

Court Rejects Suit to Compel the USCG to Negotiate Vessel Clearance Bond



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On February 17, 2012, the U.S. District Court for the Southern District of Alabama rejected an “Emergency Request and Petition” to obtain judicial resolution of a stalemated negotiation between the owners of the vessel *BOTTIGLIERI CHALLENGER* and the U.S. Coast Guard over the nature of bond to secure the clearance of the vessel to depart the port of Mobile. The vessel was detained on January 26, 2012, in connection with allegations that the engineers had carried out illegal discharges with a “magic pipe,” and barred from leaving port until the owners provided a surety satisfactory to the Coast Guard. Although the owners rejected the Coast Guard’s demand for a bond for \$700,000 and a guarantee of housing and living expenses for 180 days for eight detained crew member witnesses, the Coast Guard refused to budge. The owners therefore sought judicial intervention, but the court concluded that the matter was firmly committed to the Coast Guard’s discretion, and dismissed the owners’ Petition. As detailed by the court, the owner’s options are few and unattractive: it can provide the bond and guarantees demanded, it can follow the Coast Guard’s internal appeal procedure, or it can wait out the 60 day period for judicial review under the Act for the Prevention of Pollution from Ships.

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