

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

**NOTICE OF EMERGENCY RESTORATION ACTION
FOR THE LNG CARRIER MATTHEW INCIDENT**

Pursuant to 15 C.F.R. § 990.26

On December 15, 2009, the 289 meter *LNG/C MATTHEW* struck coral reef habitat off the south coast of Puerto Rico near Guayanilla. The vessel was freed with the assistance of local tug boats but, during extraction, the vessel was pushed at the bow and swung from side-to-side causing additional damage to the reef before finally being extracted. The grounding of the vessel, its subsequent movement and actions undertaken to prevent a significant oil spill (collectively, the "Incident") caused injuries to reef habitat over slightly more than 3,000 square meters of sea floor (estimated).

The impacted site is located northeast of the entrance channel to Guayanilla Bay. The impact is a spur-and groove reef area, varying in depth from 24 to 38 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 Parties ("RP") are Suez LNG Shipping (Owner) and Hoegh LNG Fleet Management (operator). 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. Suez LNG Shipping (Owner) and Hoegh LNG Fleet Management (operator) are persons as defined in 33 U.S.C. § 2701(27).
3. The Incident was not permitted under any federal, state, or local law.

4. The *LNG/C MATTHEW* 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 the site from December 15 to December 22, 2009. During this time, corals were salvaged and triaged for later re-attachment, and the area was preliminarily mapped. These investigations revealed notable impacts including destruction, crushing, breaking, dislodging or burying of many species of soft and hard corals including Staghorn coral (*Acropora cervicornis*), as well as sponges and other benthic invertebrates. 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 March 13, 2010.

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

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 was completed in December 2009. Work to reattach corals and restore site rugosity is ongoing.

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. Many AR documents will also be accessible by clicking on "Case Documents" on the following NOAA webpage:
<http://www.darrp.noaa.gov/southeast/matthew/index.html>