

PUBLIC NOTICE

**COMMONWEALTH OF PUERTO RICO, DEPARTMENT OF NATURAL AND ENVIRONMENTAL
RESOURCES AND U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

NOTICE OF EMERGENCY RESTORATION - MID-COURSE ACTION

Pursuant to 15 C.F.R. § 990.26

T/V MARGARA INCIDENT – APRIL 27, 2006

On or about April 27, 2006, the *T/V Margara*, a 228-m (748-ft) Cayman Islands-flagged tanker, went aground on a hard bottom formation three miles south of Tallaboa, Puerto Rico, in waters approximately 10.5 m (34 ft) in depth. The vessel was carrying over 300,000 barrels of fuel oil six. The *T/V Margara* was refloated and removed from the grounding location on 28 April 2006. During that 24 hour period, the vessel moved a significant distance and impacted the bottom multiple times. The grounding of the vessel, its subsequent movement and some of the actions undertaken to prevent a significant oil spill caused or contributed to a complete loss of biota over an estimated 8,400 square meters of sea floor, with additional losses around the perimeter of the impact sites. The impacted hard bottom formation is located along the outer portion of the relatively narrow insular shelf south of Bahia de Tallaboa. The hard bottom bank feature is designated as reef habitat and supports a diverse epifaunal assemblage visually dominated by soft corals, sponges, and hard corals. The losses included Staghorn coral (*Acropora cervicornis*), which was recently listed as a threatened species under the Endangered Species Act. The vessel grounding and subsequent removal actions to prevent a significant oil spill are collectively referred to in this Notice of Emergency Restoration Actions ("Notice") as the "Incident."

Officials of the Commonwealth of Puerto Rico, Department of Natural and Environmental Resources (DNER) and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce ("NOAA") are designated, pursuant to section 1006(b) of the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. 2706(b), as trustees ("Trustees") for natural resources harmed by this Incident. Puerto Rico DNER has further authority to address the harm caused by this Incident pursuant to Law 147 of the Commonwealth of Puerto Rico and is serving as the Lead Administrative Trustee (LAT) for coordinating the natural resource damage assessment for the Incident.

The Trustees determined in 2006 that conditions at the grounding site necessitated that emergency restoration actions, as defined by 15 CFR § 990.26, be undertaken to minimize continuing and to prevent additional injury to and losses of natural resources at the site of the grounding. Based on that determination, appropriate actions were initiated and undertaken in 2006. The need for and nature of these emergency action undertaken in 2006 are described in the Trustees' Notice of Emergency Restoration Action pursuant to 15 C.F.R. § 990.26 dated November 5, 2006.

Hurricane Dean passed to the south of Puerto Rico on or around 18 August 2007. Today's Notice is issued pursuant to 15 C.F.R. § 990.26 to provide the public with notice that mid-course actions are now needed at the 2006 Margara emergency restoration site to address conditions revealed by Hurricane Dean, as described further below.

The Responsible Party ("RP") is Ernst Jacob (GmbH & Co KG). The RP was invited to participate in and cooperated with the Trustees in performing and/or funding of emergency restoration actions in 2006, as provided in 15 CFR § 990.14(c). The RP has similarly been invited to and has agreed to cooperate with the Trustees in performing and/or funding of the mid-course actions described in this Notice. The RPs will be acting through Independent Maritime Consulting, Ltd.

Trustees' Determinations

(a) Determination of Jurisdiction. - The Trustees' Determination of Jurisdiction for the *T/V Margara* incident is set forth in the Notice of Emergency Restoration Action pursuant to 15 C.F.R. § 990.26 dated November 5, 2006.

(b) Determinations on Emergency Restoration. -

The Trustees' Determinations regarding the Emergency Restoration for the *T/V Margara* incident undertaken in 2006

are set forth in the Notice of Emergency Restoration Action pursuant to 15 C.F.R. § 990.26 dated November 5, 2006.

Hurricane Dean passed to the south of Puerto Rico on or around 18 August 2007. The Trustees conducted post-storm surveys of the 2006 emergency restoration site on August 30, 2007 and with RP representatives on September 4-6, 2007. These surveys revealed that the storm had exposed vulnerabilities in the emergency restoration actions previously undertaken and in the overall grounding site that threaten to impede the recovery of injured coral resources or cause additional losses. Mid-course, corrective actions are needed to address these threats. The necessary actions are described below in this Notice

Status of Emergency Restoration Actions To Date

The 2006 Margara emergency restoration actions began with the caching of fragments suitable for reattachment throughout May and June 2006. The primary field work was initiated in July 2006 under Trustee oversight and was completed in March 2007. This work resulted in reattachment of almost 9,500 soft corals, hard corals, and coral fragments, including 955 *Acropora cervicornis* fragments, removal of approximately 55 gallons of anti-foulant paint and contaminated substrate, and stabilization of some large rubble. Tagging/mapping of reattached biota relative to on-site reference markers also occurred to facilitate future monitoring.

Monitoring to verify and evaluate performance of the emergency restoration actions was initiated in the spring of 2007, with the first monitoring events occurring in March and May 2007, respectively. The plan for monitoring includes monitoring criteria, frequency of monitoring, reporting and criteria for corrective actions. While much of the emergency restoration actions appeared viable at that time, some dead or moribund corals were observed as was loose rubble in certain areas of the site.

Hurricane Dean passed to the south of Puerto Rico on or around 18 August 2007. The post-storm surveys of the 2006 emergency restoration site revealed:

- Large amounts of loose rubble (from the original grounding) re-mobilized and swept through the site, resulting in apparent damage and burial to some coral reattachments and burial of previously unimpacted surrounding reef. A risk of future remobilization remains.
- Some of the previously reattached corals were dislodged and need reattachment at a more secure location.
- A large number of reattached corals suffered excessive scouring, resulting in potential loss during the next high energy event.
- Two of the four *Acropora cervicornis* restoration sites suffered heavy loss of reattached fragments as a result of loose rubble sweeping through these areas. Approximately 225 *A. cervicornis* fragments were salvaged and need reattachment.
- The large *A. cervicornis* thicket impacted during the grounding appeared to have some direct storm impact. The rubble that remained on the top of this impact from the original grounding moved into the un-impacted *A. cervicornis* and buried live tissue.
- The overall injury appeared to be larger due to the movement of rubble onto the adjacent unimpacted reef where, in most instances, it buried most of the hard corals leaving only the soft corals intact.

Similar conditions or effects were not witnessed in nearby natural reef and reference sites.

Emergency Restoration Mid Course Actions to be Undertaken:

Margara Emergency Restoration Notice – October 30, 2007

Based on the conditions observed at the 2006 Margara emergency restoration site following Hurricane Dean, the Trustees have determined, pursuant to 15 C.F.R. § 990.26(a), that the following corrective, mid-course actions are needed to ensure the success of emergency restoration actions previously undertaken and to prevent additional losses at the site, that such actions are feasible and likely to minimize continuing or prevent additional injury; and the costs of these actions are not be unreasonable:

- All prior coral reattachment locations will be checked and re-secured, as needed;
- Loose corals to be re-attached;
- Loose corals may be moved to more secure sites for re-attachment, where appropriate;
- At *Acropora* sites, fragments reattached to new or existing attachment points and loose rubble to be removed or secured;
- Rubble stabilization as necessary; and
- Damaged moorings will be replaced.

Administrative Record

In compliance with 15 CFR 990.45, the Trustees have opened an Administrative Record (“AR”) to include the documents and other information that the Trustees relied upon in deciding to proceed with and in undertaking emergency restoration actions for this Incident. The AR is on file at the PRDNER's Legal Division, 9th floor, Environmental Agencies Building, Sector el 5, Carr. 8838, Km. 6.3 Rio Piedras, PR 00936 and on the internet at <http://www.marineincidents.com/pr/margara/>.

Dated: October 30, 2007