

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 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 for the *T/V Margara* Incident determined, based on the site and resource conditions revealed by their earliest investigation of the resource injuries at the site, that emergency restoration action, as defined by 15 CFR § 990.26, was necessary to minimize continuing and to prevent additional injury to and losses of natural resources at the site. This Notice is issued pursuant to 15 C.F.R. § 990.26 to provide public notice of these emergency restoration actions, including the justification for and the nature and extent of the actions performed to date.

The Responsible Party ("RP") is Ernst Jacob (GmbH & Co KG). The RP was invited to participate in the conduct of this emergency restoration, as provided in 15 CFR § 990.14(c). The RP, represented by and acting through Independent Maritime Consulting, Ltd., agreed to and has cooperated with the Trustees in performing and/or funding of emergency restoration actions.

Trustees' Determinations

(a) Determination of Jurisdiction.

The Trustees have made the following findings pursuant to 15 C.F.R. § 990.41:

1. The Trustees have jurisdiction to pursue restoration, including emergency restoration, pursuant to the Oil Pollution Act, 33 U.S.C. §§ 2702, 2706(c). The grounding and subsequent removal of the vessel to prevent the substantial threat of discharge of oil into or upon navigable waters was an incident as defined in 15 C.F.R. § 990.30. Puerto Rico DNER has additional authority to pursue restoration under Commonwealth Law 147.
2. Ernst Jacob (GmbH & Co KG) is a person as defined in 33 U.S.C. § 2701(27).
3. The Incident was not permitted under any federal, state, or local law.
4. The *T/V Margara* is not a public vessel, as defined at 33 U.S.C. § 2701(29) and 15 C.F.R. § 990.30.
5. The Incident did not occur from or otherwise involve an onshore facility subject to the Trans-Alaska Pipeline

Authority.

(b) Determinations on Emergency Restoration.

Early inspections of resource conditions at the site were conducted in May 2006. These reconnaissance and assessment dives revealed over 8,400 square meters of diverse reef habitat to be severely impacted. Impacts included destruction, crushing, breaking, dislodging or burying of many species of soft corals, sponges, and hard corals, including Staghorn coral (*Acropora cervicornis*). Fracturing of reef substrate was observed in some areas. Large numbers of dislodged, broken and buried corals were observed in addition to substantial amounts of rubble. Antifoulant paint remnants with toxic constituents covered some disturbed areas. Loose and buried reef biota were at risk of imminent loss due to further movement or burial, remobilization of rubble, potential hurricanes in the 2006 season, and a potential coral bleaching event. Deleted: a

Based on the resource injuries and conditions observed, the Trustees determined, pursuant to 15 C.F.R. § 990.26(a), that the following actions were needed to minimize continuing or prevent additional injury to natural resources, that such actions were feasible and likely to minimize continuing or prevent additional injury; and the costs of these actions would not be unreasonable:

1. Biological triage, to reposition, right, and cache (i.e., collect and place in specific locations on the sea floor) displaced hard and soft corals and “live rock” fragments found at and adjacent to the impact areas.
2. Biological reattachment of cached biota and associated reef substrate to rescue as many organisms as possible and promote biological recovery at the site.
3. Localized containment of rubble and placement in scour locations, including backfilling to bring up to grade.
4. Grounding-associated rubble moved from berms.
5. Rubble stabilization to avoid further injuries and maximize use of natural materials to provide refuge for mobile fauna and suitable settling habitat for recruitment of epibenthos.
6. Antifoulant paint removal/disposal to prevent continued impedance to natural recruitment and settlement onto impact areas.
7. Mooring installations in the vicinity of the site to secure work vessels during restoration operations and significantly reduce potential for habitat impact due to vessel anchor deployment and recovery during emergency restoration efforts.
8. Tagging/mapping of reattached biota relative to on-site reference markers to facilitate relocation for monitoring.
9. Monitoring to verify/evaluate emergency restoration actions. The plan for such monitoring would include monitoring criteria, frequency of monitoring, reporting and criteria for corrective actions, and would address collection of any ephemeral data required for further assessment purposes.

Status of Emergency Restoration Actions To Date

The caching of fragments suitable for reattachment occurred throughout May and June. The remaining field work to implement the above actions began on July 24, under Trustee oversight. The work was anticipated to require 3 to 6 months to complete but, due to the level of effort committed by the Responsible Party and favorable weather and sea conditions, these emergency actions are substantially complete at this time. The emergency restoration effort provided for the reattachment of almost 9,500 soft corals, hard corals, and coral fragments, including 955 *Acropora cervicornis* fragments. Additionally, approximately 55 gallons of antifoulant paint and contaminated substrate were removed from the site. The Trustees plan to return to the site the week of October 19th, 2006, to verify completion and/or to identify remaining or possible additional emergency actions.

Administrative Record

Final Margara ER Notice – November 5, 2006

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: November 5, 2006