



International Oil Pollution
Compensation Funds

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1992 Fund Executive Committee	92EC82	●
Supplementary Fund Assembly	SAES12	

INCIDENTS INVOLVING THE IOPC FUNDS—1992 FUND

INCIDENT IN TRINIDAD AND TOBAGO

Submitted by the Republic of Trinidad and Tobago

Summary:

On the 7 February 2024, various Ministries and agencies of the Government of the Republic of Trinidad and Tobago (Trinidad and Tobago) became aware of oil spill impacts to the Atlantic shoreline of the island of Tobago and to the marine environment caused by a capsized and grounded barge named *Gulfstream*, lodged just off of the coast of Cove Estate. Approximately 15 km of coastline was impacted.

The incident affected beaches, rivers, mangrove areas, rocky areas, hotels, fishers and wildlife, and caused temporary closure of some schools. Clean-up operations were coordinated under the direction of the Ministry of Energy and Energy Industries (MEEI) and the Tobago Emergency Management Agency (TEMA).

The MEEI secured the services of the national oil company, Heritage Petroleum Company Limited (HPCL) to conduct shoreline clean-up in the majority of coastal areas, while TEMA coordinated shoreline clean-up in other shoreline areas utilising various oil spill response contractors. The MEEI hired contractors to conduct the oil removal operation from the wreck as well as mitigate the flow of oil into the Exclusive Economic Zones (EEZ) of other neighbouring countries and TEMA hired contractors to contain spills from the wreckage. Thereafter, the MEEI coordinated these operations when the salvage contractor T&T Salvage LLC/QT Environmental Inc. was engaged.

Analysis of the oil, collected directly from the vessel was conducted by the Institute of Marine Affairs (IMA) using Gas Chromatography – Mass Spectrometry (GC-MS). The analysis indicated that it was Bunker Fuel C, and was persistent.

Remote operated vehicle footage and underwater photography of the wreck found the name *Gulfstream* embossed on the starboard bow. Vessel specifications were obtained by the MEEI's salvage contractor T&T Salvage LLC from the United States Coast Guard, which indicated that the vessel named *Gulfstream* was manufactured by Kelso Marine in the USA, and formerly traded along the seacoast of the USA, but over time underwent many modifications, in particular, to the cargo tanks. The length and width of the vessel are comparable with the original dimensions of the original *Gulfstream* barge. The barge reportedly has a capacity of 60 000 barrels (bbls) of cargo, and had an alleged consignment of 35 000 bbls of Bunker Fuel C oil allegedly bound for the Co-Operative Republic of Guyana (Guyana). It is possible that the tank barge is now going by the name *Culie Boy*, allegedly registered in the shipping register of Zanzibar and flagged in the United Republic of Tanzania (Tanzania). However, the Tanzanian authorities have advised that the registration certificate bearing the flag as

Tanzanian is fraudulent. The name of the barge is therefore unconfirmed. The Tanzanian Government has confirmed that a vessel, a tug named *Solo Creed* which is believed to have towed the barge, is on their registry.

The Republic of Trinidad and Tobago is currently in pursuit of the *Solo Creed*, the tug that was towing the barge at all ports across the region, and worldwide. This tug is believed to be flagged in Tanzania. This initiative stems from the information shared by the Guyana Maritime Authority (GMA) regarding an arrival notification they received for the cargo on the barge being towed by the *Solo Creed*. Official correspondence has been dispatched through the Ministry of Foreign and CARICOM Affairs (MoFCA) to Panama and Tanzania, seeking any relevant information regarding the *Solo Creed* and its associated barge. We are awaiting responses.

Some days after the incident, the maritime authority of Trinidad and Tobago, the Maritime Services Division (MSD) of the Ministry of Works and Transport (MOWT) was approached by a Nigerian lawyer representing the purported owner of the barge responsible for the oil spill off the coast of Tobago. The lawyer conveyed that his client lacks the financial means to travel to Trinidad and Tobago and is besieged by creditors seeking repayment for investments made in the barge, which was uninsured. MSD is currently scrutinising the validity of these claims, having initiated inquiries through the MoFCA to the Nigerian Government. We are awaiting responses.

The MSD has written to the International Maritime Organization (IMO) for the provision of a consultant to assist with our investigation. IMO indicated that they are actively engaged in the process of identifying one. We are awaiting positive feedback on this request.

The Trinidad and Tobago Coast Guard (TTCG) has been working closely with the Guyana Coast Guard, the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), and IR Consilium who is working with CARICOM IMPACS in an effort to identify the vessels involved or responsible for the oil spill in Tobago.

Initial estimates of the cost of the response to the oil spill, inclusive of oil removal from the wreck so far, is in the region of USD 23.5 million (TTD 160 million). So far it is estimated that USD 12.5 million (TTD 85 million) has been spent as of 6 April 2024. Further costs and claims for economic losses are expected. Bulk clean-up operations were completed in March 2024 and the shoreline clean-up is expected to be completed in April 2024. The oil removal from the wreck is also expected to be completed by mid-May 2024.

The Republic of Trinidad and Tobago reported this incident to the IOPC Funds on 22 February 2024 and on 26 February 2024, the 1992 Fund mobilised ITOF to Tobago providing technical advice to Trinidad and Tobago on oil spill response measures. Representatives of the 1992 Fund visited in March 2024.

Trinidad and Tobago intends to take all and any necessary legal actions against the owner of the barge, the owner of the cargo and/or the owner of the tug that was towing the barge in order to recover monies spent on the oil spill prevention and clean-up efforts. Trinidad and Tobago also intends to utilise the Bunker Fuel C that was collected from the vessel in order to defray costs.

Action to be taken: 1992 Fund Executive Committee

Consider and accept this as an incident deemed to be eligible for compensation by the 1992 Fund, considering that the oil and the vessel both qualify as persistent 'oil' and a 'ship' as defined by Article I(5) and Article I(1) of the 1992 Civil Liability Convention (CLC) respectively.

Summary of Incident

Ship	Formerly called <i>Gulfstream</i> . Original name is reportedly <i>Pampa</i> .
Date of incident	7 February 2024 (date oil was discovered on shoreline)
Place of Incident	Trinidad and Tobago territorial waters
Quantity of oil spilled	Unknown
Area affected	Tobago coastline (approximately 15 km) with black oil
Flag State of Ship	Unknown
Gross tonnage	Unknown
P&I insurer	Unknown
CLC limit	SDR 4.51 million
CLC + Fund limit	SDR 203 million
Legal proceedings	No legal proceedings commenced to date

Table 1: Summary of incident

Introduction/background information on the response actions

On the morning of 7 February 2024, the MEEI was notified by the Trinidad and Tobago Coast Guard (TTCG) of a capsized vessel approximately 200 metres off the coast of the Cove Eco-Industrial and Business Park in the area of Canoe Bay, Tobago that was spilling an oil-like substance. The vessel made no emergency calls and there were no signs of life on board. Figure 1 below shows the location of Trinidad and Tobago. Figure 2 below shows the location of the vessel in the Cove area, Tobago.

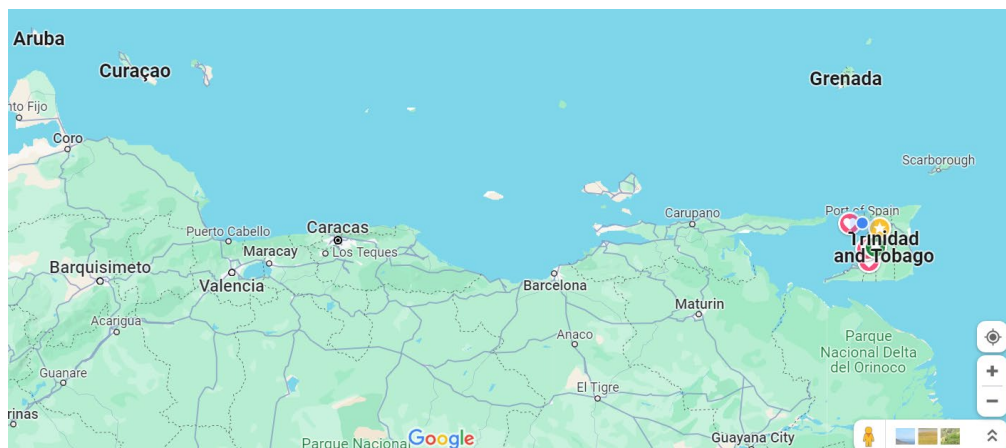


Fig. 1: Map showing the location of Trinidad and Tobago

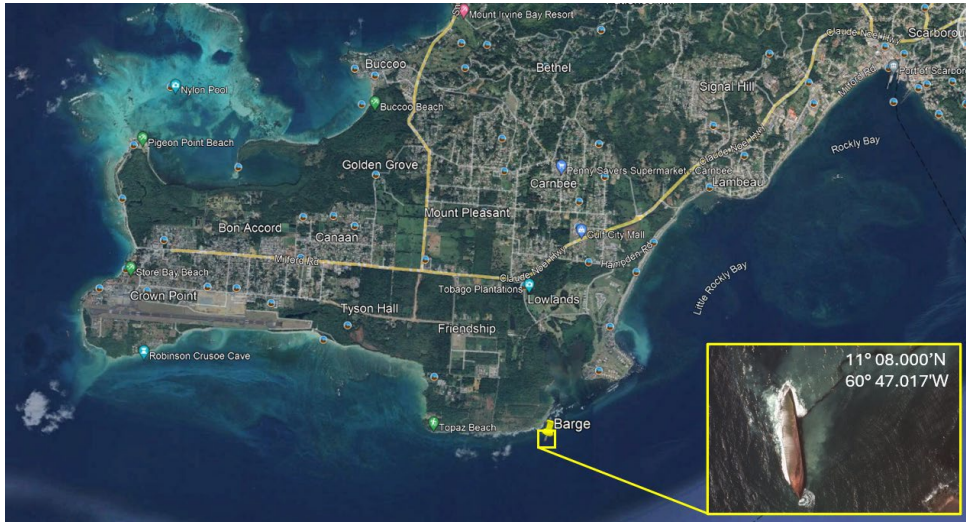


Fig. 2: Map showing location of the capsized vessel off Cove, Tobago

2.2

Based on Sentinel 2B satellite imagery on 7 February 2024 possible oil was first detected. The possible slick detected measured 6.15 nautical miles (nm) in length and a greatest width of 0.21 nm. Satellite imagery showed a vessel towing an object on 4 February 2024. Trinidad and Tobago monitored the tug and barge using radar from the time they entered Trinidad and Tobago territorial waters, until it was no longer detectable. They were monitored from 19:00 hrs on 4 February 2024 until 08:59 hrs on 5 February 2024. The last known position from Automatic Identification System (AIS) of *Solo Creed* was 11.5 nm east of Galera Point at 09:38 hrs on 5 February 2024. It is believed that the vessel *Gulfstream* capsized sometime on or about 5 February 2024. Figure 3 shows the route taken by *Solo Creed* and *Gulfstream* tracked by Trinidad and Tobago.

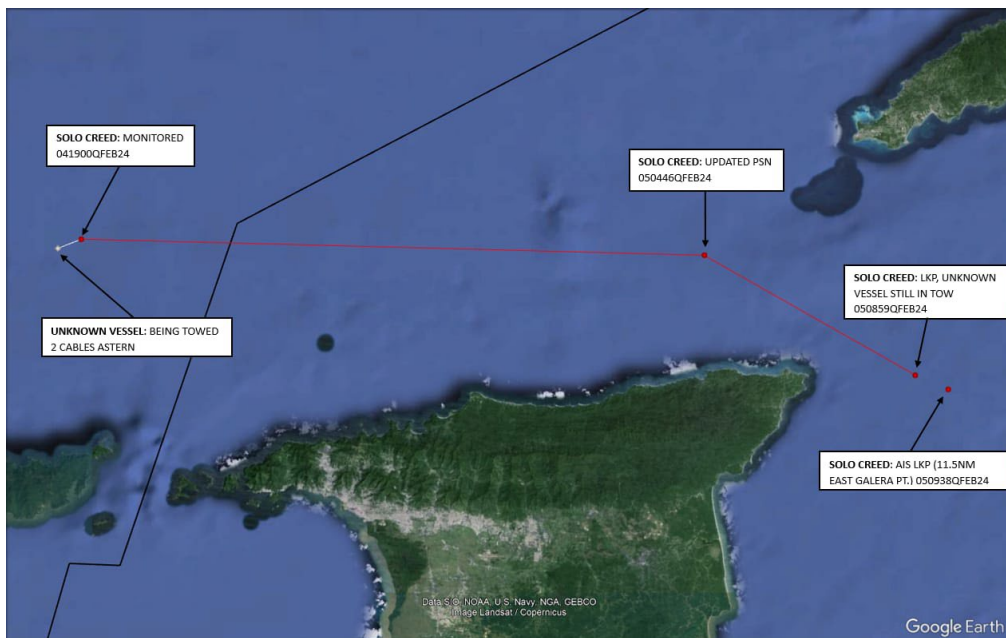


Fig. 3: Route taken by vessels tracked by Trinidad and Tobago

Upon learning of the oil spill, the MEEI initiated coordination amongst all relevant Government Ministries and state agencies to ascertain the status of the incident. TEMA activated the 'Tobago Oil Spill Contingency Plan' which identified it as the lead agency for the management of the spill response. On 8 February 2024, the MEEI deployed a team, led by its Chief Technical Officer to provide technical support to TEMA in containing and managing the oil spill. The National Oil Spill Contingency Plan (NOSCP) was activated by the MEEI.

2.3 Based on analysis of satellite imagery, it was deduced that the barge vessel capsized some distance to the south east of Scarborough, the tug disengaged from the barge and the barge drifted north westward toward the Cove Estate and lodged some 200 metres off the coast.

2.4 On 9 February 2024, the MEEI engaged HPCL, the national oil company, to provide shoreline clean-up response utilising its oil spill response contractors' manpower and equipment. Through HPCL, the MEEI brought in Oil Spill Response Limited (OSRL) who provided a five member team to provide technical support for the efforts to clean-up the shoreline areas assigned to HPCL. OSRL's initial five-day period in Tobago was free of charge. Subsequently, OSRL was retained on a ten-day cycle basis at cost. This action effectively activated the NOSCP and established unified command between the MEEI and TEMA. HPCL provided trajectory modelling services as well as wildlife rescue and rehabilitation services.

2.5
2.6 On 14 February 2024, the oil slick from the wreckage was estimated to measure 48 nm in length and 0.13 nm in width, based on Sentinel 1A satellite interpretation conducted by the Institute of Marine Affairs, Trinidad and Tobago. In addition, at least 15 km of coastline was oil-impacted including a reef, mangroves and Atlantic beaches.

2.7 Two one-hour virtual sensitisation training sessions in oil spill response techniques were requested by the MSD and delivered on the 16 February 2024, by the Regional Marine Pollution Emergency, Information and Training Centre, Wider Caribbean Region (RAC-REMPEITC-Caribe) for 80 first time field operatives. This training was conducted in order to ensure that these operatives utilised best practice techniques for shoreline clean-up operations.

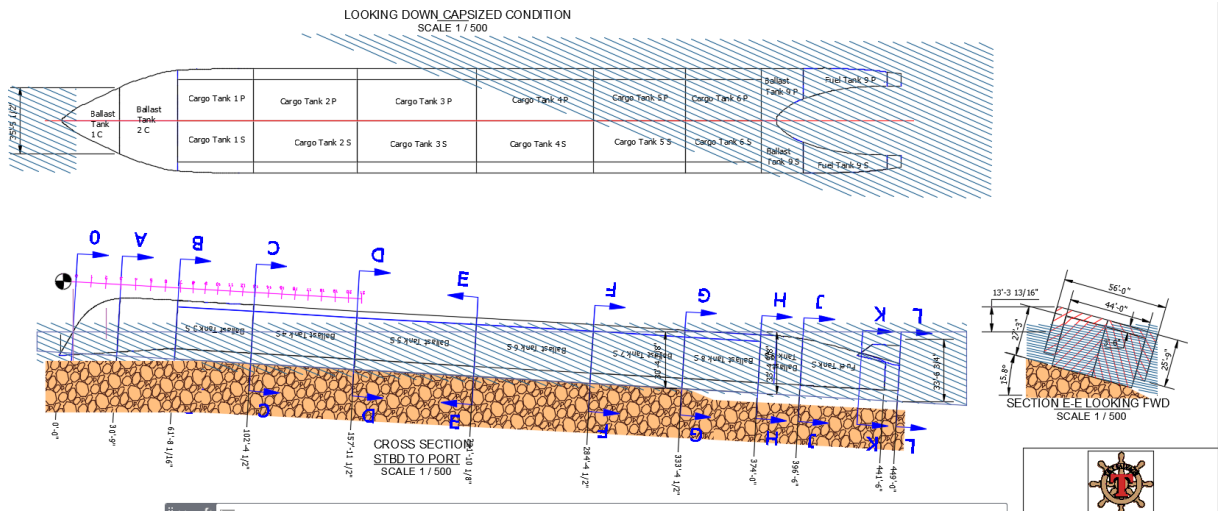
2.8
2.9 In order to get more details of the vessel, and the amount of oil we were potentially dealing with, through the MSD, the service of Mr Courtney Lange from Tsunami Marine was obtained to map and measure the hull to ascertain its compartmentalisation with respect to cargo oil tanks and principal hull boundaries. A visual inspection was performed on the external areas of the barge where visible and hammer test soundings taken to establish as reasonably as possible the location of existing bulkheads. This was completed on 18 February 2024. After circulation of his findings on the Internet, he was able to obtain drawings for the Gulfstream, and make some minor adjustments to the output of his work.

2.10 A containment boom was initially installed at the wreck site to prevent the spill from spreading to other areas. Due to the strong currents in the area, this boom was unsuccessful in containing the spill. A larger diameter containment boom was later placed to contain the spill, but this also proved unsuccessful. Divers were also dispatched to the site to try to plug the leak but were unsuccessful as visibility and access under the vessel were poor due to high turbidity of the water. The vessel was also moving, creating a dangerous situation. The vessel was observed to have moved some 70 metres closer to shore from initial lodgement due to sea conditions. Further, the slick was estimated, based on satellite imagery analysis, to have travelled approximately 63 nm west north west migrating some 30 km outside of Trinidad and Tobago's EEZ.

Given the futility of the aforementioned efforts and the urgency to contain the spillage, the MEEI retained the services of an international salvage company to contain the leaking oil and to remove the oil from the vessel. On 22 February 2024, the Government of Trinidad and Tobago approved the award

of a salvage contract to T&T Salvage LLC and QT Environmental Inc. of Texas and Minnesota respectively for the provision of oil recovery and capture services to the Government of the Republic of Trinidad and Tobago (GoRTT) in its management and containment of the oil spill.

2.11 On 26 February 2024, T&T Salvage LLC and QT Environmental Inc. conducted a Hydrographic Survey around the wreck. This allowed for a full view of the water depths and submerged hazards surrounding the wreck. The observed water depths alongside the wreck were determined suitable for the dive support vessel to be able to safely moor alongside. Further, they conducted a Light Detection and Ranging (LiDAR) scan of the exposed topside of the wreck. This laser scan allowed for a better understanding of the position of the wreck and its orientation. The surveys indicated that the exposed area of the hull of the vessel did not show signs of damage, cracks or breach. The barge cargo capacity was estimated at 60 000 bbls. There are six pairs of cargo tanks for a total of 12. There are also two fuel tanks located on either side of the stern notch where the original pusher tug would have linked to the barge. There were a number of deck-mounted tanks which were likely sheared off as the inverted vessel ran aground. Based on the results of the survey, a detailed plan to determine the amount of oil in these cargo tanks prior to conducting salvage operations was developed. Figure 4 shows the schematics of the vessel, and how it is lodged in Tobago based on the hydrographic survey conducted.



2.12 Fig. 4: Schematics of *Gulfstream* in relation to its lodgement in Tobago based on Hydrographic Survey

2.13 During the period from 27 February 2024 to the present date, the T&T Salvage LLC and QT Environmental Inc. team have continued to treat any hydrocarbons which would have escaped the wreck. This aspect of the response efforts included the best available technology known as the NOFI Current Buster System which has been utilised globally in extremely demanding environmental conditions including high currents. This system was deployed in a nearshore tactic using a standard two vessel configuration. Additionally, specialised NOFI INAK systems were engaged for a single vessel sweep tactic offshore, which allowed for the use of one tow vessel providing a more efficient operation overall. Further, a Rapid Deployment Skimming System (RDSS) was used to recover concentrated hydrocarbons from the fluid collected using the NOFI System. Regular overflights were conducted utilising fixed-wing aircraft from the Trinidad and Tobago Air Guard to provide guidance to the on-water recovery operations and monitor the migration of oil into the EEZ of neighbouring countries. This approach improved the efficiency of hydrocarbon recovery since it eliminated excessive waste handling due to seawater.

IOPF was mobilised by the 1992 Fund, to Tobago from 26 February 2024 and was seamlessly incorporated to the response efforts by the MEEI and then by TEMA.

From 29 February 2024 no oil was observed continuously emitted from the vessel. Dive survey operations on 2 and 3 March 2024 respectively observed that no oil was leaking from the wreck. These dive surveys did not find any indications of active leaking, indicating the wreck established hydrostatic balance. This meant that the fluids reached an equilibrium, however, it did not mean that the tanks were empty. However, subsequently, rough sea events would cause the wreck to move vertically and shift disrupting this equilibrium and causing some oil to leak from the wreck. During these times the NOFI Current Busters were deployed to render the necessary containment and collection.

2.14

The oil removal operation proposal

2.15.1 In view of the oil still contained within the wreck, a hydrocarbon removal proposal was submitted to the MEEI by T&T Salvage LLC for consideration and approval by all relevant stakeholders. The proposed options were presented and discussed during the period of 11 March to 13 March 2024 with all key decision makers. It was noted that the best approach required a combination of the presented options to address the de-inventorying of the various tanks due to the orientation of the wreck as some of the tanks were either partially or fully submerged rendering it somewhat impossible to access in a safe manner. In this regard, a tank by tank method was proposed and agreed to.

2.15

2.15.2 It was further agreed that the recommended option for receiving the pumped hydrocarbon cargo was to have receiving tanks and or tanker trucks onshore. This was deemed as the most feasible option, as the geographic restrictions of the site conditions around the wreck including water depth, sea state and sea bottom material, limit the practical options for an in-country vessel to be secured onsite. The plan was to run cargo transfer hoses to shore-based receiving frac tanks then transfer to road tanker wagons. The wagons would transit from the landside area near the wreck to the port of Scarborough to a receiving barge. The barge would then transfer the product to Trinidad to a storage tank at Paria Fuel Trading Company Limited at Pointe-a-Pierre.

2.16

Spill response progress

2.16.1 As of 19 March 2024, OSRL reported that the Scarborough beach condition had improved significantly and no evidence of buried oil has been found upon inspection. The Scarborough bridge waterway also remains clear from oil on both ends and the fence boom was removed. Apart from mangrove area, it was recommended that sites identified with gross contamination (heavily impacted and large spread of oil plume) be given high priority for clean-up techniques to be used. These areas currently include the Lambeau Fishing Village and Thompson Bridge area. By 25 March 2024, shoreline clean-up activities had largely cleaned up bulk oil and demobilisation process for heavy machinery and frac tanks commenced.

2.16.2 The total amount of people involved in the clean-up efforts was approximately 200 persons per day.

2.16.3 By the end of March 2024, 35 000 barrels of liquid waste and 10 000 cubic yards of solids (beach material mainly) was collected and deposited at the only landfill site in Tobago, Studley Park, as a temporary holding site. Efforts to address this waste are ongoing, with a preferred plan to incinerate the liquid waste and bioremediate the solid waste in Trinidad.

2.16.4 Testing of fish was conducted by the IMA. The tests indicated no impacts of oil on fish. As such, no fishing bans were imposed. However, sale of fish in the area was impacted and financial relief was provided by the Tobago House of Assembly (THA). No bathing bans were imposed as the beaches that were oil impacted are not normally used for sea bathing.

2.16.5 One hotel was reportedly affected by negative social media reports causing possible cancellations by potential foreign guests. However, this same hotel was utilised by HPCL, the MEEI, T&T Salvage LLC, QT Environmental Inc. and possibly other response contractors as the preferred hotel during clean-up operations.

Claims for compensation

Claims for compensation by the Government for its response would entail preventative measures such as booming of shorelines and the oil removal from the *Gulfstream* and preparatory works associated with this activity.

3
3.1 Claims for oil spill response measures would include shoreline beach clean-up, riverine clean-up, mangrove clean-up, degreasing of stained hard surfaces such as rocky shorelines, pavements and roadways, waste management, wildlife response and rehabilitation. One of the largest costs would include the vessels used for deploying the NOFI current buster system.

3.2
3.3 There will likely be claims from fishers relating to lower than expected revenues due to lower confidence in quality of fish in the areas impacted by the spill, affecting vendors who would normally ply their trade in the area. There may be claims for hotels due to reduced bookings.

To date approximately TTD 85 million (USD 12.5 million) has been spent on the response so far.

3.4
3.5 It is anticipated that the final cost for compensation would be in the region of TTD 160 million (USD 23.5 million).

4 Applicability of the Conventions

4.1
4.2 Trinidad and Tobago is a Party to the 1992 Civil Liability and Fund Conventions.

4.3
4.4 Trinidad and Tobago is also up-to-date with oil reporting to the IOPC Funds' Secretariat. The last oil report filed was for 2023.

4.4
4.5 The oil was sampled from the beach, in the water close to the wreck and from Tank 6 starboard side. The samples were analysed by the IMA using GC-MS. The samples from the beach and the water indicated that the oil is Intermediate Fuel Oil. However, the sample taken directly from the vessel showed that the oil is Bunker Fuel C oil. The variation suggests that the beach sample was weathered and the water sample had some of its chemical components removed. As such, the oil can be deemed to qualify as persistent oil.

4.5
4.6 At its October 2002 session, the 1992 Fund Executive Committee endorsed the interpretation of the 1992 Fund Convention made by the Director on the point that the 1992 Fund Convention also applied to spills of persistent oil even if the ship from which the oil came from could not be identified, provided that it was shown to the satisfaction of the 1992 Fund, or in the case of dispute to the satisfaction of a competent court, that the oil originated from a 'ship' as defined in the 1992 CLC.

The schematics for the vessel *Gulfstream* manufactured by Kelso Marine Inc. were obtained from the United States Coast Guard by T&T Salvage LLC. The barge which spilled the Bunker Fuel C oil has 12 cargo tanks. To date, seven out of 12 cargo tanks were accessed and gauged and the total volume estimated is 19 685 barrels from the vessel *Gulfstream*, which was reported to be carrying 35 000 bbls of Bunker Fuel C oil just prior to the incident. It is believed that the vessel was in the business of the carriage of oil as cargo, and thereby operating as a tanker. As such, it is believed that the vessel qualifies as a 'ship' as defined by Article I(1) of the 1992 CLC.

Investigations into the cause of the incident

Names of the tug and barge

- 5.1.1 It is understood that for many years the barge *Gulfstream* was pushed by a tug named *Marlin*, but this tug was not involved in the incident. At one stage it is believed that the barge *Gulfstream* changed name to *Sea Marlin*, but the name *Gulfstream* is still embossed on the hull in weld material. At the time of the incident, a different tug (*Solo Creed*) was used to tow the *Gulfstream*, which may have been intended to have had its name changed to *Culie Boy*, by the time it reached its destination.
- 5.1.2 Information on the names of the vessels involved and the changes of the vessels with the source of information is provided in Table 2 below.

		Tug	Source	Barge	Source
Former details before the date of the incident	1st known push tug name	<i>Gaicho</i>	Former marine engineer for <i>Gulfstream</i>	<i>Pampa</i>	Kelso Marine
	2nd known name of push tug	<i>Marlin</i>	TBD	<i>Gulfstream</i> (vessel may also have had <i>Sea Marlin</i> painted as name at one stage)	Dive survey
Details at time of incident	2nd Tug name	<i>Solo Creed</i>	Pilotage manifest	<i>Culie Boy</i> (believed to be intended rename of <i>Gulfstream/Sea Marlin</i>)	Pilotage manifest

Table 2: Various names of vessels related to the *Solo Creed* and *Gulfstream*

- 5.1.3 Based on information the TTCG received from a former chief engineer of barge in question, Mr Martin Malia, the original tug was named *Gaicho*, and the original name of the barge in question was *Pampa*. The barge is double hulled. The barge was converted to be able to carry asphalt in the early 1990s. It is believed that the vessel was modified to lengthen the barge and the trunk deck was added. This trunk deck rose above the main deck. Its usage to carry heated cargo, then shutting off the heater after cargo was discharged, likely caused cracks in the cargo tanks, warranting repairs. It is believed by the former chief engineer that the vessel likely capsized due to the ballast tanks being compromised or some other structural failure allowing ballast tanks on one side to fail. This theory is consistent with the results found by T&T Salvage LLC based on their cutting and gauging of the cargo and ballast tanks, which found oil in the ballast tanks.
- 5.1.4 Two videos circulating on social media, show a barge taking in water and appearing to go below the waves. In the shorter of the two videos a man is heard commenting in Spanish language, that they tried everything, probably alluding to the fact that the barge was sinking. The barge has a distinctive green upper deck, yellow deck cranes and white accommodation structures.
- 5.1.5 Reports indicate that a tug named *Solo Creed* was due to arrive in Guyana from Panama towing a barge named *Culie Boy*. The IMO number of *Culie Boy* from document sent to Guyanese pilotage station matches that of a barge named *Gulfstream* based on information from www.vesseltracking.net.
- 5.1.6 Assistance was sought from CARICOM IMPACS to contact Panama and Aruba to ascertain whether there were any photos of *Solo Creed* and its barge. Photos were provided from the Dutch authorities (see Figure 5) showing *Solo Creed* in close proximity to a barge on 22 January 2024 and heading in a generally easterly direction. Information from the authorities suggest that *Solo Creed* was towing this barge. The picture of the barge matches the barge shown sinking in the videos made available to Trinidad and Tobago.

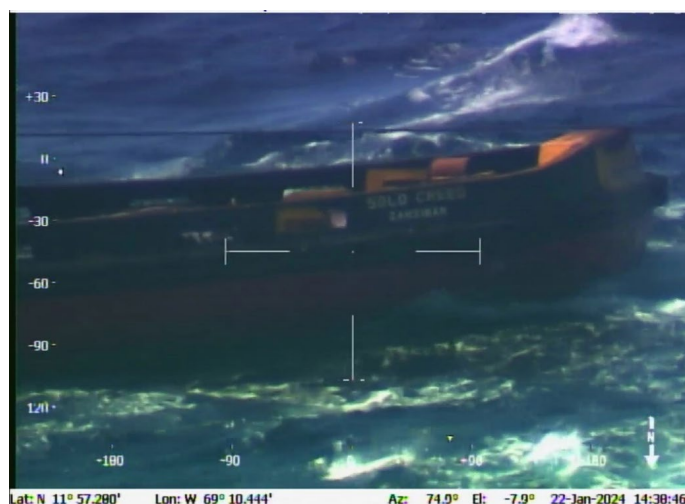


Fig. 5: Photograph of *Solo Creed* taken by the Dutch authorities

- 5.1.7 It is reported that neither *Solo Creed* nor the barge and its contents made it to Guyana. CARICOM IMPACS advised that a legal firm for the charterer of a barge informed the power plant that due to unforeseen circumstances, it could not honour the contract to provide fuel and it could not say when it will be able to do so. The letter however does not name the barge, and indicates that the volume of heavy fuel oil on board is 75 000 bbls, not 35 000 bbls as listed in the pilotage document obtained from the GMA. The date of the law firm's letter is 7 February 2024.
- 5.1.8 Divers that went to the grounded vessel advised that the name *Gulfstream* is embossed on the starboard bow. An ROV survey also detected same.
- 5.1.9 When T&T Salvage LLC was engaged, they were provided with the aforementioned work of Courtney Lange from Tsunami Marine and were also able to obtain the *Gulfstream* vessel schematics from the United States Coast Guard (USCG). The MSD has made an official request through a Freedom of Information Act Request for the *Gulfstream* vessel schematics to the USCG and thus far has received an acknowledgement of their request.
- 5.1.10 The tug believed to have been involved in the incident has been identified as the *Solo Creed*, allegedly a Tanzanian-flagged (Zanzibar Maritime Authority) vessel with IMO Number 7505994.
- 5.1.11 The barge that is believed to have been towed by the *Solo Creed* is a non-propelled tank barge strongly suspected to be the *Gulfstream* which was last registered in the US and which we believe has an IMO Number 1518444. It is strongly suspected that the tank barge is now going by the name of *Culie Boy*, allegedly also Tanzanian-flagged. However, the Tanzanian authorities have advised that the registration certificates in Trinidad and Tobago's possession for the *Solo Creed* and *Culie Boy* are fraudulent. They indicated that they do not have a vessel named *Culie Boy* on their registry. However, they have confirmed that they have a vessel named *Solo Creed* on their registry. Based on a request from the MSD, the MoFCA has made an official request to the Tanzania Government to confirm the registration of the *Solo Creed* and *Culie Boy* and is awaiting a response.
- 5.1.12 The loading port of the barge *Culie Boy* is unconfirmed. The destination port of the *Solo Creed* has been determined to be Georgetown, Guyana based on the booking of a pilot form with the Georgetown Lighthouse/Berbice Pilot Station. It is presumed that the tank barge was also destined for that location. It is believed that the owner of the *Solo Creed* is a company registered in Panama based on the registration certificate that was tendered to the authorities in Guyana. A request for pilotage services by the customs house brokerage firm, suggests that there was approximately 4 652.39 metric tonnes of cargo onboard.

- 5.1.13 It is suspected that information on the consignee can be provided by the customs house brokerage firm Rafeek & Moore, operating in Guyana, as their name is affixed to the document submitted to the Guyanese pilotage station.
- 5.1.14 The tank barge *Gulfstream* was built in May 1976 by Kelso Marine Inc. Kelso was bought over by West Gulf Marine. Calls made to the Director of West Gulf Marine, Mr Brian Sigel, indicate that the company's headquarters in Galveston, Texas were seriously damaged by Hurricane Ike in 2008 and all records for that company and Kelso Marine up to that time were destroyed.
- 5.1.15 Trinidad and Tobago is currently in pursuit of the *Solo Creed*, the tug that was towing the barge at all ports across the region, and worldwide. This initiative stems from the information shared by the GMA regarding an arrival notification they received for the cargo on the barge being towed by the *Solo Creed*. Official correspondence has been dispatched through the MoFCA to Panama and Tanzania, seeking any relevant information regarding the *Solo Creed* and its associated barge.
- 5.1.16 Subsequent to the incident, the MSD was approached by a Nigerian lawyer representing the purported owner of the barge responsible for the oil spill off the coast of Tobago. The lawyer conveyed that his client lacks the financial means to travel to Trinidad and Tobago and is besieged by creditors seeking repayment for investments made in the barge, which was uninsured. The MSD is currently scrutinising the validity of these claims, having initiated inquiries through the MoFCA to the Nigerian Government, since several of the claims do not match the published documentation or satellite imagery available.
- 5.1.17 The MSD has written to the IMO for the provision of a consultant to assist with the investigation. They indicated that they are actively engaged in the process of identifying one. It is the intention of the Trinidad and Tobago Government to take legal action against the owner of the barge *Gulfstream* and/or the owner of the tug *Solo Creed* under the applicable Trinidad and Tobago legislation.

6

Action to be taken

1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to:

- (a) take note of the information above; and
- (b) strongly consider and accept the argument of Trinidad and Tobago that this incident involving the vessel called *Gulfstream*, is an incident that could occur in any 1992 Fund Member State, especially in these times, and should qualify for accessing the 1992 Fund. It is submitted that the vessel qualifies as a 'ship' and the 'oil' is persistent oil within the definitions of Article 1(I) and Article 1(5) of the 1992 CLC respectively. The barge was apparently engaged in the carriage of persistent oil and was on-route to complete a Bunker Fuel C transaction with a company from another 1992 Fund Member State. Trinidad and Tobago is in good and regular standing and compliant with its obligations to the IOPC Funds. Trinidad and Tobago is up-to-date on its oil reporting requirements, and its contributions to the IOPC Fund over the years when the only refinery in Trinidad and Tobago was in operation up until 2018. Trinidad and Tobago welcomed the presence and inputs from ITOPF throughout the response. As such, Trinidad and Tobago would expect Member States to recognise Trinidad and Tobago as a Member State deserving of access to the IOPC Funds to compensate the State for this major oil spill incident.
-