

FOR IMMEDIATE RELEASE:

## **FEDERAL AGENCIES STRONGLY URGE ARMY CORPS TO DENY MARINA PERMIT**

*March 25, 2015 - Coral Bay, St John, US Virgin Islands* - The Coral Bay Community Council and the Save Coral Bay grass roots movement have submitted over 1,000 pages of legal analysis, expert reports and environmental analysis to the US Army Corps of Engineers opposing the permit requested by the Summers End Group to construct a mega yacht marina in Coral Bay Harbor, St John, USVI. The submission included close to 14,000 public letters and a petition with over 5,000 signatures all opposed to the marina. Today, we are pleased to announce that we have received copies of the official comment letters sent by four federal agencies, and they have all identified extensive deficiencies in the application, with some agencies going as far as urging the Army Corps, in the strongest terms, to deny the permit requested by the Summers End Group.

The United States Environmental Protection Agency (EPA) states that the waters of Coral Bay are an "aquatic resource of national importance," a classification meaning that Coral Bay provides significant and unique ecological functions that benefit plant and wildlife species. This designation also means that any permit application in Coral Bay must be subject to a higher level of Army Corps review, and that the EPA has ultimate veto power in the permit process. EPA stated explicitly "After reviewing the available data, the U.S. Environmental Protection Agency (EPA) believes that this project will result in significant impacts to aquatic resources of national importance. **EPA thus strongly recommends the denial of a Department of the Army permit for this project.**"

The National Marine Fisheries Service (NMFS) is responsible for conservation of Essential Fish Habitat (EFH). The NMFS letter states: "In addition to the impacts to Aquatic Resources of National Importance, NMFS concludes the docking structure construction, mooring facility, and upland development will adversely impact EFH. **The Department of the Army shall not authorize the project as proposed.**"

The Superintendent of the Virgin Islands National Park wrote: "What is most disturbing ... is the complete lack of consideration given by the applicant to the potential negative cumulative impacts to Park and Monument resources ... Given that the applicant indicates that the single most important reason for locating the marina in Coral Harbor is the proximity of Park and Monument resources, **I would ask that your office not issue a permit until the impacts on these critical resources are adequately considered with mitigation for negative impacts identified and required as a condition of this permit.**"

The National Oceanic and Atmospheric Administration (NOAA) is responsible for the protection of marine endangered species under the federal Endangered Species Act (ESA). NOAA stated: "After reviewing ... the Environmental Assessment Report (EAR) prepared for the project, we continue to be unable to determine the potential extent of project impacts to Endangered Species Act resources " and "sea turtles are known to use Coral Bay ... but, despite several requests, no sea turtle surveys have been conducted for the project," and there was no "quantification of potential acoustic impacts to sea turtles given that 1,333 piles will be driven in order to construct the proposed facilities." Finally, NOAA

expressed concern about "the potential extent of impacts to ESA resources due to the introduction of up to 235 new vessels to the area given the locations of ESA-listed corals, acroporid coral critical habitat, and habitat for ESA-listed sea turtles, as well as the presence of ESA-listed sea turtles."

Robert D. Fox, an attorney at Manko, Gold, Katcher & Fox, LLP who is representing the CBCC and several members of the Save Coral Bay group said: "In my 30 years of legal experience, I have never seen both such overwhelming community opposition to a proposed project AND such extensive federal agency comments identifying the deficiencies in an application, resulting in several agencies recommending immediate denial of that application."

Jonathan E. Rinde, another attorney at the Manko firm, commented: "As someone who assists clients in preparing Corps of Engineers' applications for development projects, the application submitted for the proposed marina was devoid of the in-depth environmental, cultural and economic analysis required to conduct an appropriate review for a project of this size and scope."

Sharon Coldren, President of the Coral Bay Community Council, said: "We are gratified that these important federal environmental agencies whose opinions weigh very heavily in the Army Corps process fully recognize the serious adverse impacts of marina construction in Coral Bay harbor. As a nonprofit agency, with volunteers, donations and grant resources, we will continue our many successful projects in partnership with EPA, NOAA, the Virgin Islands Department of Planning and Natural Resources, and the Department of Public Works to continually improve the environmental conditions in Coral Bay, as the local watershed management agency."

David Silverman, speaking for the Save Coral Bay movement, said: "The thousands of supporters of Save Coral Bay can give a collective thank-you to these federal agencies whose comments echo those expressed by hundreds of residents and visitors. We appreciate the science, study, and years of work that have helped these agencies reach the conclusion that Coral Bay is a resource to be protected."

The comments of these federal agencies are all consistent with the research data and expert opinions submitted to the US Army Corps of Engineers by the Coral Bay Community Council and Save Coral Bay. For the complete text of the federal agency comments please visit [SaveCoralBay.com/federal-agency-usace-comments/](http://SaveCoralBay.com/federal-agency-usace-comments/) .

For more information, on the Coral Bay Community Council please visit [CoralBayCommunityCouncil.org](http://CoralBayCommunityCouncil.org). For more information about the Save Coral Bay group, please visit [SaveCoralBay.com](http://SaveCoralBay.com). To support the mission of the Save Coral Bay Fund please visit [GoFundMe.com/CoralBay](http://GoFundMe.com/CoralBay).

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