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18 July 2006

Mr. Sindulfo Castillo
Section Chief
Antilles Regulatory Section
CESAJ-DS-RD
400 Fernandez Juncos Avenue
Stop 7 ½ Antilles Office
San Juan, Puerto Rico 00901

Subject: Seeking verification under Nationwide Permit Number 10 for installation of mooring buoys at grounding site of the M/T MARGARA, located south of Tallaboa, Puerto Rico

Mr. Castillo:

Pursuant to Nationwide Permit Number 10, Mooring Buoys, Continental Shelf Associates, Inc. (CSA) is seeking verification from the Department of the Army, Jacksonville District Corps of Engineers, Antilles Office to install up to 15 temporary mooring buoys at the reef restoration project site of the M/T MARGARA grounding. A full description of how CSA and cooperating parties will comply with applicable Nationwide Permit General Conditions is included in the **Attachment**.

The M/T MARGARA, a 228-m (728-ft) tanker went aground on a hard bottom formation on 27 April 2006 in 10.5 m (34 ft) of water, approximately 3 nautical miles south of Bahia de Tallaboa (**Figure 1**, attached). The M/T MARGARA was refloated and removed from the grounding location on 28 May 2006. The grounding and subsequent removal caused injuries to natural resources, specifically soft corals, sponges, and hard corals covering over 8,500 m².

CSA, an agent for the responsible party, has been conducting cooperative efforts with the co-trustees (Puerto Rico Department of Natural and Environmental Resources [PRDNER] and the National Oceanic and Atmospheric Administration [NOAA]) in order to meet restoration-associated objectives. The restoration strategy of the M/T MARGARA grounding includes biological triage, mooring installation, biological reattachment, fouling pain removal and disposal, rubble stabilization and placement, and tagging and mapping of reattached biota.

It has been recommended by the co-trustees that mooring buoys be installed to minimize any further harm to the coral resources within the boundaries of the M/T MARGARA restoration project site. This strategy is considerable due to the presence of staghorn coral (*Acropora cervicornis*), recently listed as threatened under the Endangered Species Act of 1973. The National Marine Fisheries Service has not yet published a 4(d) rule issuing specific regulations and exemptions that will serve to protect and conserve *Acropora* spp. since the listing is relatively recent. Thereby, it is critical to employ the use of mooring buoys and cooperate with the respective trustees to make certain no additional damage is caused to this species.

The installation of up to 15 mooring buoys at various locations throughout the project site (**Figure 2**, attached) will be required to facilitate the restoration strategy and minimize any further impact to marine biota. The locations of the proposed mooring buoys are at this time approximate, and final site selection for each mooring pin will require hard substrate relatively absent of biota. Prior to installation, each location will be ground-truthed and approved by an

on-site co-trustee representative. Coordinates for each mooring system will be provided as part of the completion certification as required by the Nationwide Permit General Conditions.

The temporary moorings will be installed using an approach that utilizes two single eyebolts, bridled lines, and a single mooring buoy per location (**Figure 3**, attached). The eyebolts will be installed by divers on SCUBA using air lift bags, hydraulic underwater drill(s), and hand tools. Eyebolts will be secured using marine-grade epoxy and/or Type II Portland cement. The moorings will be in use throughout the project, which is not anticipated to exceed 6 months. Mooring buoys and lines will be removed following completion of the restoration project, as approved by the co-trustees.

Due to the sensitive nature of living coral resources, many of the activities associated with the restoration of the M/T MARGARA grounding are already ongoing. It is anticipated that mooring buoy installation will occur as soon as verification can be received from the Department of Army, Jacksonville District Corps of Engineers, Antilles Office. We appreciate any expedited consideration you may be able to give to this verification request for installation of mooring buoys under Nationwide Permit Number 10.

Sincerely,



Bruce D. Graham
Senior Scientist – Marine Specialist

Attachments

cc: Damaris Delgado, USACE
David Smith, IMC
Tom Moore, NOAA
Kevin Kirsch, NOAA
Dr. Craig Lilyestrom, PRDNER

Attachment

Compliance Assurances for Applicable Nationwide Permit General Conditions

Navigation. No adverse effect is anticipated on navigation from the temporary installation of mooring buoys.

Proper Maintenance. The mooring buoys will be properly maintained, and removed at completion of project.

Aquatic Life Movements. Mooring buoy installation will not cause any adverse or permanent impacts to aquatic life.

Regional and Case-By-Case Conditions. Continental Shelf Associates, Inc. (CSA) will comply with all additional conditions added by the Division Engineer, as appropriate.

Tribal Rights. The temporary installation of mooring buoys will not impair any tribal rights.

Water Quality. The project utilizes Type II Portland cement mixed with molding plaster, and marine-grade epoxy. Only small amounts of cement "dust" will be inadvertently released into the marine environment. Currents quickly disperse the cement "dust" throughout the water column, causing no adverse or permanent change in water quality of the area.

Coastal Zone Management. CSA is working cooperatively with the co-trustees who will issue or waive this condition.

Endangered Species. The project objectives are designed to assist in rehabilitating coral species, specifically staghorn coral, a threatened species under the Endangered Species Act of 1973, as amended. CSA continues to coordinate with the National Oceanic and Atmospheric Administration, the agency charged with the protection of this species throughout this project.

Historic Properties. The Puerto Rico Department of Natural and Environmental Resources is a co-trustee and cooperative party on this project. CSA will verify with the co-trustee that no historic properties are affected by this project.

Notification. Communication with the Department of Army is ongoing through correspondence from the co-trustee. The cooperative parties will notify the District Engineer as to the status of the project, although some activities are already ongoing.

Compliance Certification. CSA will complete and submit a compliance certification when the project is complete and mooring buoys are removed.

Suitable Material. No unsuitable materials will be used during the installation of the mooring buoys. Only materials traditionally used and approved by the co-trustees will be used.

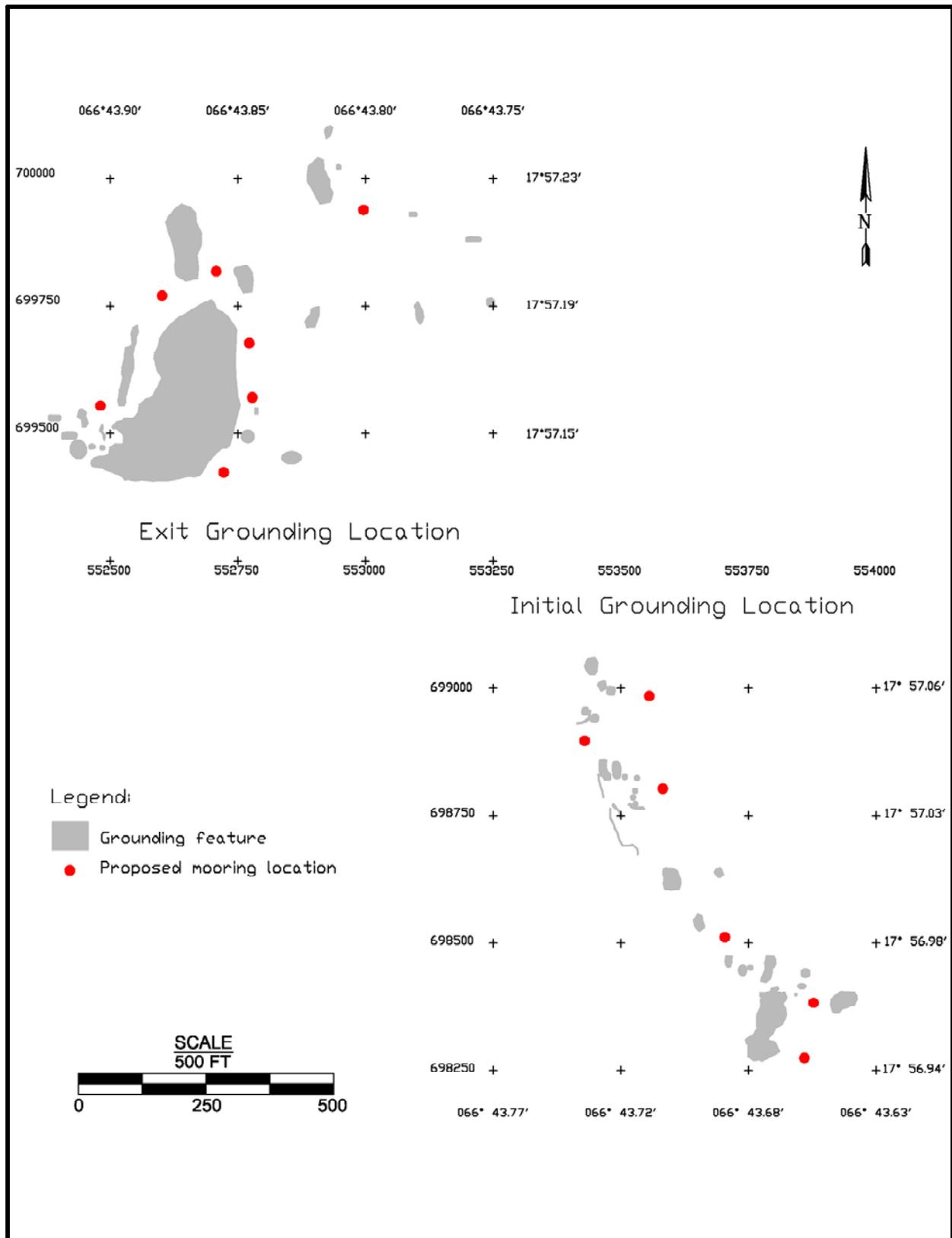


Figure 2. Location of proposed mooring buoys relative to the grounding site.

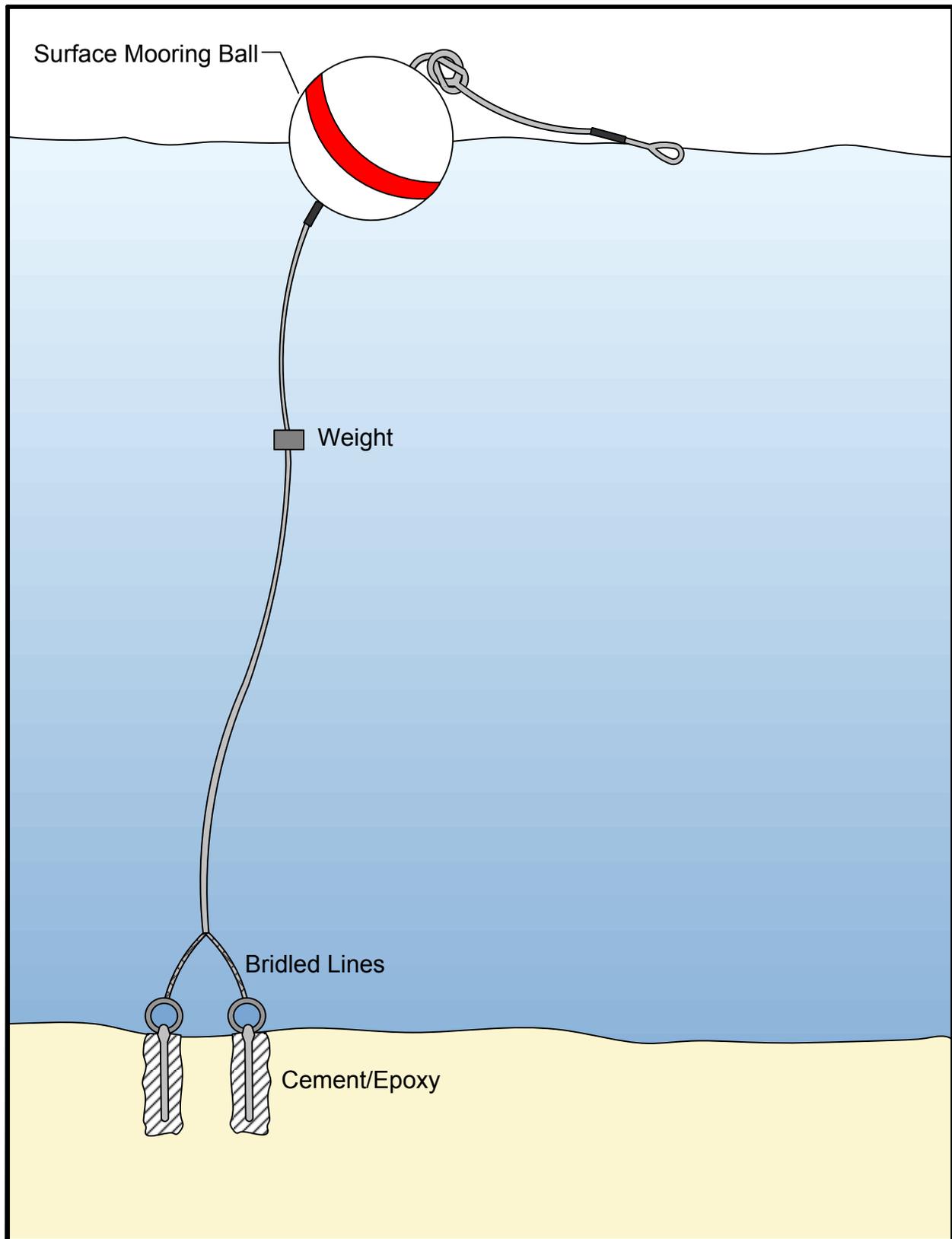


Figure 3. Typical mooring installation.

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Mr. Bruce Graham, Marine Specialist	8. AUTHORIZED AGENT'S NAME AND TITLE <i>(an agent is not required)</i>
6. APPLICANT'S ADDRESS Continental Shelf Associates, Inc. 759 Parkway Street Jupiter, Florida 33477	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business (561) 746-7946	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

 7-18-06
APPLICANT'S SIGNATURE DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <i>(see instructions)</i> M/T MARGARA Impact Delineation and Restoration	
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> Caribbean Sea	14. PROJECT STREET ADDRESS <i>(if applicable)</i>
15. LOCATION OF PROJECT _____ COUNTY	_____ STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN *(see instructions)*
The project site is located off the south coast PR, Bahia de Tallaboa approximately 17°57'0" N, 66°43'70"W

17. DIRECTIONS TO THE SITE
The project site is approximately 3 nautical miles south of Bahia de Tallaboa in approximately 10.5 meters of water.

18. Nature of Activity (Description of project, include all features)

The restoration strategy of the M/T MARGARA grounding includes biological triage, mooring installation, biological reattachment, fouling pain removal and disposal, rubble stabilization and placement, and tagging and mapping of reattached biota. Applicant is seeking verification for mooring buoy installation under NW Permit No. 10.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The project purpose is to accelerate recovery of a coral reef habitat and associated biota, impacted by the grounding of the M/T MARGARA. The mooring buoys will be installed and used to minimize additional injury that may be caused from anchoring of work platforms.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Type II Portland cement and/or marine grade epoxy will be used to secure mooring pins (eyebolts). This is a standard approach approved by the co-trustees.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Small amounts TYPE II Portland cement "dust" will be inadvertently dispersed through the water column. No adverse or permanent impacts will be made to regional or local water quality.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

The grounding itself covered over 8,500 m2. Approx. 15 m2 of area will be used to install up to 15 buoys.

23. Is Any Portion of the Work Already Complete? Yes _____ No IF YES, DESCRIBE THE COMPLETED WORK

No mooring buoys have been installed at this time.

24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

The grounding site was on trust resources, managed by the Puerto Rico Department of Environment and Natural Resources and the National Oceanic and Atmospheric Administration.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

7.18.06
DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, *e.g.*, Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Section, Township, and Range of the site and / or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**