

**PUERTO RICO DEPARTMENT OF NATURAL AND ENVIRONMENTAL  
RESOURCES AND NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**NOTICE OF EMERGENCY RESTORATION ACTION  
FOR THE T/V PORT STEWART INCIDENT**

Pursuant to 15 C.F.R. § 990.26

On October 27, 2009, *the T/V PORT STEWART*, a 176 meter tank vessel carrying seven million gallons of oil, struck coral reef habitat off the SE shore of Puerto Rico near the entrance to Yabucoa Channel at 0942 local time. The vessel was freed with the assistance of local tug boats but, during extraction, another section of reef about 600 feet to the south was also impacted. The grounding of the vessel, its subsequent movement and/or actions undertaken to prevent a significant oil spill (collectively, the Incident) caused injuries to reef habitat over slightly more than 500 square meters of sea floor (estimated).

The site is about 600 yds NE of the #2 Yabucoa entrance buoy. The impact areas are hard bottom of underlying limestone, varying in depth from 25 to 31 feet with scattered deeper sand, coral and rubble depressions. The site habitat supported a diverse assemblage of soft corals, sponges, and hard corals, including Staghorn coral (*Acropora cervicornis*), a threatened species under the Endangered Species Act.

Officials of the Puerto Rico Department of Natural and Environmental Resources (PRDNER) 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. PRDNER has further authority to address the harm caused by this Incident pursuant to Law 147 of the Commonwealth of Puerto Rico. NOAA is serving as the Lead Administrative Trustee (LAT) for coordinating the natural resource damage assessment (NRDA) for the Incident.

Based on conditions revealed in their earliest investigations, the Trustees determined emergency restoration actions are needed to reduce injuries to and prevent unnecessary future losses of injured resources.

The Responsible Party ("RP") is Port Stewart GmbH&Co. Kg of Germany. The RP was invited to participate in the conduct of this emergency restoration, as provided in 15 CFR § 990.14(c). The RP agreed and is performing and funding emergency restoration actions.

**Trustees' Determinations**

**(a) Determination of Jurisdiction.** The Trustees found as follows pursuant to 15 C.F.R. § 990.41:

1. They have jurisdiction to pursue restoration, including emergency restoration, pursuant to the OPA, 33 U.S.C. §§ 2702, 2706(c). The grounding and subsequent actions to prevent a discharge of oil into area waters was an "incident" as defined in 15 C.F.R. § 990.30. PRDNER also has authority to pursue restoration under Commonwealth Law 147.
2. Port Stewart 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 PORT STEWART* is not a public vessel, as defined at 33 U.S.C. § 2701(29).

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. The Trustees visually assessed a portion of the site on October 28 and the rest of the site on November 20, 2009. Corals were salvaged and triaged for later re-attachment on October 30, November 21, and December 3, 2009. The area was mapped and reference data were collected on December 4, 2009. Work to remove anti-fouling paint and plan emergency restoration at the site began December 5, 2009. These investigations revealed notable impacts to soft and hard corals, including destruction, crushing, breaking, dislodging or burying of many species of soft and hard corals including Staghorn coral (*Acropora cervicornis*) as well as sponges. Emergency restoration is being undertaken to accelerate reef recovery. This work was planned jointly and is being performed and funded by a contractor hired by the RP, under the oversight of the Trustees. The work began on February 8, 2010.

The Trustees determined, pursuant to 15 C.F.R. § 990.26(a), the following immediate actions are needed, that such actions are feasible and likely to minimize continuing or prevent additional injury; and the costs of such actions are reasonable:

1. Rescuing and caching displaced corals found at and adjacent to the impact areas.
2. Stabilizing and re-establishing general site structure and relief using limestone rubble and additional limerock.
3. Reattaching cached biota and associated substrate to promote biological recovery.
4. Removing antifouling paint that will impede recruitment and natural recovery.
5. Installing moorings in the vicinity of the site to secure work vessels during restoration operations to avoid potential for further habitat impacts due to anchor deployment and recovery during emergency restoration efforts.
6. Tagging/mapping of reattached biota to facilitate relocation for monitoring.
7. Monitoring to verify/evaluate emergency restoration actions.

#### **Status of Emergency Restoration Actions To Date**

The work to rescue and cache coral fragments and much of the anti-fouling paint removal work (~ 75%) was completed in early December 2009.

#### **Administrative Record**

Per 15 CFR 990.45, the Trustees are opening an Administrative Record (AR) to hold records and information pertaining to the NRDA for this Incident. The AR will be available for public review at the offices of PRDNER's Marine Resources Division, Dr. Cruz Matos Building, Sector el Cinco, Hwy. 8838, Km. 6.3, Rio Piedras, PR 00926. AR documents will also be accessible by clicking on "Case Documents" on the following NOAA webpage:

[http://www.darrp.noaa.gov/southeast/port\\_stewart/index.html](http://www.darrp.noaa.gov/southeast/port_stewart/index.html),