CORAL BAY COMMUNITY COUNCIL

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Fish and Wildlife Services Comment Letter

United States Department of the Interior

FISH & WILDLIFE SERVICE
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AUG 18 2014

In Reply Refer To:
FWS/R4/CESFO/78020-089

Mr. Jean-Pierre L. Oriol
Director, CZM
8100 Lindberg Bay, Ste 61
Cyril E. King Airport Terminal
St. Thomas, USVI 00802

Re: CZJ-3-14(L) and CZJ-4-14(W),
Environmental Assessment Report,
Summer's End Group, St. John Marina,
Coral Bay, St. John, USVI

Dear Mr. Oriol:

Thank you for your June 25, 2014, letter requesting our comments on the above major land and water CZM permit application and Environmental Assessment Report (EAR). Our comments are issued as technical assistance in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq. as amended).

The applicant is requesting a permit to construct a 145 slip marina, 12 moorings and additional upland facilities and amenities in Estate Carolina, Coral Bay, St. John, USVI. An addition 75 mooring buoys will be placed in partnership with the Virgin Island Department of Planning and Natural Resources (DPNR). The docks and associated moored boats will occupy about 6 acres of marine bottom. Because the marinas design, there will be no need to dredge. The purpose of this is to provide a marina facility in the east end of St. John which does not exist at this time.

Upland facilities will be constructed in existing land lots which already have buildings or have been previously disturbed. There are no federally listed species under the purview of the Fish and Wildlife Service located in the upland area. In water listed species include the Antillean manatee (*Trichechus manatus manatus*) which although rare in the USVI is still known to occur and those species under the purview of NOAA NMFS. The proposed avoidance and minimization measures for these species need to be adequately addressed in the EAR.

While the applicant states that there are no wetlands in the project site, there are special aquatic sites such as sea grass beds which are regulated by the Clean Water Act. A total of 2500 square feet of marine bottom will be directly impacted by the placement of piles; however, the entire footprint of the project should be considered for impacts. The enclosed mitigation plan estimates that as much as 8 acres of seagrass and other submerged aquatic vegetation (SAV) could be impacted by the project.

DPNR and NOAA studies in the existing marinas associated with Mangrove Lagoon in St. Thomas, show that long term use, shading, leaching of antifouling compound and other impacts associated with marina operations, have converted the benthic marine areas adjacent to these marinas into areas of very low biological diversity. This can be the possible long term impacts with the St. John Marina as well.

To offset these 8 acres of impacts the applicant states that the current 115 boats moored in Coral Bay will be assigned to the proposed mooring field to be jointly managed with DPNR. This reorganization of the existing vessel mooring in the bay will result in the protection of 16 acres of SAV. In addition, the applicant will relocate the SAV that will be directly impacted by the pile placement to a new site that was previously impacted by excess sedimentation. The applicant will abate the sediment input and plant SAV sod patches in the area to hasten restoration.

Based on the above, we believe that the proposed mitigation actions do not adequately compensate for the possible loss of the 8 acres of SAV associated with their project. We believe that there is still a net loss of SAV in the bay. If the applicant cannot find additional in-kind or on site mitigation opportunities, then they should consider out-of-kind, off-site or both.

The applicant is also proposing to plant red mangroves along the shoreline to stabilize the shore and improve water quality. Red mangrove roots also provide much needed structure to the shallow marine habitat and can serve as a refuge and nursery area for fish and invertebrates.

Based on the information provided we have the following comments and recommendations:

1) The planting of mangroves as on-site/out of kind compensatory mitigation should be further investigated. While the EAR mentions the planting of mangroves for shoreline stabilization, water quality and habitat improvement in several sections of the document there is very little detail regarding this proposal. We recommend at least 4 rows of red mangroves be planted along the entire coastal fringe of the property. These can be planted in 3 foot centers using the Riley encasement or similar methodology. A detailed mangrove planting scheme should be included in the engineering drawings and in any additional documentation and permit application drawings.

2) Compensatory mitigation in other off-site areas within Coral Bay should also be further investigated. Possible off-site compensatory mitigation areas within Coral Bay should be identified and included in any additional documentation and permit application drawings.

3) The reorganization of the existing 115 moored and anchored boats in Coral Bay should be complemented with the appropriate regulatory mechanism to promote the use of the proposed mooring field and reduce additional impacts of anchoring vessels. The enclosed Letter of Intent between DPNR and the applicant is not clear on how enforcement of the proposed mooring areas will be accomplished.

4) The enclosed documents include a Spill Prevention Control and Countermeasures Plan (SPCC). We recommend that at least one spill response box be located midway along each of the major docks and at the fuel dock. In addition the applicant may want to consider the use of solidifier compounds in addition to the more traditional sorbent pads, socks and booms. The use of these compounds has been approved in a marina environment and they are very effective at removing light refined products and sheen from the water.

5) The applicant should consider adding bird perches or piles in the proposed SAV relocation area. Seabirds perching or loafing in these structures would provide a level of natural fertilizer to the newly transplanted SAV.

Based on the above, we recommend that a CZM permit for the proposed action not be issued until our concerns and recommendation are adequately addressed in the EAR and subsequent permit applications. Thank you for the opportunity to comment on this project, if you have any questions please contact Felix Lopez of my staff at 787 851-7297 x 210.

Sincerely yours,

for Edwin E. Muniz
Field Supervisor

fhl
cc:
COE, San Juan
NMFS, Boqueron
DPNR, DFW, Red Hook
David Pohle, EPA, New York