnership, presented a submission with the Administrator for costs and expenses incurred in the amount of \$1,857,314.06. The shipowner suggests that the incident was caused by sabotage perpetrated by a third party.

On 18 October 2019, the Administrator advised that he was prepared to consider the submission as a prospective claim under section 101 of the *Marine Liability Act*. The Administrator retained a naval architect to examine the technical evidence in this file. No settlement resulted.

After settlement talks ended, counsel for the owner filed what purported to be an appeal of the Administrator's decision not to settle the claim. After some discussion between counsels, the

Administrator came to understand that Haico intended that its submission should be considered as one made under subsection 103(1) of the MLA. The Administrator confirmed that he would consider the submission as a filing into subsection 103(1) and render a decision, and the owner agreed to abandon its appeal.

On 16 March 2021, counsel for Haico provided submissions to address whether an owner can make a claim under subsection 103(1).

Four months later, Haico initiated an application for judicial review in July of 2021, seeking to compel the release of a decision on its subsection 103(1).

Before any steps were taken in the judicial review, the Administrator issued a decision on Haico's claim on 4 August 2021, dismissing it on the basis that Haico, as the owner of the only vessel involved in the incident, was incapable of suffering damages described in subsection 103(1).

Haico appealed the Administrator's decision to the Federal Court. A hearing was held in July 2022, and the Court issued a judgment in the matter on 31 August 2022 in which it dismissed Haico's appeal and substantially agreed with the Administrator's reasons.

Haico then initiated an appeal before the Federal Court of Appeal, but that appeal was ultimately abandoned. It was agreed between the parties that the question that Haico wished to see resolved could be appropriately adjudicated in a Federal Court proceeding that Haico had initiated in 2021.

The Administrator filed a motion to strike the Plaintiff's statement of claim on 21 August 2023. The Plaintiff filed materials in opposition of that motion on 15 September 2023. The hearing occurred on 31 October 2023. The Court granted the Administrator's motion to strike the Plaintiff's statement of claim on 21 December 2023.

The Plaintiff appealed the Court's decision on the motion to strike on 28 January 2024. The Administrator filed his responding materials on 9 February 2024. Counsel for the Plaintiff filed additional materials in response to the Administrator's materials on 13 February 2024 which included an accusation that the Administrator was seeking to admit fresh evidence in the appeal. The Administrator responded with further materials on 15 February 2024.

The appeal was heard in person in the Federal Court in Vancouver on 21 February 2024. The Court allowed the Plaintiff's appeal on 19 March 2024.

Status

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

Related Files

West Island 395, Case number: 120-822-C1-1 (same incident)

West Island 395, Case number: 120-822-C1-2 (same incident)

West Island 395 (2018)

Location: Haida Gwaii, British Columbia

File number: 120-822-C1-2

The Incident

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

Measures Taken by the Administrator

In September 2018 the Administrator reached out to the CCG and the BCMOE for estimates of their response expenditures. The CCG provided two partial estimates, both in September 2018.

The Administrator engaged external counsel to enter security discussions with counsel for the owner of the barge, who advised that the owner was also considering submitting a claim for its own response expenses to the Administrator.

On 4 July 2019, counsel to the owners of the *West Island 395* provided the Administrator with a Letter of Undertaking in the amount of \$800,000.00 as security with respect to claims arising

from the September 2018 grounding incident.

The Claim

On 1 September 2020, the Administrator received a submission from CCG, on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$64,697.02, seeking compensation for costs and expenses arising from the response to the incident involving the *West Island 395*.

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

Assessment and Offer

On preliminary review of the claim, the Administrator found that the CCG had submitted neither a narrative nor copies of its personnel logs. The latter was particularly problematic, as the entirety of the claim was for personnel-related costs. On 9 September 2020, the Fund requested further documentation from the CCG.

On 18 September 2020, the CCG informed the Administrator that a narrative was being prepared.

On 28 September 2020, the CCG provided the Administrator with Incident Action Plan documentation, covering most of its response. A narrative was submitted on 12 November 2020, but no personnel logs were provided.

The Administrator conducted an investigation and assessment of the claim, concluding that insufficient evidence had been provided with respect to the specific tasking of CCG personnel. As a result, considerable reductions were made.

The Administrator made an offer of compensation to the CCG in the amount of \$36,521.88, plus accrued interest, on 25 February 2021. This offer was accepted and paid shortly thereafter.

Recovery Action

In September of 2021, the Administrator commenced a subrogated claim against the owner of the polluting ship. As of 31 March 2024, that claim is on hold pending a related judicial proceeding.

Status

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

Related Files

West Island 395, Case number: 120-822-C1 (same incident)

West Island 395, Case number: 120-822-C1-1 (same incident)

West Island 395 (2018)

Location: Haida Gwaii, British Columbia

File number: 120-822-C1-1

The Incident

On 8 September 2018, the *West Island 395*, a sportfishing accommodation barge, broke free of its moorings at Alliford Bay and drifted, ultimately grounding on Lina Island. At the time, the barge was estimated to contain 18,000 litres of gasoline and 15,000 litres of diesel fuel. The grounding caused damage to the barge's hull, and it was reported that one of the internal gasoline tanks was leaking. The barge was evacuated due to flammability concerns.

On 9 September 2018, the Canadian Coast Guard (CCG) established an emergency vessel exclusion zone around the *West Island 395*. Nearby CCG vessels were deployed or placed on standby.

CCG and British Columbia Ministry of Environment and Climate Change Strategy (BCMOE) personnel arrived on scene on 10 September 2018, helping to set up an Incident Command Post and forming a Unified Command alongside the owner of the *West Island 395*, its contractors, the Haida Nation, Environment and Climate Change Canada, and Transport Canada.

On 11 September 2018, a light sheen was first spotted near the barge. In response, boom was deployed.

In the days that followed, the owner's contractors ventilated the barge's hull, minimizing the risk of fire or explosion. Fire retardant foam was also deployed as a precaution. Another contractor began environmental sampling around the site of the grounding, assisted by BCMOE and other personnel.

On 16 September 2018, a lightering barge arrived on scene to begin offloading gasoline, diesel, and contaminated water from the *West Island 395*. This operation was completed on 24 September 2018, following which the Unified Command began to demobilize.

The owner's salvors refloated the *West Island 395* on 9 October 2018, and the barge was towed to Vancouver.

Measures Taken by the Administrator

In September 2018 the Administrator reached out to the CCG and the BCMOE for estimates of their response expenditures. The CCG provided two partial estimates, both in September 2018.

The Administrator engaged external counsel to enter security discussions with counsel for the owner of the barge, who advised that the owner was also considering submitting a claim for its own response expenses to the Administrator.

On 4 July 2019, counsel to the owners of the *West Island 395* provided the Administrator with a Letter of Undertaking in the amount of \$800,000.00 as security with respect to claims arising

from the September 2018 grounding incident.

The Claim

On 29 July 2020, the Administrator received a submission from the BCMOE. The submission included a claim totalling \$114,463.99, seeking compensation for costs and expenses arising from the response to the incident involving the *West Island 395*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim, concluding generally that the BCMOE operation involving the *West Island 395* was reasonable given the pollution threat posed by the vessel. Some questions were posed with respect to whether there was duplication of effort as between testing carried out by the BCMOE and the owner. The BCMOE explanations of its effort were accepted as sufficient to establish that part of its claim.

Some elements of the BCMOE claim, including personnel time, overtime, and travel costs, were disallowed in part as a result of inadequate documentation. A claim for administrative costs at a rate of 25% was mostly rejected. Though that rate was based on a provincial statute and regulations, the BCMOE supplied no evidence that it had incurred significant overhead costs that were not specifically captured elsewhere in its claim. Finally, a claim for unsubstantiated GST costs was also rejected.

The Administrator made an offer of compensation to the BCMOE in the amount of \$72,996.90, plus accrued interest, on 31 March 2021. The offer was accepted and paid shortly thereafter.

Recovery Action

In September of 2021, the Administrator commenced a subrogated claim against the owner of the polluting ship. As of 31 March 2024, that claim is on hold pending a related judicial proceeding.

Status

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

Related Files

West Island 395, Case number: 120-822-C1 (same incident)

West Island 395, Case number: 120-822-C1-2 (same incident)

White Orca (2017)

Location: Ladysmith, British Columbia

File number: 120-816-C1

The Incident

On 15 November 2017, the Canadian Coast Guard (CCG) received a report that a 50-foot pleasure craft had sunk in the Dog Patch, near Ladysmith, British Columbia. According to the report, the sunken vessel was actively upwelling oil pollution into the marine environment.

An Environmental Response crew from the CCG was dispatched to the scene of the sinking. At the time the CCG crew arrived, a local marine services contractor was deploying an oil boom to contain the pollution from the sunken vessel.

The CCG identified the sunken vessel as the *White Orca*. The CCG contacted the person believed to be the owner of the vessel. That person denied ownership. The CCG proceeded to take steps with respect to the vessel on the basis that no owner could be located.

The CCG determined that the vessel should be raised and removed from the marine environment. A marine contractor was retained to carry out that project. While preparations to raise the vessel were underway, on 16 and 17 November 2018, both the CCG and the contractor deployed pollution containment measures to contain the pollution rising from the *White Orca*.

On 18 November 2018 the *White Orca* was raised and removed from the marine environment. The CCG determined that the vessel was in poor condition. They retained the contractor to deconstruct the *White Orca*. The deconstruction effort commenced on or about 15 December 2017 and was completed on 10 January 2018.

The Claim

On 24 September 2019, the Administrator received a submission from the CCG on behalf of the Minister of Fisheries and Oceans. The submission included a claim totalling \$63,404.86, seeking compensation for the costs and expenses incurred in response to the incident involving the *White Orca*.

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

Assessment and Offer

The Administrator carried out an investigation and assessment of the claim and made a request to CCG for further information, which information was provided. The supplemental information suggested a new potential owner for the vessel.

On 20 December 2019, the Administrator made an offer of compensation to the CCG in the amount of \$49,005.97, plus statutory interest. The CCG accepted the offer on 6 February 2020, and payment from the Fund in the amount of \$52,824.08, including interest, was made on 14 February 2020.

Recovery Action

In February of 2020, research carried out by the office of the Administrator identified new information concerning the registered owner of the vessel. A letter requesting information from the registered owner was delivered. No response was received.

On 16 November 2020, in-house counsel for the Administrator issued a Statement of Claim in the Federal Court against the corporate owner of the *White Orca*. The claim was served on a director of the corporate defendant, who advised he would defend.

On 3 September 2021, the Administrator obtained a judgment in default for the full amount of the claim.

The Administrator retained local counsel to pursue enforcement proceedings against the corporate owner, and it was found that the company was without meaningful assets. Next steps, if any, were being considered at the end of the fiscal year.

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 2024, no claim has 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 15 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.

This matter proceeded to a mediation before the Federal Court of Canada, where the claim against the owner was settled for the amount of \$100,000. A judgment was secured in that amount and registered against real estate held by the owner.

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 15 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.

This matter proceeded to a mediation before the Federal Court of Canada, where the claim against the owner was settled for the amount of \$100,000. A judgment was secured in that amount, and as of the end of the fiscal year efforts were underway to secure that judgment against title to the owner's home.

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.

An action was commenced by One Ocean Expeditions Inc., the *Akademik Ioffe*'s sub-charterer on 8 August 2019 against the shipowner and eight sister ships. The Administrator was not a party to the action.

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 2024, no claim has been filed with the Administrator.


Status

The file remains open.



2023-2024 Incident Index


Expedited Process for Small Claims

Incident Ship name Date of incident Location Ship type Incident details	Claim submitted Amount claimed Date of submission Name of claimant	Decision (% offered vs claimed)	Date Notice of Payment was issued	Date notice of overpayment was issued	Status
Newfoundland and Labrador					
Michael Marie III 2022-04-09 Arnold's Cove Fishing vessel Diesel spill	\$16,800.89 2022-07-06 DFO/CCG	\$16,800.89 (100%)	2022-08-31	-	Open
Nova Scotia					
Kraken 2022-01-28 Lunenburg Pleasure craft No spill 	\$25,987.07 2023-01-26 DFO/CCG	\$25,987.07 (100%)	2023-03-16	-	Open
Quebec					
Ale 2022-12-17 Les Méchins Bulk carrier No spill	\$6,557.09 2023-12-15 DFO/CCG	\$6,557.09 (100%)	2024-02-23	-	Open
BBC Kwiatkowski 2022-12-19 Pointe-aux-Trembles Cargo vessel No spill	\$30,322.98 2023-12-14 DFO/CCG	\$30,322.98 (100%)	2024-02-23	-	Open
Canary 2022-11-23 Rivière Madeleine Bulk carrier No spill	\$2,921.47 2023-11-16 DFO/CCG	\$2,921.47 (100%)	2024-01-11	-	Open
Gaia 2023-08-07 Sainte-Anne-des-Monts Pleasure craft No spill	\$3,003.13 2024-01-23 DFO/CCG	\$3,003.13 (100%)	2024-03-21	-	Open




Note: This icon  refers to wrecked, derelict and abandoned vessels.


Incident Index

Incident	Claim submitted				
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Decision (% offered vs claimed)	Date Notice of Payment was issued	Date notice of overpayment was issued	Status
Le Plaisancier 2022-08-25 Réal Bouvier Marina, Longeuil Passenger vessel Diesel spill	\$2,980 2023-08-11 DFO/CCG	\$2,980 (100%)	2023-10-16	-	Open
L'Inséparable II 2021-11-05 Rivière St-Maurice Pleasure craft No spill 	\$15,947.60 2022-07-18 DFO/CCG	\$15,947.60 (100%)	2022-09-09	-	Open
Patagonman 2022-12-11 Sainte-Catherine Lock Bulk carrier No spill	\$3,387.66 2023-12-08 DFO/CCG	\$3,387.66 (100%)	2024-02-06	-	Open
Unknown name 2023-07-31 Trois-Rivières Pleasure craft Gasoline spill	\$4,907.93 2024-02-02 DFO/CCG	\$4,907.93 (100%)	2024-03-27	-	Open
Ontario					
Dulce Vida 2023-07-24 Cobourg Marina Pleasure craft Diesel spill	\$4,199.47 2024-02-26 DFO/CCG	Assessment ongoing		-	Open
Night Runner 2023-07-23 Lake Huron Yacht Club, Sarnia Pleasure craft Fuel and engine oil spill 	\$3,277.96 2024-02-01 DFO/CCG	\$3,277.96 (100%)	2024-03-27	-	Open
Omni Coastal 2023-04-17 Tommy Thompson Park, Toronto Tug No spill	\$12,401.99 2024-01-29 DFO/CCG	Withdrawn 2024-02-09		-	Closed



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Incident Index

Incident	Claim submitted				
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Decision (% offered vs claimed)	Date Notice of Payment was issued	Date notice of overpayment was issued	Status
Serendipity Princess 2022-12-25 Toronto Harbour Passenger vessel No spill	\$15,923.94 2023-12-21 DFO/CCG	Withdrawn 2024-01-17	-	-	Closed
British Columbia					
Autumn Winds 2021-07-15 Discovery passage Commercial fishing vessel No spill	\$9,266.96 2021-12-09 Nanwakolas Council society	\$9,266.96 (100%)	2022-02-04	-	Open
Content 2023-04-15 Zeballos Fishing vessel No spill	\$6,510.54 2023-08-04 DFO/CCG	\$6,510.54 (100%)	2023-10-03	-	Open
Hatta III 2022-06-17 Port Renfrew Fishing vessel Diesel spill 	\$8,753.49 2022-11-04 DFO/CCG	\$8,753.49 (100%)	2022-12-22	-	Open
Iron Horse 2023-12-14 Campbell River Harbour Converted tug Engine oil spill	\$861.60 2024-02-23 Campbell River Harbour Authority	Assessment ongoing	-		Open
Lahaina Lady 2022-01-08 Campbell River Pleasure craft Diesel spill 	\$15,979.65 2022-12-13 DFO/CCG	\$15,979.65 (100%)	2023-02-09	-	Open
Marquita 2022-06-18 Gabriola Island Unknown No spill 	\$18,188.00 2022-10-25 DFO/CCG	\$18,188 (100%)	2022-12-14	-	Open


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Incident Index




Incident	Claim submitted	Decision	Date Notice of Payment was issued	Date notice of overpayment was issued	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered vs claimed (%)			
Michelle Marie 2022-08-05 Prince Rupert Fishing vessel No spill	\$33,122.43 2023-07-19 DFO/CCG	\$33,122.43 (100%)	2023-09-14	-	Open
Moonlight 2022-01-06 Port Hardy Fishing vessel Diesel spill 	\$7,906.29 2022-08-18 DFO/CCG	\$7,906.29 (100%)	2022-10-12	-	Open
Mystery spill 2023-12-22 Campbell River Harbour Unknown Fuel spill	\$3,260.20 2024-02-23 Campbell River Harbour Authority	Assessment ongoing	-		Open
Unknown name 2020-01-03 Sicamous Houseboat Pleasure craft Diesel spill	\$6,941.10 2020-12-02 DFO/CCG	\$4,402.99 (63%)	2021-02-01	2021-06-17	Open
Unknown name 2022-10-19 Tofino Fishing vessel No spill 	\$19,152.02 2023-01-12 DFO/CCG	\$19,152.02 (100%)	2023-03-13	-	Open


General Claims Process and Incident Reports

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Newfoundland and Labrador				
Alaskaborg 2022-02-10 Off the South	-	-	-	Open



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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Coast Cargo ship Heavy fuel spill				
Baffin Sound 2015-06-23 St. Anthony Fishing vessel No spill 	\$22,185.86 2015-12-09 DFO/CCG	\$22,185.86 (100%) 2016-02-25	Recovery efforts ongoing	Open
BBC Oregon 2019-06-30 Bay Bulls Cargo ship No spill	-	-	-	Open
Captain Earl W. Winsor 2024-01-31 Springdale Passenger vessel No spill	-	-	-	Open
Comanche 2022-03-10 Placentia Bay Bulk Carrier No spill	-	-	-	Open
Danielle and Mark 2020-02-10 Old Bonaventure Fishing vessel No spill 	\$47,073.08 2021-06-03 DFO/CCG	\$30,397.23 (64,6%) 2021-09-08	Recovery efforts ongoing	Open
Executioner 2021-12-09 St. John's Fishing vessel No spill	-	-	-	Open
Françoise 2017-09-21 Clarenville Fishing vessel No spill 	\$446,196.96 2019-09-12 DFO/CCG	\$73,908.57 (16.56%) 2020-06-10	\$55,431.41 2024-03-05	Closed
G. J. Emma II 2020-11-23 Flower's Cove Fishing vessel	\$11,465.98 2022-10-25 DFO/CCG	\$11,137.62 (97.14%) 2022-12-20	\$11,964.73 2023-12-14	Closed





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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Diesel				
Hamilton Banker 2019-11-20 Colliers Fishing vessel Unknown 	\$2,016,227.22 2022-10-05 DFO/CCG	Assessment ongoing	-	Open
Jana Desgagnes 2019-03-21 Port aux Basques Tanker Unknown	\$89,286.59 2023-02-28 DFO/CCG	\$30,751.98(34%) 2024-01-12	-	Open
Jennifer Holly 2019-04-01 Main Brook Fishing vessel Fuel, base oil, hydraulic oil spill 	\$76,171.64 2019-10-28 DFO/CCG	\$72,939.19 (95,76%) 2020-03-06	\$300 2024-02-29	Open
Lucas & Rebecca 2017-07-01 Bay of Islands Fishing vessel No spill	\$17,744.64 2017-11-03 DFO/CCG	\$17,744.64 (100%) 2017-12-13	Recovery efforts ongoing	Open
Marc Olivier 2022-05-07 Port aux basques Fishing vessel No spill	\$14,791.11 2023-06-22 DFO/CCG	\$12,544.68 (85%) 2023-10-04	Recovery efforts ongoing	Open
Michael Marie III 2022-04-09 Arnold's Cove Fishing vessel Diesel spill	\$4,681.58 2022-04-28 Harbour Authority of Arnold's Cove	\$4,681.58 (100%) 2022-06-23	Recovery efforts ongoing	Open
MSC Kim 2022-03-09 Port au Port Cargo ship No spill	-	-	-	Open
Mystery spill 2020-06-08 Postville Kerosene spill	\$32,650.70 2021-12-01 DFO/CCG	\$28,484.86 (87.24%) 2022-10-14	Recovery efforts ongoing	Open
Pa Boy 2020-06-24 Norris Point Fishing vessel Gasoline spill	\$5,867.59 2022-05-02 DFO/CCG	\$2,366.38 (40.33%) 2022-10-07	\$2,000 2023-07-31	Closed





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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Sikuk 2017-09-21 Clarenville Fishing vessel No spill 	\$130,208.34 2019-03-01 DFO/CCG	\$79,826.14 (61.30%) 2020-06-10	\$55,000 2024-02-07	Closed
Sweven 2019-03-12 St. John's Pleasure craft No spill	\$6,134.57 2021-03-11 DFO/CCG	\$6,134.57 (100%) 2021-04-23	Recovery efforts ongoing	Open
Unknown name 2021-11-02 Valleyfield, Bonavista Bay Fishing vessel Diesel spill 	\$29,967.86 2022-11-16 DFO/CCG	\$15,969.89 (53%) 2023-05-18	Recovery efforts ongoing	Open
Unknown name 2020-01-17 Cupids Pleasure craft Diesel spill	\$14,826.38 2021-06-15 DFO/CCG	\$14,766.79 (99.6%) 2021-09-01	Recovery efforts ongoing	Open
Nova Scotia				
Cormorant 2015-02-27 Bridgewater Ex-military Hydraulic oil spill 	\$549,581.18 2015-11-02 DFO/CCG	\$515,267.25 (93,76%) 2016-03-29	\$375,000.00 2022-01-06	Open
Cormorant 2019-07-15 Bridgewater Ex-military No spill 	-	-	-	Open
Emma Marie 2022-03-18 Country Island Fishing vessel No spill	\$70,613.53 2024-03-15 DFO/CCG	Assessment ongoing	-	Open




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Incident Index


Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Farley Mowat 2015-06-24 Shelburne Research Ship Spill 	\$47,598.78 2017-06-23 Town of Shelburne	\$43,641.94 (91.69%) 2017-07-18	Recovery efforts ongoing	Open
Farley Mowat 2015-06-24 Shelburne Research Ship Spill 	\$814,815.05 2016-01-18 DFO/CCG	\$813,316.15 (99.82%) 2016-06-29	Recovery efforts ongoing	Open
Hydra Mariner 2021-01-17 Dartmouth Ex-fishing vessel Unknown Spill 	\$2,543,803.16 2023-01-05 DFO/CCG	Assessment ongoing	-	Open
Northern Tip 2021-11-30 Sydport Wharf, Sydney Fishing vessel Fuel oil spill	\$116,108.60 2023-10-16 DFO/CCG	Assessment ongoing	-	Open
Primo 2021-02-08 Lunenburg Fishing vessel No spill 	\$38,067.07 2023-01-11 DFO/CCG	\$17,577.12 (46%) 2023-07-05	Recovery efforts ongoing	Open
Robert & Marilyn 2021-09-25 Iona Fishing vessel No spill	\$56,268.88 2023-06-22 DFO/CCG	\$2,062.04 (4%) 2023-11-15	Recovery efforts ongoing	Open
Ryan Atlantic II (formerly <i>Cape Rouge</i>) 2014-03-10 Bridgewater Ex-fishing vessel Spill	\$362,575.38 2014-06-30 DFO/CCG	\$358,117.79 (98.77%) 2015-03-19	Recovery efforts ongoing	Open


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Incident Index



Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Stephanie & Darrel 2007-04-11 Shelburne Fishing vessel Fuel and hydraulics spill 	\$13,627.73 2008-02-09 DFO/CCG	\$13,627.73 (100%) 2008-05-13	Recovery efforts ongoing	Open
Unknown name 2022-11-19 Northwest Arm, Halifax Fishing vessel Engine oil spill 	\$15,921.55 2024-03-13 DFO/CCG	Assessment ongoing	-	Open
New Brunswick				
L'Épaulard 2018-11-04 Blacks Harbour Fishing vessel Diesel spill	\$7,821.73 2020-11-03 DFO/CCG	\$7,674.80 (98%) 2021-01-26	Recovery efforts ongoing	Open
Jenkins Pride 2022-01-20 Beaver Harbour Fishing vessel Fuel oil spill 	\$36,153.24 2024-01-16 DFO/CCG	Assessment ongoing	-	Open
SBI Carioca 2017-10-11 Belledune Bulk carrier No spill	-	-	-	Closed
Quebec				
Celebrity 180 & Baja 2018-09-13 Quai Paquet, Lévis Pleasure craft No spill	\$3,113.40 2023-09-12 DFO/CCG	Rejected 2024-01-31	-	Open


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Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
<i>Éclipse des Mers</i> 2021-06-04 Golfe du Saint-Laurent, Île d'Anticosti Fishing vessel No spill	\$1,592.75 2023-06-23 DFO/CCG	\$1,592.75 (100%) 2023-11-28	Recovery efforts ongoing	Open
<i>Kathryn Spirit</i> 2013-09-19 Lac St. Louis, Beauharnois Bulk Carrier No spill 	\$25,731,208.24 2021-05-04 DFO/CCG	-	-	Open
Mystery spill 2021-08-26 Port of Quebec Fuel oil spill	\$4,720.60 2023-08-23 DFO/CCG	\$4,720.60 (100%) 2024-03-08	Recovery efforts ongoing	Open
<i>Norman McLeod</i> 2018-08-08 Lanoraie Tanker No spill	\$8,157.21 2023-08-08 DFO/CCG	\$7,124.36 (87%) 2023-11-28	Recovery efforts ongoing	Open
<i>Réjane</i> 2020-10-09 Rapides du Cheval Blanc, Rivière des Prairies Tug No spill	\$3,428.93 2021-04-13 DFO/CCG	\$3,441.79 (100%) 2021-08-08	Recovery efforts ongoing	Open
<i>Umiafut</i> 2018-08-12 Lac Saint-Pierre Cargo vessel No spill	\$31,072.39 2023-08-10 DFO/CCG	\$17,395.61 (56%) 2024-03-11	-	Open
<i>Wilf Seymour</i> 2018-11-27 Canal de Beauharnois Tug No spill	\$3,893.03 2023-11-10 DFO/CCG	\$3,893.03 (100%) 2024-02-07	Recovery efforts ongoing	Open
Ontario				
<i>Lakefront Property</i> 2022-03-12 Bridgeview Marina St. Clair River,	\$41,477.27 2023-08-31 DFO/CCG	\$41,477.27 (100%) 2024-02-27	Recovery efforts ongoing	Open




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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Sarnia Pleasure craft Gasoline spill				
SEA-Q-TI 2021-02-08 Humber Bay Park, Toronto Pleasure craft No spill 	\$35,614.93 2021-11-08 DFO/CCG	\$19,994.18 (56.14%) 2022-10-11	Recovery efforts ongoing	Open
Unknown name 2021-04-13 Bluffer's Park Toronto Pleasure craft No spill 	\$9,982.18 2021-10-13 DFO/CCG	\$2,294.64 (23%) 2022-02-16	Recovery efforts were made	Closed
Unknown name 2023-05-19 Lake Manitouwabing Pleasure craft Gasoline spill	-	-	-	Open
Unknown name 2021-05-03 Shiloh Park Campground and Marina, Wallaceburg Pleasure craft Gasoline spill	\$8,350.13 2023-05-02 DFO/CCG	\$6,983.10 (84%) 2023-08-10	Recovery efforts ongoing	Open
Wendy K 2020-09-03 Mooretown Pleasure craft Diesel spill	\$280,143.90 2022-09-02 DFO/CCG	\$254,024.16 (91%) 2023-07-12	Recovery efforts ongoing	Open
British Columbia				
Alaska Plaza and Sea Lander 2020-12-24 Port McNeil Barge Diesel spill	-	-	-	Open
Aleutian Isle 2022-08-13 San Juan Island, WA, USA	-	-	-	Open



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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Fishing vessel Diesel spill				
Astronaut 2022-12-06 Rushbrook Harbour, Prince Rupert Fishing vessel Diesel spill 	\$45,794.20 2023-11-27 Port Edward Harbour Authority	Assessment ongoing	-	Open
Atanook 2018-10-07 Ganges Harbour Sailing vessel (pleasure craft) No spill 	\$19,017.43 2020-10-05 DFO/CCG	\$4,905.93 (25.80%) 2020-12-24	Recovery efforts ongoing	Open
Barges King Arthur & SL 104 2016-04-10 Mamquam Blind Channel Barge No spill	\$819,134.67 2018-04-04 DFO/CCG	\$814,012.78 (99.37%) 2018-10-31	Recovery efforts ongoing	Open
Beldis 2022-01-28 Garden Bay, Pender Harbour Pleasure craft Fuel oil spill	\$89,679.37 2023-12-14 DFO/CCG	Assessment ongoing	-	Open
Bert 2023-07-28 Fraser River Barge Fuel oil spill	-	-	-	Open
Big T 2020-07-15 Victoria Ex-fishing vessel No spill 	\$29,006.18 2022-07-11 DFO/CCG	\$22,868.59 (79%) 2023-02-21	Recovery efforts were made	Closed
Blue Pacific No.1 2016-12-28 Salt Spring Island Ex-fishing vessel Fuel oil spill	\$132,339.06 2018-10-09 DFO/CCG	\$114,129.56 (86.24%) 2019-01-23	Recovery efforts ongoing	Open




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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Callie Belle 2020-07-28 Oak Bay Pleasure craft Diesel spill	\$42,247.10 2022-07-11 DFO/CCG	\$11,945.61 (28%) 2023-03-03	Recovery efforts were made	Closed
Central Isle 2016-06-01 French Creek Ex-fishing vessel No spill	\$25,035.02 2018-02-20 DFO/CCG	\$24,108.07 (96.30%) 2018-04-04	Recovery efforts ongoing	Open
Chinootka 2021-12-25 Tahsis Barge Diesel spill 	\$1,102,254.90 2023-12-14 DFO/CCG	Assessment ongoing	-	Open
Darrell Bay Incident 2018-12-20 Darrell Bay, Squamish Ex-fishing vessels, pleasure craft, ex-tug Diesel spill 	\$202,213.22 2020-12-17 DFO/CCG	\$43,721.14 (21.6%) 2021-05-10	Recovery efforts ongoing	Open
Elva M II 2016-11-05 Richmond Fishing vessel Spill	\$7,649.63 2017-02-09 Steveston Harbour Authority	\$7,649.63 (100%) 2017-02-22	\$3,266.46 2019-07-01	Open
	\$46,351.57 2017-02-28 DFO/CCG	\$46,351.57 (100%) 2017-03-31		Open
Europe 2023-01-21 English Bay, Vancouver Container ship Unknown Spill	-	-	-	Open
Foss 153 2020-04-22 Haida Gwaii Barge Diesel spill	-	-	-	Closed
Go-Getter 2019-12-02 Port Hardy	\$12,623.68 2021-11-24 DFO/CCG	\$2123.68 (17%) 2022-02-18	Recovery efforts were made	Closed





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Incident Index

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Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Fishing vessel Diesel spill 				
Island Bay 2022-09-10 Carpenter Bay Passenger vessel No spill	-	-	-	Open
Jolly Roger 2021-02-02 Flores Island Fishing vessel Unknown 	\$88,472.09 2023-01-17 DFO/CCG	\$18,845.22 (21%) 2023-07-05	Recovery efforts ongoing	Open
Knot 2021-09-26 Todd Inlet, South Saanich Diesel spill	-	-	-	Open
Lady Candy 2022-01-01 Bella Coola Fishing vessel	-	-	-	Open
Lurch 2020-11-09 Vancouver Fishing vessel Diesel spill 	\$84,205.61 2022-10-24 DFO/CCG	\$55,087.42 (65%) 2023-04-13	Recovery efforts ongoing	Open
Maggie Mae 2022-11-04 Discovery Harbour Marina, Campbell River Pleasure craft Diesel spill	\$104,739.19 2023-08-25 DFO/CCG	Assessment ongoing	-	Open
Maipo River 2023-07-26 Port of Nanaimo Bulk carrier Fuel oil	-	-	-	Open
Maverick IV 2018-10-05 Cowichan Bay Pleasure craft No spill	\$52,522.44 2020-09-24 DFO/CCG	\$18,905.55 (36%) 2020-12-17	Recovery efforts ongoing	Open



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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
				
Mini Fusion 2020-10-28 Doctor Bay, Desolation Sound Cargo Spill 	\$1,083,551.42 2022-10-24 DFO/CCG	\$88,878.11 (8%) 2023-07-27	Recovery efforts ongoing	Open
Mistann 2011-10-14 Prince Rupert Fishing vessel Diesel spill	\$113,787.48 2012-04-26 DFO/CCG	\$100,462.51 (88%) 2012-09-12	\$18,080.42 2017-05-05	Open
Nathan E. Stewart 2016-10-13 Seaforth Channel, Bella Bella Tug Diesel fuel and Lube oil spill	Not yet set. 2019-10-11 Heiltsuk Tribal Council (HTC)	-	-	Open
Nika 2017-05-12 Campbell River Ex-fishing vessel Diesel spill	\$23,646.38 2019-03-26 DFO/CCG	\$22,720.29 (96%) 2019-05-01	Recovery efforts ongoing	Open
Noelani 2020-08-09 Fraser River Pleasure craft Diesel spill	\$44,871.15 2022-07-29 DFO/CCG	\$18,901.64 (42%) 2023-02-10	Recovery efforts ongoing	Open
Ocean Tribune 2020-12-25 Steveston Fishing vessel Diesel spill 	\$130,411.28 2022-11-23 DFO/CCG	\$83,475.93 (64%) 2023-11-14	Recovery efforts ongoing	Open
Orca G 2021-12-21 Ladysmith Fishing vessel Diesel spill 	\$89,037.95 2023-06-21 DFO/CCG	\$18,691.87 (21%) 2024-03-21	-	Open
Pacific Poet	-	-	-	Open






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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
2021-12-24 Oak Bay Pleasure craft No spill				
Princeton 1 2021-02-10 Alert Bay Pleasure craft Diesel spill	\$262,683.11 2023-02-02 DFO/CCG	\$158,197.04 (60%) 2023-12-13	Recovery efforts ongoing	Open
Red Fir #9 2019-10-25 Kitsilano Base, English Bay Pleasure craft, ex- tug No spill	\$37,526.55 2021-10-06 DFO/CCG	\$15,058.53 (40%) 2022-01-31	Recovery efforts were made	Closed
Rnooknoo 2021-08-03 Cooper's Cove Sooke Basin Ex-naval vessel Diesel spill	\$260,696.94 2023-06-13 DFO/CCG	\$31,221.45 (12%) 2024-03-27	-	Open
Rolano 2019-02-10 Cortes Island Passenger Vessel No spill 	\$248,265.04 2021-02-02 DFO/CCG	\$71,058.05 (28%) 2021-09-28	\$85,043.15 2024-01-23	Closed
Salerosa 2017-02-06 Oak Bay Ferro cement sailboat Diesel spill	\$62,673.20 2019-02-01 DFO/CCG	\$8,254.51 (13%) 2019-04-11	Recovery efforts ongoing	Open
Salish Guardian 2019-07-24 Goat Island, Ganges Pleasure craft No spill 	\$98,810.32 2021-07-20 DFO/CCG	\$38,662.05 (39%) 2021-11-29	Recovery efforts ongoing	Open
San Jolyne III 2018-10-19 Dusenbury Island, Pender Harbour Fishing vessel Fuel oil spill	\$181,475.67 2020-10-16 DFO/CCG	\$127,118.46 (70%) 2021-08-18	Recovery efforts ongoing	Open




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Incident Index

Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
				
Santa Rita 2022-06-28 Goldstream Marina Tug Diesel spill 	\$3,224.76 2022-07-12 Pauquachin First Nation	\$3,224.76 (100%) 2022-08-26	Recovery efforts ongoing	Open
Scotch Cap 2020-11-03 Port Edward Fishing vessel No spill 	\$229,645.64 2022-10-31 DFO/CCG	Assessment ongoing	-	Open
Sea Lion VI 2021-12-24 Maple Bay Tug No spill	-	-	-	Open
Sea-Que 2016-09-20 Sidney Motor vessel No spill	\$18,730.67 2018-08-02 DFO/CCG	\$18,730.67 (100%) 2018-09-21	Recovery efforts ongoing	Open
Seal Rock 2019-04-04 Saturna Island Pleasure craft No spill 	\$51,805.59 2021-03-15 DFO/CCG	\$13,390.66 (26%) 2021-06-25	Recovery efforts ongoing	Open
Silver Grizzly 2022-01-01 Bella Coola Fishing vessel Diesel spill	\$246,061.73 2023-12-21 DFO/CCG	Assessment ongoing	-	Open
Spudnik 2014-11-12 Howe Sound, Squamish Tug Spill 	\$149,043.60 2016-04-28 DFO/CCG	\$131,064.45 (88%) 2016-07-26	Recovery efforts ongoing	Open


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Incident	Claim submitted	Decision	Recovery	Status
Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
<i>Spudnik</i> 2020-01-06 Surrey Tug No spill 	-	-	-	Open
<i>Stormlander</i> 2021-11-27 Hecate Channel, Tahsis Narrows Fishing vessel Fuel oil spill	\$284,064.47 2023-11-09 DFO/CCG	Assessment ongoing	-	Open
<i>Theresa N</i> 2018-09-08 Bamfield Fishing vessel Diesel spill	\$28,637.28 2020-07-24 DFO/CCG	\$28,656.55 (100%) 2020-10-22	Recovery efforts ongoing	Open
<i>Trailer Princess</i> 2022-02-14 Duncan Bay, north of Campbell River Barge Unknown	\$5,462,522.84 2024-02-09 DFO/CCG	Assessment ongoing	-	Open
<i>Tracy Isle</i> 2021-04-04 Kitimat Bay Ex-fishing vessel Fuel spill	\$118,155.63 2023-02-16 DFO/CCG	\$99,459.13 (84%) 2023-10-05	Recovery efforts ongoing	Open
<i>Tymac No. 20</i> 2017-09-12 Sydney Tug Diesel spill 	\$36,177.31 2019-07-09 DFO/CCG	\$26,786.87 (74%) 2019-08-29	Recovery efforts ongoing	Open
<i>Unknown name</i> 2021-12-24 Ladysmith Pleasure craft No spill 	\$61,856.62 2023-06-28 DFO/CCG	\$10,064.20 (16%) 2024-03-12	-	Open




Note: This icon  refers to wrecked, derelict and abandoned vessels.


Incident Index

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Ship name Date of incident Location Ship type Incident details	Amount claimed Date of submission Name of claimant	Amount offered (% offered vs claimed) Date of decision	Amount recovered Date of recovery	
Unknown name 2022-12-01 Mark Bay Sailboat No spill	\$3,494.92 2023-03-08 Snuneymuxw First Nation Marine Division	\$3,058.08 (87%) 2023-05-19	-	Closed
Unknown name 2020-11-23 Parksville Barge Diesel spill	-	-	-	Open
Unknown name 2017-11-25 Campbell River Converted fishing trawler No spill	\$26,640.92 2019-09-30 DFO/CCG	\$23,505.95 (88%) 2020-04-27	Recovery efforts ongoing	Open
Unknown name 2023-06-01 Port Alberni Converted pleasure craft Fuel oil spill	-	-	-	Open
Unknown name 2019-03-07 Port Mellon Deck barge No spill 	\$396,954.40 2021-02-26 DFO/CCG	\$57,102.91 (14%) 2021-10-20	Recovery efforts ongoing	Open
Unknown name 2021-12-07 Trevor channel Service ship (workboat) No spill	-	-	-	Open
Unknown name 2022-01-13 Bedford Channel Pleasure craft Fuel oil spill	\$92,854.64 2023-12-06 DFO/CCG	Assessment ongoing	-	Open
Viking I 2016-08-10 Nanaimo Fishing vessel Oil and potential fuel spill	\$31,458.19 2017-05-03 Nanaimo Port Authority	\$29,432.92 (94%) 2017-08-30	Recovery efforts ongoing	Open
	\$128,246.91 2018-02-20 DFO/CCG	\$128,246.91 (100%) 2018-04-24		Open
Watts-T-Use 2021-12-26 Britannia Beach Other	\$883,997.70 2023-08-22 DFO/CCG	Assessment ongoing	-	Open

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Diesel spill 				
Western Breeze 2019-07-10 Steveston Harbour Ex-fishing vessel Diesel spill 	\$147,492.93 2021-07-06 DFO/CCG	\$92,091.89 (62.44%) 2022-08-11	\$76,964.32 2023-05-10	Closed
Western Carrier 2023-04-20 Chancellor Channel Barge Diesel spill	-	-	-	Open
Western Chief 2019-06-24 Miner's Bay, Mayne Island Seiner (fishing vessel) No spill	\$22,528.61 2021-06-14 DFO/CCG	\$16,498.07 (73%) 2021-10-28	\$1,000 2023-05-16	Open
West Island 395 2018-09-08 Haida Gwaii Lodge barge Spill	\$1,857,314.06 2019-01-14 Haida Tourism Limited Partnership (Haico)	Claim was dismissed	Recovery efforts ongoing	Open
	\$64,697.02 2020-09-01 DFO/CCG	\$36,521.88 (56%) 2021-02-25		Open
	\$114,463.99 2020-07-29 BC Ministry of Environment and Climate Change Strategy	\$72,996.90 (64%) 2021-03-31		Open
White Orca 2017-11-15 Ladysmith Pleasure craft Spill 	\$63,404.86 2019-09-24 DFO/CCG	\$49,005.97 (77%) 2019-12-20	Recovery efforts ongoing	Open
Zidell Marine 277 & Jake Shearer 2017-11-26 Goose Island	-	-	-	Open

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Tug and barge No spill				
Zodiac Light 2018-02-15 Kitamaat Village Fishing vessel Diesel spill	\$176,462.73 2020-01-15 DFO/CCG	\$133,879.10 (76%) 2020-06-01	Recovery efforts ongoing	Open
	\$14,028.00 2020-02-12 Haisla Nation Council	\$14,028.00 (100%) 2020-03-26		Open
Nunavut				
Akademik Ioffe 2018-08-24 Kugaaruk Passenger vessel No spill	-	-	-	Open



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