



## CORAL BAY COMMUNITY COUNCIL

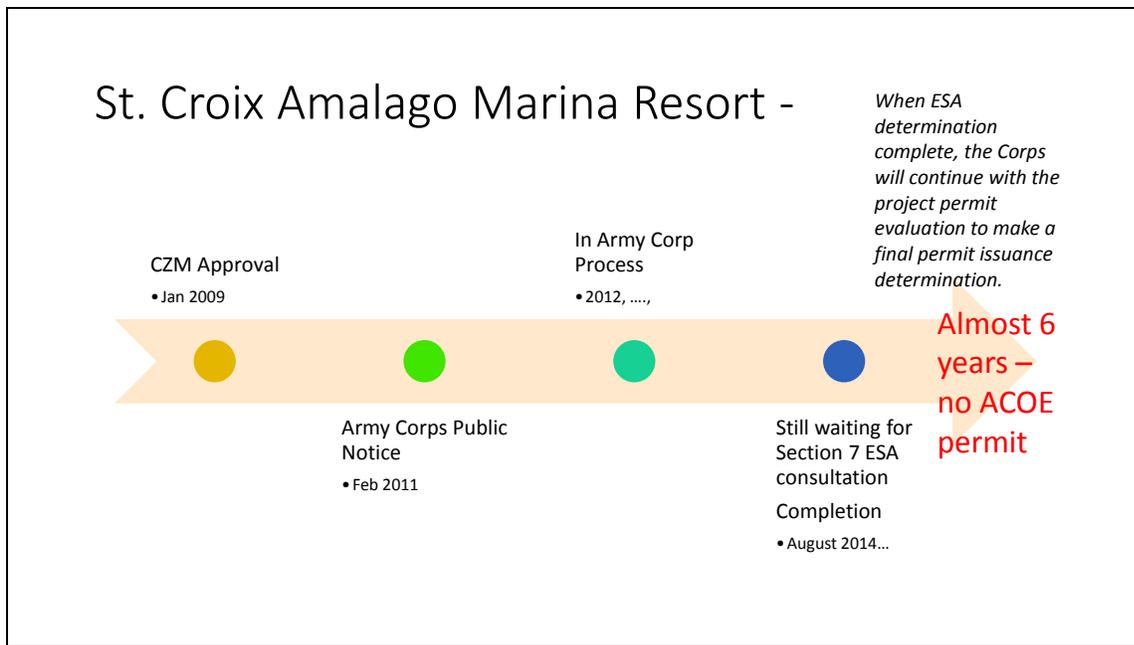
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Developer Delays in ACOE process

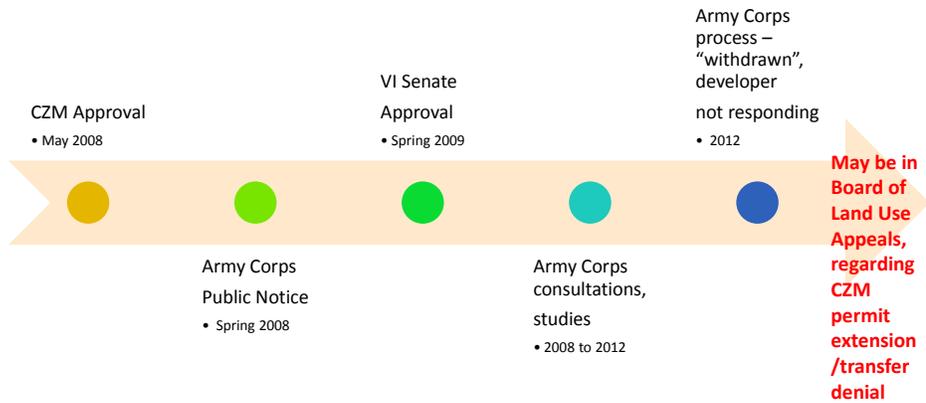
CONCERN ABOUT NEAR TERM NEGATIVE ECONOMIC IMPACT due to inadequate plans and studies by developers, thus delaying the Army Corps (ACOE) process:

If the CZM Summer’s End permits are approved, even with significant restrictive special conditions, CBCC and the residents and businesses on all of St. John are highly concerned that the overhang of “pending marina construction” will have a near term negative impact on tourism and residential construction spending, thus causing a drag on the economy beginning immediately and continuing for the duration of the lengthy Army Corps (ACOE) permitting process – and then on into the actual construction phase, if the ACOE permits were granted – which is considered highly doubtful by CBCC, given the federal agency comments placed in the record, and the developer’s reluctance to modify their designs or spend money on additional required analysis.

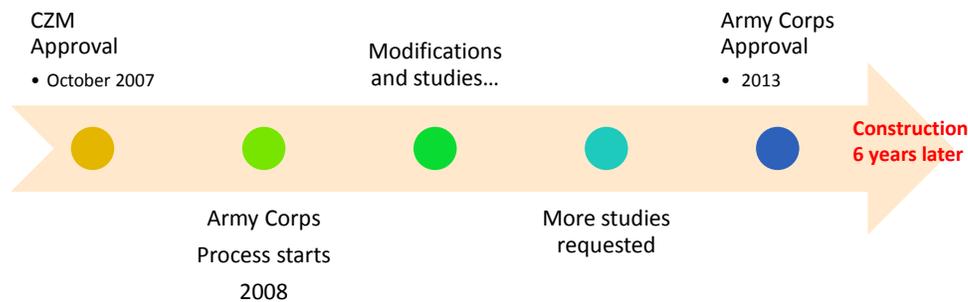
The ACOE process involves many federal agencies and concerns, some enumerated below. Looking at other recent examples of marina and dock projects in the Virgin Islands – they either did not make it all the way through the ACOE permitting process yet, or it took them 6 years. For some applicants, this may be because the developers try to “push the envelope” and don’t make any real effort to comply with local or federal environmental laws in their development designs. All known examples:



## St. Thomas – Thatch Cay Dock



## St. Thomas – Compass Point Dock Expansion



Coral World has also asked for marine ACOE permits, and are just now entering the ACOE public comment period which “starts the clock” for the dolphinarium after longer than a year since their CZM permit was approved. Since Coral World has completed many ACOE applications in the past – presumably their portfolio of studies and settled issues with ACOE is large, and it might take less total elapsed time.

There is no similar record or portfolio for Coral Bay’s conditions to be used by a developer. All the environmental analysis must be established from ground zero by the applicant. In addition, the ACOE process takes into account the impacts of similar proposed or possible uses in any given area – and looks

at the implications of total impact. The other marina proposal, the toxic impacts of bottom paint and discharges from the many additional vessels large and small that are using the slips, and even anchoring in the larger bay to use the marina services are all impacts that will be considered in the ACOE process for this marina.

The Summers End marina application to ACOE will need to address all of the issues enumerated above, - on a larger scale in a more enclosed body of water (than Coral World)—as well as many more issues, including but not limited to:

- Fuel docks/fuel spills and potential damage to all habitats including the local mangroves (which are situated directly downwind of the proposed fuel dock location).
- Alternative Location analysis
- Alternative Design analysis
- Toxic vessel antifouling paint
- Impacts on any and all the surrounding benthic habitat and various marine species, as determined within the ACOE process based on analysis presented.

Furthermore, the ACOE statutory deadline clock doesn't begin ticking until the applicant has submitted everything initially required by the agencies. NOAA and FWS have already indicated in their comment letters on the Summer's End Group permit application the numerous studies and/or design changes they would need to see before official "clock start." Key needed studies – such as the geological study that is required in the CZM EAR process (but not included) for the pile driving design -- have not been started. It's possible it could take a couple of years to accomplish all this work (in part because some studies may need to be longitudinal). Given this, and the developer's lack of willingness to voluntarily conform with federal standards in their application, it seems likely that the Army Corps process will take 5 years or longer, after CZM permitting, and may not lead to approval.

It is probably inherent in any developer's public relations to say that "construction will begin within months", but it is equally important that the VI stop having "failed projects" that never get off the ground or die mid construction – fundamentally because they were unrealistic from the start and should never have received government permitting in the construction form that was approved. Perhaps if the government was firm that only realistic development would be approved – so that the newspapers would be filled with successes – not failures, wouldn't this encourage future development investment... for the long term? And this kind of positive press would encourage well-funded, reputable developers to invest, not the "wannabes" that the Virgin Islands has been plagued with in recent years. This would bring us a better economy and more prosperous Virgin Islands.

Therefore, to assure strong and consistent economic activity and development appropriate to the Virgin Islands, the CZM Committee needs to deny the Summer's End application, until sufficient design and

study work has been completed in advance, so that the future ACOE approval process can proceed smoothly and efficiently, without developer delays.

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