

M/S Star Evviva Oil Spill, Final Restoration Plan and Environmental Assessment Addendum

Prepared by:

United States Fish and Wildlife Service on behalf of the United States Department of the Interior

South Carolina Department of Natural Resources

South Carolina Governor's Office

December 16th, 2019

Summary

This Final Addendum to the “Final Damage Assessment and Restoration Plan/Environmental Assessment for the M/S STAR EVVIVA Oil Spill, South/North Carolina Coast” (DARP/EA) details an additional restoration project that has been identified by the U.S Fish and Wildlife Service, the South Carolina Governor’s Office, and the South Carolina Department of Natural Resources as the natural resource trustees (Trustees) for a natural resource damage assessment addressing natural resource injury resulting from the release of oil from the M/S STAR EVVIVA on January 14th, 1999, off the coast of South Carolina. The project includes the funding of a shorebird steward to protect shorebird and seabird nesting, migrating, and wintering habitats along the South Carolina coast through a combination of education and outreach. The Trustees have determined that the funding of a shorebird steward will provide suitable natural resource benefits to shorebirds and seabirds and the environmental consequences of promoting shorebird and seabird success along the South Carolina coast are consistent with those consequences evaluated in the original DARP/EA.

Introduction

This Final Addendum (FA) to the November 2004 “Final Damage Assessment and Restoration Plan/Environmental Assessment for the M/S STAR EVVIVA Oil Spill, South/North Carolina Coast” (DARP/EA) details an additional restoration project that has been identified by the U.S. Fish and Wildlife Service (Service), the South Carolina Governor’s Office, and the South Carolina Department of Natural Resources (SCDNR) as the natural resource trustees (Trustees) for a natural resource damage assessment (NRDA) addressing natural resource injury resulting from the release of oil from the M/S STAR EVVIVA on January 14th, 1999, off the coast of South Carolina. The FA briefly describes the incident, the injured natural resources, the terms of the natural resource damage assessment settlement, the restoration alternatives evaluated in the DARP/EA, and details an additional restoration alternative not described in the DARP/EA. The DARP/EA is available at https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1005 and provides more detailed background information.

Incident

As detailed in the DARP/EA, the M/S STAR EVVIVA spilled approximately 24,000 gallons of fuel oil into the Atlantic Ocean on January 14th, 1999. On January 16th, 1999, oiled birds began washing ashore along a section of coastline stretching from Folly Beach, South Carolina to Topsail Beach, North Carolina. On February 17th, 1999, Billabong II ANS, the owners of the M/S STAR EVVIVA, accepted designation under the Oil Pollution Act of 1990 (OPA) as the responsible party (RP) for the discharged oil.

Injured Natural Resources

Marine birds were determined to be the primary natural resource injured as a result of the release of oil from the M/S STAR EVVIVA. As detailed in the DARP/EA, 183 birds, either collected as carcasses or collected as live oiled individuals that could not be rehabilitated, were determined to have died from exposure to oil from the M/S STAR EVVIVA. Of this total number of dead birds, 179 were loon species (177 common loons, 2 red-throated loons). It is presumed that additional bird mortality occurred as a result of the incident, but carcasses for such additional mortalities were not recovered. The Trustees conducted a resource equivalency analysis based on loon mortality to generate an estimate of 14,270 lost bird-years as a result of the incident.

Settlement

The terms of a Consent Decree filed in Federal District Court in Charleston, South Carolina, on July 1st, 2003, included \$1,875,946 in recovered damages to be used by the Trustees for restoration of injured natural resources. This sum was deposited into the Department of Interior’s NRDA Fund. The Trustees agreed that interest on the sum would be used for purposes permitted under the OPA.

DARP/EA

In compliance with the OPA regulations and the National Environmental Policy Act (NEPA), the Trustees evaluated the environmental consequences and restoration benefits of a range of restoration alternatives to restore lost bird-years in the 2004 DARP/EA. The potential restoration alternatives that were evaluated included the acquisition of loon nesting habitat in Canada, the acquisition of loon wintering habitat in South Carolina, the construction of an oiled bird rehabilitation center, the establishment of a combined use avian medical center (medical treatment and oiled bird rehabilitation), and a combination of habitat acquisition and construction of an oiled bird rehabilitation center. The Trustees ultimately selected the establishment of a combined use avian medical center as the preferred alternative to offset the calculated lost bird-years.

Restoration Implementation

To implement the preferred restoration alternative, \$1,800,000 of the recovered damages were granted to the South Carolina Center for Birds of Prey (SCCBP) for the establishment and operation of a combined use avian medical center in Awendaw, South Carolina in August 2005. A series of payments were made to the SCCBP over time as benchmarks in the establishment and operation of the facility were reached per an agreement between the SCCBP and the Trustees. A final payment of \$10,000 from the recovered damages was made to the SCCBP in 2017, thus fulfilling the agreed upon total of \$1,800,000. The SCCBP was successfully established and is currently providing medical treatment and oiled bird rehabilitation.

Additional Proposed Restoration

A balance of \$203,075.58 of the recovered damages and accrued interest remains available for additional restoration activities to restore injured natural resources. The Trustees have identified the establishment of a SCDNR shorebird steward position as an additional restoration alternative to benefit coastal bird species. Funding of a shorebird steward position is proposed as the final restoration activity to expend the remaining balance of damages, including any additional earned interest. The proposed position is described below.

Shorebird Steward

Purpose and Need:

The South Carolina coast provides important habitat to many species of seabirds and shorebirds. South Carolina beaches, sandbars, and tidal creeks host hundreds of thousands of birds each year. Ephemeral islands in the mouth of rivers and bays in South Carolina have approximately 40% of the brown pelican nests and 25% of the black skimmer nests on the east coast of the United States. Approximately 13,000 royal and sandwich tern nests are established on the South Carolina coast each year (SCDNR unpublished data).

In addition to providing nesting habitat, the South Carolina coast provides migration stopover sites and wintering sites for thousands of birds that nest in arctic and sub-arctic zones. For example, South Carolina has the largest flock of the federally threatened red knot on the east coast of the United States. Red knots nest in the arctic and winter at the southern tip of South America, making a journey of 18,000 miles each year, further highlighting the importance of protecting suitable stopover sites. South Carolina is also an important wintering site for American oystercatchers, supporting half of the Atlantic wintering population, and has the largest concentration of a rare curlew species, the whimbrel.

Until recently, South Carolina beaches were relatively undisturbed. South Carolina's coastal population is rapidly increasing and human disturbance on these beaches is escalating. Charter boat license numbers are up 40% and saltwater fishing license numbers are up 83% in the last 10 years. Research has shown human disturbance on beaches can reduce shorebird numbers, reduce feeding time, and decrease nest attendance. Beach nesting birds lay their camouflaged eggs on bare sand often near the high tide line. These birds abandon their nests as people walk by, leaving their eggs and chicks vulnerable to overheating from sun exposure and vulnerable to predation by other species.

The tremendous value that the South Carolina coast provides to shorebird and seabird populations coupled with increasing threats from human disturbance underscore the need for the proposed shorebird steward position.

Project Implementation:

Position Description

The shorebird steward will work to protect shorebirds and seabirds through a combination of public outreach and education. Such public outreach and education may take the form of direct communication with members of the public in and around priority habitat sites and will include the posting of signage and other educational materials. Areas with high concentrations of nesting shorebirds and seabirds that have heavy human visitation, such as inlets, will be a primary focus. The shorebird steward will visit habitat areas that are not open to the public, focusing on weekends and holidays, to ensure compliance with closures and to educate the public about birds' use of the beach and other sensitive habitats for nesting, wintering, and migrating. Signage will be posted at strategically selected boat ramps and beach landing sites to educate the public about the habitat's significance to shorebirds and seabirds and to encourage limited human disturbance.

The shorebird steward will also recruit and train volunteers to assist with educational efforts. Such volunteers will continue the steward's mission beyond the timeframe that the shorebird steward position is funded. Educational workshops will be conducted during the steward's tenure to create awareness about the need to protect important shorebird and seabird habitat and to train individuals including, but not limited to, volunteers, county and state land managers,

ecotourism operators, and other SCDNR staff on ways to promote coastal shorebird and seabird conservation.

Spatial Coverage

The shorebird steward will primarily focus on sites across the South Carolina coast that are only accessible by boat, but that are also vulnerable to human visitation and disturbance. Many such sites do not currently possess any educational signage and are not regularly monitored by SCDNR staff or volunteers.

Natural Resource Benefits

The shorebird steward's activities are expected to increase nesting success and overall well-being of seabirds and shorebirds on South Carolina's coast. SCDNR has observed reduced bird disturbance in areas where volunteers are currently able to access priority sites from land to conduct activities consistent with those described for the steward position. The proposed shorebird steward will expand such efforts to priority areas not accessible by land.

Timeframe

The shorebird steward position will be funded for a period of three years.

Work Plan

A yearly work plan will be submitted to the Trustees detailing proposed shorebird steward activities for that year, including a description of priority sites to be addressed by the steward and any planned or proposed educational events, prior to implementing such activities.

Reporting

A year-end report will be submitted to the Trustees each year detailing the shorebird steward's activities for that year. The report may include descriptions and locations of signage that was posted, a summary of volunteer recruitment and engagement, and other relevant summary information.

NEPA Compliance

The Trustees have determined that the environmental consequences of funding the shorebird steward position are within the range of consequences evaluated for the preferred alternative in the 2004 DARP/EA. The primary expected outcome of both the 2004 preferred alternative, the combined use avian medical center, and the proposed shorebird steward position is that shorebird and seabird well-being along the South Carolina coast will be bolstered. Additionally, DOI's categorical exclusions for activities that do not require NEPA review include "activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public" at 43 CFR Part 46 §46.210(j). For these reasons, the Trustees have determined that additional NEPA evaluation is not required for the proposed shorebird steward position.

Public Participation

Public input on the shorebird steward position was solicited through a public notice dated November 14th, 2019, in The Post and Courier Newspaper in Charleston, South Carolina, in print and online (Appendix). A 30-day public comment period was held. No public comments were received.

Appendix – Public Notice of Availability Affidavit

Anthony Sowers US Fish and Wildlife Service
4980 Wildlife Drive NE
TOWNSEND GA 31331

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper on the following day(s):

11/14/19 Thu PC
11/14/19 Thu CNW

at a cost of **\$125.08**
Account# **364560**
Order# **1835764**
P.O. Number:

Subscribed and sworn to before
me this 14th day
of November
A.D. 2019

Shelly Duberry
Advertising clerk

Shelly Duberry
NOTARY PUBLIC, SC
My commission expires



**Notice of Availability
M/S STAR EVVIVA
Oil Spill Draft
Restoration Plan
and
Environmental
Assessment
Addendum**

The United States Fish and Wildlife Service, South Carolina Department of Natural Resources, and South Carolina Governor's Office, collectively the natural resource trustees (Trustees), have prepared a Draft Addendum (DA) to the November 2004 "Final Damage Assessment and Restoration Plan/Environmental Assessment for the M/S STAR EVVIVA Oil Spill, South/North Carolina Coast" (DARP/EA). The DA details an additional proposed restoration alternative to address natural resource injury resulting from the M/S STAR EVVIVA Oil Spill that was not considered in the DARP/EA. The Trustees are requesting public input on the proposed restoration alternative presented in the DA. All comments received within 30 days following the date of this notice will be considered in finalizing the DA. The public can access the DA by visiting <https://www.cerc.usgs.gov/orca/docs/CaseDetails?ID=1005> or by contacting Anthony Sowers at the U.S. Fish and Wildlife Service at 912-832-8739 extension 3. Comments may be sent by mail to Anthony Sowers, U.S. Fish and Wildlife Service, 4980 Wildlife Drive NE, Townsend, Georgia 31331, or by email to anthony.sowers@fws.gov.

ADP 1835764