

Mr. José A. Cedeño-Maldonado
U.S. Army Corps of Engineers
Fund. Angel Ramos Annex Bldg., Suite 202
F.D. Roosevelt Ave. # 383
San Juan, Puerto Rico 00918

25 January 2016

cc: Mr. Sindulfo Castillo (USACE), Mrs. Kelly Finch (USACE)

re: **Public Notice SAJ-1982-05019(SP-JCM) – Sirius Marina in Coral Bay, St John**

Dear Mr. Cedeño,

I am writing to you on behalf of Save Coral Bay, Inc., a United States Virgin Islands non-profit corporation. Save Coral Bay was formed for the purpose of protecting the lands and waters of Coral Bay, St John, from environmentally damaging commercial development. We are funded through private donations, primarily from homeowners, residents, visitors, and past residents and visitors to Coral Bay. We represent the interests of these donors by soliciting their input and comments on significant matters of community development, and consolidating their concerns regarding possible adverse impacts to their property and quality of life in Coral Bay.

This document, with its attachments and appendices, is a response to the Department of the Army Public Notice SAJ-1982-05019(SP-JCM) for a project known as the "Sirius Marina" located in Coral Bay, St John, USVI. The project, located primarily on lands owned by the Moravian Conference, and on submerged and filled Trust Lands of the Virgin Islands, involves construction of a commercial marina and a resort hotel. Save Coral Bay has received personal comments from almost one thousand individuals who are opposed to the permit requested by T-Rex St John for the Sirius Marina in Coral Bay. We have forwarded those comment letters to you, and have summarized the main concerns in these comments from Save Coral Bay.

Our comments regarding this project cover a broad range of topics, reflecting the broad concerns of the public. In order to provide some focus to our comments we have broken them into a number of specific notes, as follows:

1. First, we have significant concerns about the adequacy of the Public Notice and question whether it properly conforms to the relevant federal regulations. These concerns are detailed in Attachment 1 ("**Permit Application Documents**").
2. Second, we have found a complete lack of any substantive analysis of alternatives, as required under the Clean Water Act for projects of this nature. Lacking this analysis, we have provided a preliminary analysis of alternatives as required under the CWA Section 404(b)1 Guidelines based on our knowledge locations suitable for marine infrastructure on St John and the stated purpose of the project. This analysis is found in Attachment 2 ("**Preliminary Review of CWA Section 404(b)1 Alternatives**").
3. Third, given the broad public opposition to this project, we have summarized a significant number of issues that have been raised by the public and which we believe must be considered during the Public Interest Review pursuant to the National Environmental Policy Act (NEPA). We have organized these questions and concerns according to the main topic areas of the Public Interest Review. This material is found in Attachment 3 ("**Questions and Concerns Relating to Topics in the Public Interest Review**").
4. Given the extraordinarily rich history of Coral Bay in general, and the specific locale of the proposed project in particular, we have highlighted some specific concerns relating to preservation of historic resources in Attachment 4 ("**Historic Resources at Location of Proposed Dredge Disposal Site**").
5. After reviewing the applicant's documents and the Public Notice we found no mention of the history of wetlands fill activities at the site of the applicant's proposed dredge and fill operation. In the context of cumulative impacts we felt it vital to bring this history of degradation of the aquatic environment to your attention, and in particular the cumulative impact of the proposed wetlands filling. This is the topic of Attachment 5 ("**Cumulative Impacts of Proposed Fill of Wetlands and Open Water in Coral Bay Harbor**").
6. Attachment 6 ("**Flood Plain Considerations for Sirius Marina**") deals with a specific topic of significant concern in the low lying areas at the foot of the Carolina Valley. The flood plain in that location is viewed by many people in Coral Bay as an extremely poor choice of location for disposal of large quantities of dredged materials. We have reviewed this concern in Attachment 6.

7. Our final comment note deals with the rights of shoreline property owners to the use of the waters in front of their property. Attachment 7 ("**Littoral Rights**") deals with this important topic.
8. In addition to the comments discussed above, we are submitting graphic materials which were developed in order to help visualize the environmental impacts of the Sirius Resort and Marina project, with an emphasis on the marina component. These graphics and video renderings are on the attached CD-ROM entitled "**Disc 1: Graphic Renderings**").
9. Finally, we are submitting a petition signed by over 4,000 individuals, expressing their opposition to the project proposed by T-Rex St John, and urging the Corps to deny the permit requested by the developer. In addition to the petition we are submitting over 2,000 letters from individuals which were copied to Save Coral Bay. You should already have received most of these comment letters. The petition and comment letters are on the attached CD-ROM entitled "**Disc 2: Petition and Public Comment Letters**").

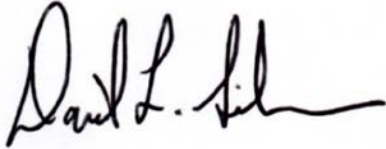
Based on our review of the applicant's documents and the Public Notice, together with the concerns expressed by thousands of individuals, it is the strong opinion of Save Coral Bay, Inc., that:

1. The permit application should be returned to the applicant because it is incomplete and does not meet the requirements of 33 CFR 325.1(d)2 which states "All activities which the applicant plans to undertake which are reasonably related to the same project and for which a DA permit would be required should be included in the same permit application. "
2. The permit requested by the applicant under Section 404 of the Clean Water Act should be denied by the Department of the Army based on the fact that the project does not meet the threshold requirements of Section 404(b)1 since it is not the least environmentally damaging practicable alternative as required by that code section.
3. The permits requested by the applicant should be denied pursuant to NEPA because of substantial adverse impacts to the public interest which are not offset by any demonstrable benefits accruing from the proposal.
4. Due to the lack of detailed information available to the public regarding the project and its likely impacts, as well as the complexity of the project and the fact that it is highly controversial, a Public Hearing is formally requested.

5. Due to the high likelihood that this project would significantly affect the quality of the human environment, an Environmental Impact Statement is required in order to fully understand the nature of those impacts.

Since I am a board member of the Coral Bay Community Council (CBCC), and CBCC has provided extensive support to Save Coral Bay over the past year, I am also submitting these comments for consideration by CBCC to be included in the CBCC comment submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Silverman". The signature is fluid and cursive, with a long horizontal stroke at the end.

David L Silverman, President, Save Coral Bay Inc.
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