MAJOR COASTAL ZONE MANAGEMENT PERMIT NO. CZJ-03-14(L)

1. **AUTHORITY** This permit is issued by the St. Thomas Committee of the Virgin Islands Coastal Zone Management (CZM) Commission and is administered and monitored by the Department of Planning and Natural Resources (the "Department") on behalf of the Coastal Zone Management Commission pursuant to Virgin Islands Code, Title 12, Sections 904, and any other provisions of THE CZM Act. As herein, **"Permittor"** is the **ST. JOHN COMMITTEE OF THE VIRGIN ISLANDS COASTAL ZONE MANAGEMENT COMMISSION** and **"Permittee" is THE SUMMER'S END GROUP, LLC.**

2. **SCOPE** This permit allows the redevelopment of seven contiguous properties in Estate Carolina, Coral Bay, St. John (in two phases) for the construction of various supporting facilities for the Coral Bay Marina. Phase 1 will enhance the existing commercial business sites at CoCo Loba, Shoreline Inn and Island Blues and renovate the "Voyages" restaurant building. Phase 1 redevelopment will include the following:
    - 120 off street parking spaces
    - A new 56 seat restaurant
    - Customs and Border Protection office
    - A Marina Office
    - Marina Engineering
    - Marina Security
    - Fish and Farmers Market
    - Crew shower and locker facilities
    - Apartments to support marina management
    - Proper solid, hazardous and liquid waste management
    - Proper storm water management , and
    - Proper fueling.

    Phase 2 of the development (implemented strictly on demand) will include:
    - Additional retail
    - Restaurant
    - Office space
    - Commercial space and
    - Six short-term rental units

    The project is located on Parcel Nos. 10-17, 10-18, 10-19, 10-41 Rem., 13A, 13B and 13 Rem. Estate Carolina, St. John, U.S. Virgin Islands.

3. **TERM** This permit is effective upon its signing by the Chairman of the St. John CZM Committee, pursuant to Virgin Islands Code, Title 12, Chapter 21. Authorization for construction under this permit will expire if the Permittee fails to commence work within twelve (12) months from the date this permit becomes effective.

4. DOCUMENTS INCORPORATED BY REFERENCE

Exhibit A: CZM Permit Application dated April 4, 2014.
Exhibit B: Site Plan and Drawings dated June 11, 2014
Exhibit C: Environmental Assessment Report dated April 4, 2014

5. GENERAL CONDITIONS

A. Liability The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are hereinafter referred to as "the premises"), and to hold the Permittor free and harmless for civil or other liabilities of any kind during the time the Permittee is in control of the premises pursuant to this permit.

B. Personal Property and Damage All personal property of any kind or description whatsoever located on the premises shall be there at the Permittee's sole risk.

C. Assignment or Transfer This permit may not be transferred or assigned except as provided in Section 910-15 of the Virgin Islands Rules and regulations.

D. Permit to be Displayed A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire work period.

E. Reliance on Information and Data The Permittee affirms that the information and data which it provided in connection with its permit application are true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data prove to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner or the Committee may, in addition, institute appropriate legal action.

F. Development to be Commenced Any and all development approved by this Coastal Zone Permit shall begin within twelve (12) months from the date this permit becomes effective and shall be continuous until completion. Failure to perform at least fifty (50%) percent of the work within such period and continuously construct thereafter until the completion of construction shall cause the permit to terminate automatically and render it null and void, unless the Permittee requests an extension in writing and demonstrates to the satisfaction of the Committee that good cause exists for granting such extension.

G. Notification of Completion Upon completion of any activity authorized or

required by this CZM Permit, the Permittee shall promptly so notify the Director of the Division of CZM and where the services of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with said Director.

H. Inspection The Commission, its Committee, the Commissioner or their authorized agents or representatives shall have the power to enter at reasonable times during project working hours upon any lands or waters in the coastal zone for which this Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Permit. The Permittee shall provide access to such records as the Commission, its Committee, or the Commissioner in the performance of it or his duties under the CZM Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commission, its Committee or the Commissioner upon request.

I. Conditions of Premises The Development authorized by this permit shall be maintained in a safe condition and in accordance with the description, plans, or drawings approved by the Commissioner or by the Committee, and all applicable Virgin Islands Laws.

J. Public Access to Shoreline The development shall be operated so as to assure optimum public access to the shoreline.

K. Restoration of Area The Permittee, upon renovation or expiration of the permit, shall upon order of the Committee, or the Commissioner, and in their sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures or site, and/or comply with any directive of the Committee, or the Commissioner in satisfying the original permit conditions in such time and manner as the Committee, or the Commissioner may direct.

L. Notices All notices sent or required to be sent hereunder must be by certified mail, return receipt requested. If addressed to the Permittor, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Cyril E. King Airport, Terminal Building, Second Floor, St. Thomas, Virgin Islands 00802, or to such other place as the Permittor may hereinafter designate. If addressed to the Permittee, same shall be sent to Chaliese Summers 5000 Estate Enighed, Suite 63, St. John, VI 00830 or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.

M. Non Waiver One or more waivers by the Permittor of any covenant or

condition of this permit shall not be construed as a waiver of a further breach of the covenant or condition. The consent or approval of the Permittor to or of any acts by either the Permittee requiring the Permittor's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.

N. Revocation It is specifically understood that all the foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by the Permittee, are to be well and faithfully kept by Permittee and that any failure by the Permittee to keep same will result in revocation of this permit.

O. Other Approval If the development covered under this permit requires separate and distinct approval from the United States Government or the Government of the Virgin Islands, or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.

P. Abandonment If the Permittee abandon, deserts or vacates the premises or discontinues its operation at the premises for a period totaling six (6) consecutive months, the permit will terminate automatically and be rendered null or void.

Q. Signatures on the Permit Document The Permittee shall sign and return the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless the Permittee requests a written extension and the Department grants the written extension.

R. Damage and Repair of Premises Described in Paragraph 2 In the event of damage to or destruction of the premises, described in paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to the Department and written permission has been granted by the Department.

6. SPECIAL CONDITIONS

1. *All applicable Territorial and Federal permits or other necessary approvals must be obtained, prior to commencement of development activities.*

2. *The Permittee shall notify the Division of Coastal Zone Management (CZM) two (2) days prior to the commencement of development activities.*

3. *All erosion and sedimentation measures shall be installed prior to the start of construction and fully maintained during all construction activities on the site until completion of this project.*
4. *This permit does not allow the removal of mangroves. If trimming of mangroves are required the Permittee must obtain a permit from Department of Planning and Natural Resources/Division of Fish and Wildlife.*

5. *This permit does not allow any work within territorial waters.*

6. *Debris located along the shoreline of the project site must be removed during and upon completion of the project.*

7. *Construction activities associated with this permit is limited to the hours between 7:00 am to 5:00 pm daily except that on Sundays, construction activities are not permitted.*

8. *Prior to start of work, Permittee shall submit to CZM a performance bond in the amount of 20 percent, up to $5M, of the estimated construction cost of the development.*

9. *To reduce vehicular traffic at the project site, and the area required for employee parking during construction, the Permittee shall provide offsite shuttle services for construction workers.*

IN TESTIMONY WHEREOF, the parties herein have hereunto set their hands and seals on the days and years appearing herein below.

ST. JOHN COMMITTEE OF THE VIRGIN ISLANDS CZM COMMISSION
Permittor

Andrew Penn, Sr.
Chairman

10/24/2014
Date

THE SUMMER'S END GROUP, LLC.
Permittee

Chaliese Summers
Managing Member

10/24/2014
Date

I, Chaliese Summers, do hereby certify that as Managing Member of The Summer's End Group, LLC., I am duly authorized and empowered to sign this Permit on behalf o The Summer's End Group, LLC.

Charliese Summers
Managing Member

October 24, 2014
Date

SWORN AND SUBSCRIBED before me

this 24th day of October 2014

Notary Public

Ms. Edith Principaal
Notary Public, U.S. Virgin Islands
My commission Expires: June 7, 2016
NP-48-12