

## Appendix N

RESPONSES TO CORAL BAY COMMUNITY COUNCIL AND DAVID SILVERMAN comments entitled “Additional Information and/or Answers Required from the Applicant to Complete the Environmental Assessment

### Issues related to Conservation

1. Marine mammals are regularly found in Coral Bay harbor. Dolphins are frequent visitors (a video and still photograph has been provided), and migratory humpback whales are seen almost every year just outside the harbor. The acoustic impacts of the pile driving, and the impacts of marine traffic and water quality on marine mammals needs to be studied and quantified.

*A sea turtle and marine mammal study was done over the course of the last 2.5 years. In order to reduce acoustic impacts bubble curtains will be use during pile driving and a 500 meter safety zone will be monitored. The applicant will use NMFS’s guidelines to protect marine mammals and sea turtles (see Rebuttal and Mitigation Plans Appendix E).*

2. Protected Resources: The extensive concerns of the public relating to marine turtles, corals, and other protected resources, including seagrass meadows, are all included in the comments of NOAA, NMFS and USFWS, below.

*See Rebuttal and Response to Agencies*

3. Virgin Islands National Park and Coral Reef National Monument: The concerns and extensive issues raised by the public concerning impacts to park resources are all included in the comments of the National Park Service, below.

*See Rebuttal and Response to Agencies especially response to NPS.*

4. Impacts to an Aquatic Resource of National Importance: The impacts to habitat, species and water quality in an ARNI have not been justified, particularly concerning given the practical alternative locations available for a marina on St John.

*See Rebuttal, Alternative Analysis and response to Agencies.*

### Issues related to Economics

5. Economic Viability: What is the estimated time and cost to construct the marina, with sufficient detail to independently analyze the estimate and assess the risks. What are the operating costs (including Trust Land Lease, insurance, utilities, maintenance, debt service, staff)?

*See the Economic Impact Analysis and Market Analysis for the proposed St. John marina which addresses this concern*

6. Economic Viability: Given the costs identified in (5), what fees will be charged for slip rental in order to ensure an adequate return on investment and does this demonstrate economic viability for the marina?

*See the Market Analysis for the proposed St. John marina which addresses this concern*

7. Water Dependent Use: Is the water dependent use (the offshore marina) economically viable? Indications are that the marina cannot be economically sustainable due to the lack of demand, the remote location, and the short season. The land project (shops, restaurant, crew quarters) is not water dependent.

*See the Market Analysis for the proposed St. John marina which addresses this concern*

8. Project Need: The applicant has not demonstrated a market need for a marina located in Coral Bay. A detailed marketing analysis based upon current data is required to demonstrate that a marina in this location would be sufficiently attractive to yacht owners to cause them to utilize this facility. An analysis of the relative market attractiveness of this location with other locations on St John, including Enighed Pond and Cruz Bay Creek is also required.

*Market Analysis and Economic Impact Study (Appendix G) and Rebuttal alternative analysis.*

9. Net Economic Impact to Coral Bay and St John: What is the projected net economic impact to Coral Bay (and St John), including any positive contribution from the marina construction and operation, plus the economic impact on the existing Coral Bay economy (either positive or, as public comments have stated, very negative). Sufficient detail to analyze these estimates is required.

*See the Economic Impact Analysis for the proposed St. John marina which addresses this concern*

10. Economic Impact: The construction and operation of the marina will adversely impact the appeal of Coral Bay as an ecotourism destination. How is this factored into the economic model? What market research on the existing tourism economy of Coral Bay has been done and where is that data and what are the results of that research?

*See the Economic Impact Analysis for the proposed St. John marina which addresses this concern*

11. Impact on Real Estate Values and Taxes: Will the construction and operation of the marina increase, decrease, or have no effect on property values in Coral Bay ? Will the construction and operation of the marina tend to increase, decrease or have no effect on real estate taxes ? Where is the data and detailed real estate analysis supporting conclusions on this subject?

*Having lost significant property value because of the Great Recession, much of which has been in families for generations, native property owners suffer from what they deem as unfair taxation plus the added burden of devalued property. Taxation can only be resolved by territorial officials, who are currently addressing the situation. On one side of the equation is the taxation, but on the other side of the equation is the ability to pay that has been impaired due to a sluggish USVI economy which has yet to rebound like the US mainland. While the marina can't influence taxation, it will have a significant positive effect on families' ability to pay said taxes through increased economic and employment opportunities, and household incomes. Support for this response can be found in the Economic Impact Analysis and Market Analysis for the proposed St. John marina which addresses this concern.*

12. Funding: What evidence does the Summer's End Group, LLC, have to demonstrate the availability of sufficient funding to complete this project? There is a history of large projects that were begun on St. John and never completed due to lack of sufficient funding. What assurance

does the community have that this will not happen in Coral Bay resulting in permanent damage to the public harbor.

*Both completion and restoration bonds are conditions of the Major Land and Water Permits issued by St. John CZM and USVI DPNR.*

13. Construction Experience: What experience does the Summer's End Group, LLC (or its principals) have in marina construction? What experience does the Summer's End Group, LLC (or its principals) have in large scale commercial construction of any type?

*The development team for the St. John marina, the Yacht Club at Summer's End has over 125+ years of combined development and construction experience including the design and construction of nearly 1000 marinas worldwide. Support for this response can be found in statements of qualifications of team members, consultants, contractors and manufacturers.*

14. Aesthetic Impacts: Substantial documentation has been supplied to demonstrate how this project would fundamentally, and adversely, change the aesthetics of Coral Bay. The historic character, the historic usage of the waters, the viewshed over historic properties, would all be dramatically transformed. No evidence has been supplied to indicate that this change either would not happen, or would not be deleterious to the aesthetics of Coral Bay. Market research based on social, cultural and historic values needs to be provided to assess the impact to aesthetic values.

*The vast majority of native St. Johnians living in and near Coral Bay feel the development of the Yacht Club at Summer's End marina will improve community aesthetics of Coral Bay in a number of areas including water quality, malodorous environment, a harbor free of sunken & derelict vessels, more respectful and compliant boating community, and viewscape. Support for this response is found in The Truth About Coral Bay video and Civil Engineering and Stormwater Management documents.*

#### **Issues related to General Environmental Concerns**

15. Construction / Substrate Analysis – Has any analysis been done of the substrate in the location of the proposed pilings? The applicant indicates use of a vibratory pile driver "where possible." Has the extent of vibratory driving versus impact driving been quantified? Without this information (depth, method of driving, substrate) how can the construction time be accurately estimated? If "blue bitch" (extremely hard basaltic rock) is encountered, how will this impact construction?

*See Rebuttal, Agency Responses and Monitoring Plan*

16. Acoustic Impacts on the Human Environment: Has the applicant assessed the acoustic impacts on the human environment from pile driving during the construction phase? Residents and tourists value Coral Bay for its quiet atmosphere (this is frequently cited in comment letters). How will the reverberation of the acoustic impacts during potentially several years of construction impact the environment, the health and well being, and overall quality of life for residents and visitors to Coral Bay?

*Every consideration has been given by developers regarding construction impacts so as to minimize and manage inconvenience to local residents and visitors through timely scheduling of*

*activities as dictated in CZM Permit conditions, and their efficient completion. Support for this response can be found in the Civil Engineering and Stormwater Management documents, and environmental analysis submitted.*

17. Light Pollution: What levels of light will be emitted by boats at the marina, and by lighting on the marina structures? What impacts will this have on fish, marine turtles, birds, and other flora and fauna in the regio ? Quantification of night lighting and scientific data on its impact in similar habitats is required.

*See Rebuttal and Response to Agencies*

18. Sound Pollution: What level of sound will be generated by yachts in the marina through operation of their generators, air conditioners, and other utilities? During what hours will these sounds be generated? What impacts will this have on residential units in Coral Bay? Have sound transport studies been done in the Coral Bay environment to measure the impact of ambient sounds emanating from the marina on residents of the area? Where is the data and analytical results of all of these environmental studies?

*Quietness and peacefulness will be maintained as the proposed marina will simply be idling boats in and out of slips. There will be no repair facilities, dry dock or storage equipment such as diesel powered fork lifts which would cause noise outside that currently being experienced in Coral Harbor.*

19. Air Quality – Diesel Generators: What is the quantity of diesel generator exhaust that will be created by electric generators operating on yachts while in the marina? What are the air quality standards applicable to these exhaust fumes and how will air quality be monitored to ensure compliance with these standards? What studies have been done to ascertain the public health issues associated with this exhaust under the geographic conditions of Coral Bay?

*Generators will have to be permitted for operation and will be required to meet the latest EPA requirements for emissions.*

20. Cumulative Impacts / Sediments: Given the extensive sediments that Public Letters, have been deposited in Coral Bay harbor and the considerable federal and local investment to remediate the land-based sources of these sediments, the proposed marina will cause vast amounts of sediment to be released due to die-off of sea grasses (which retain the sediments in their root systems). The potential for release of large quantities of sediment needs to be scientifically analyzed in the context of recent history of the harbor. The potential for the marina to destroy the positive impacts of federal nvestments in watershed improvements needs to be studied.

*See Agency Responses, especially FWS response which include sediment testing results.*

### Issues related to Wetlands

21. Incorrect Computation of Sea Grass Impact: The estimates of sea grass acreage impacted by construction and operation of the marina do not agree with independent estimates. Most comments suggest that as much as 20-30 acres of sea grass could be lost through a combination of construction, shading, and sediment release. An accurate scientifically based estimate of the

impact to sea grass and other special aquatic sites must be created and the data presented in a format suitable for independent review.

*See Rebuttal and Agency Responses*

22. Lack of Compensatory Mitigation: The applicant has provided no mitigation to compensate for the loss of aquatic function from the destruction of 20-30 acres of sea grass and Essential Fish Habitat. The loss of these resources, which are critical for the health and vitality of Coral Bay, must be mitigated so that there is no net loss of aquatic function. Please explain how this will be done.

*See Rebuttal, Agency Responses, and Mitigation Plans. Amount of probable loss of seagrass is 3.75 acres of seagrass.*

### Issues related to Historical Properties

23. Impacts on Historic Viewshed: The view of multiple listed properties will be partially or wholly obscured by the proposed marina (Fortsberg, Emmaus Church, Usher Quay).

*A beautiful marina in a quiet, well managed harbor is considered an improvement to a viewshed that is currently identified by derelict and sunken vessels, waters that are treated as a sewage receptacle and environmentally harmful, non-compliant boating. Aesthetic improvements of taking overhead utilities underground, addition of boardwalk, sidewalks, landscape and hardscape, and bus stop where none currently exists, raised crosswalks, new taxi loading and queuing areas, and resurfacing of hundreds of feet of roadway all contribute to an improved viewshed. Support for this response is found in The Truth About Coral Bay video and proposed project Civil Engineering documents & images contained within permit application and responses.*

24. Historic Marine Archeology: A comprehensive survey of the seabed for historic wrecks over the entire marina footprint has not been conducted. The construction of the marina will forever preclude the use of magnetometry due to the large number of steel pilings. A complete survey of at least the entire marina site (28 acres) must be conducted.

*A magnetometer study was done and a single archeological resource was previous overlook, but was pointed out and then dove and surveyed. YCSE reached out to SHPO and agreed on the proper protection for this resource and the marina is protected the resource as required. It should be noted that there was obvious treasure hunting going on around the small wreck.*

### Issues related to Fish and Wildlife Values

25. Water Transport and Current Studies: A thorough analysis of water transport in Coral Bay harbor is needed in order to ascertain the impact of the marina on the water transport patterns. Surface transport by wind and wave action, tidal transport, eddy currents, and all other modes of water exchange (both longitudinally as well as vertically) must be documented during a typical twelve month cycle, as well as during extreme weather events. The interaction and impact of the marina on existing water transport patterns needs to be scientifically analyzed so

that its impact on fish, wildlife, protected resources, and adjacent water bodies can be understood.

*See Rebuttal, NMFS Response and Wave Study.*

26. Water Transport Studies / Mangroves: The mangroves directly to the northwest of the proposed marina are a nursery for many marine species. The interaction of the marina structures with the water flushing of these mangroves need to be evaluated, particularly since the fuel dock is directly upstream of these mangroves. The marina pilings substantially reduce the reach of this portion of the harbor, and the impact of this reduced reach on species needs to be studied.

*See Rebuttal and NMFS Response.*

27. Water Transport Studies / Hurricane Hole: There has been no data provided to demonstrate the extent of water exchange between Coral Bay harbor and Hurricane Hole. Boats waiting to enter the marina may be positioned in a location from which water may flow directly into Hurricane Hole. Waters of Coral Bay may be flushed out of the inner harbor, around Fortsberg, and into Hurricane Hole. Scientific study over an annual cycle of winds, tides, and waves needs to be performed to demonstrate the potential impacts to Hurricane Hole resources from pollutants entering Coral Bay harbor.

*See Rebuttal NPS Response*

28. Water Transport Studies / Peak Storm Surge Events: During a tropical storm, the storm surge at the northern end of Coral Bay could transport water into the salt pond and potentially across the Usher Cay peninsula into Hurricane Hole. If this water is contaminated from marina toxic substances, the impact to Hurricane Hole could be substantial. The potential for contamination of Hurricane Hole during peak storm surge events needs to be scientifically analyzed.

*See Rebuttal Wave Analysis*

29. Impacts to Shark Habitat: The site is a known pupping ground for Black Tip, Lemon, and Nurse shark. What impact would the marina structures, boat traffic, and adverse water quality have on this shark habitat? How would this impact be mitigated?

*See Rebuttal and Agency Responses*

### Issues related to Flood Hazards and Floodplain Values

30. Floodplain Analysis: The site is designated VE14 according to FEMA flood plain maps. Please explain what damage the marina, boats docked at it, and the upland facilities would incur if the maximum expected impacts in a VE14 zone were to impact the site.

*The upland facilities have been designed with finished floor elevations above the predicted flood elevation as required by building code. The docks have been designed with proper uplift strength and have grated decking which will minimize impacts of wave action on the docks.*

31. Above Ground Fuel Storage: Fuel storage tanks in a VE14 hazard zone present risks that have not been analyzed or reported. The risk of above ground fuel storage in this zone needs to be scientifically evaluated to ensure that it does not create a public or environmental safety hazard.

*Zone VE elevation 14ft. is located offshore, fuel storage is located in AE elevation 10ft. and the tanks are above 10ft elevation.*

32. Land Use Concerns: Large numbers of Coral Bay home owners have said that the marina construction and operation will significantly destroy the value of their personal investments in their home, vacation rental property, and/or land. How can the proponents justify impairing the value of 500 owner occupied and rental properties and how will they propose to mitigate this economic impact?

*See the Market Analysis and Economic Impact Analysis for the proposed St. John marina which addresses this concern*

33. Size / Draft of Vessels: Has any study been performed to ascertain the maximum draft of power yachts that will be able to utilize the marina? Many yachtsmen and captains have stated that 200' mega yachts will scour the bottom with propeller wash and cannot possibly navigate safely in the shallow waters of Coral Bay harbor. What evidence is there that the marina can safely accommodate the size of vessels described in their application?

*See the Market Analysis, Civil Engineering documents and dock plans by Technomarine for the proposed St. John marina which addresses this concern*

34. Vessel Traffic Studies: Although the applicant supplied a land traffic study (primarily for automobiles), there was no marine traffic study supplied. What analysis has been done to demonstrate that the size and number of boats proposed for the facility will be able to safely navigate in the proposed configuration, without danger to themselves, to the marina, or to other boats? This applies to marine daytime traffic, nighttime traffic, and navigation under adverse wind and wave conditions.

*See the Market Analysis for the proposed St. John marina which addresses this concern.*

35. Marina Location: Many residents of Coral Bay have commented that the location proposed for the marina is the worst, most dangerous location in Coral Bay harbor for a marina. It is the location where boats are wrecked on the shoreline during virtually every major storm. How can the applicant justify construction of the marina in a known hazardous location without protection from the open ocean?

*See Wave Study, also there are vessels that are wrecked on the shoreline on all sides of Coral Harbor.*

36 .Wind and Wave Data: We believe that the applicants may not have used the correct data sets for their wind and wave analysis, and in any case their conclusions about site conditions do not comport with extensive local knowledge. Please refer to our comment letters on this subject and provide sufficient data so that the wind and wave conditions at the proposed site can be correlated with actual experience.

*See Wave Study (Appendix D)*

37. Hurricane Preparedness: The facilities for safe anchorage in Hurricane Hole are fully subscribed. How will up to an additional 145 boats find safe anchorage in the case of a major weather event. Although it is unlikely that tropical storms will occur during prime yachting season, there may be a number of boats berthed at the marina on a year round basis. What is the projected occupancy of the marina, by number and size of vessel, by month, and how will they find safety in the event of a storm?

*The proposed St. John marina will be evacuated in the event it is so required because of an approaching storm. All vessels at the marina must show proof of insurance that will cover the marina in the event of an accident and or catastrophe due to inclement weather. The HCP for the St. John marina is divided into 3 Conditions and a Post Recovery Stage and is reviewed in Section 7.11, page 7-18 of the Major Water CZM permit application. See Market Analysis which further addresses this concern.*

38. Dock Design / Slip Orientation: Roughly 2/3 of the marina slips are oriented broadside to the prevailing calm weather waves. All slips are double-wide. These features mean that the marina will be uncomfortable and unsafe even during calm weather conditions. How does the applicant justify this design?

*See Wave Study (Appendix D)*

#### Issues related to Shoreline Erosion and Accretion

38. (Number repeated in Silverman document) The applicant proposes to plant mangroves on a portion of eroded shoreline, currently protected by a rip-rap revetment. Mangroves are not currently growing in this location due to the wind and wave exposure. How will this eroded shoreline be protected?

*See Mitigation Plan, if properly maintained mangrove can thrive in this environment. (Appendix E)*

#### Issues related to Recreation

39. The marina is opposed by the Kids and the Sea (KATS) program, by the Coral Bay Yacht Club, and by the St John Yacht Club. Each of these organizations has stated that the marina would make it difficult or impossible for their members to continue to enjoy use of the harbor as they do today.

*See Rebuttal, KATS does not typically use Coral Harbor due to number of boats moored there.*

40. Vast numbers of tourists have said that if the marina were built they would no longer visit Coral Bay or St John – they would choose to enjoy their vacations elsewhere. The existing visitors to the island are not requesting a mega marina, and the negative impacts to recreational values are severe. How does the applicant justify these impacts to recreational values?

*The few who would choose to no longer visit St. John will have a hard time finding an island without a marina that offers all that St. John offers. As proposed, the St. John marina would have a significant positive impact on visitation to St. John. As an island, increasing access to St. John through the construction of a marina would only benefit visitor access. The marina also provides an additional outlet for marine recreation activities like day and weekly charters, sport fishing and tours, whose success is currently limited due to the lack of facilities which a marina provides. The net result of the addition of the St. John marina will only increase visitation, and thus increase participation of visitors in support of local businesses, community projects, initiatives*



*and fundraising. Support for this response can be found in the Economic Impact Analysis for the St. John marina.*

### Issues related to Water Supply and Conservation

41. Potable Water: What volume of potable water will need to be trucked in on a weekly basis during peak periods of marina use? What is the profile (by month) of water usage that will need to be trucked in? Please supply details including water for consumption, for bathrooms, for boat washing, for laundry, etc. sufficient for independent analysis.

*See Civil Engineering documents which address this concern.*

42. Waste Water: How will the effluent from waste water treatment facilities be dispersed? Analysis indicates that there is insufficient vegetation on the small upland site to accommodate the volume of waste water. Has the applicant considered recirculating waste water for use in toilet flushing? What assurances are there that waste water effluent will not result in water quality impacts in the harbor?

*See Civil Engineering and Stormwater Management documents which address this concern.*

43. Marine Toxic Effluents from Yachts: Numerous yachtsmen as well as Marine Engineers and Captains have written letters detailing the types of toxic chemicals leached or directly discharged into the water by large yachts. This includes toxic ablative bottom paints (including TBT which is available in neighboring islands), bleaches, detergents, paint residues, other cleaning compounds, etc.. Has the applicant quantified the release of these pollutants from the boats utilizing the marina and analyzed their impact on the flora and fauna and protected resources of the harbor?

*See Rebuttal and Agency Responses*

44. Water Quality Impacts from Construction of Piling Field: The extensive piling field (1333 pilings supporting a structure covering 1.7 acres) will directly and adversely impact water quality both during construction as well as throughout its operational life. During construction the sediment released from the bottom will create sediment plumes that will smother surrounding sea grasses and other benthic organisms. The applicant has supplied no information on the type of sediment curtains to be employed, their efficacy under typical Coral Bay conditions, their interaction with marine life, their ability to restrain sediment spread while they are moved, or any other aspect of construction sediment management, nor has the applicant supplied scientific data on the composition of Coral Bay sediments in the location of the marina.

*See Rebuttal, Agency Response and Monitoring Plans*

45. Water Quality Impacts from Presence of Piling Field: The extensive piling field (1333 pilings supporting a structure covering 1.7 acres) will create increased sedimentation, reduced water circulation and increased holding time for toxic pollutants in the water column throughout its operational life. These factors individually and cumulatively will cause degraded water quality. The applicant has not provided any scientific information or data on the impact of the piling field on water quality.

*See Rebuttal, Agency Responses and Monitoring Plan*

46. Piling Field Impacts on Reach and Aquatic Function: The extensive piling field, traversing half of Coral Bay harbor and directly perpendicular to the main surface water flows, will have the effect of reducing the reach of the entire northwest portion of the harbor, where some of the densest mangroves are found. The mooring field will cause die-off of sea grasses and adversely impact the aquatic function performed by the benthic flora. For these and other reasons the piling field is clearly subject to 404 permitting under 33 CFR 323.3(c)(1): "Placement of pilings in waters of the United States constitutes a discharge of fill material and requires a section 404 permit when such placement has or would have the effect of a discharge of fill material. Examples of such activities that have the effect of a discharge of fill material include, but are not limited to, the following: Projects where the pilings are so closely spaced that sedimentation rates would be increased; projects in which the pilings themselves effectively would replace the bottom of a waterbody; projects involving the placement of pilings that would reduce the reach or impair the flow or circulation of waters of the United States; and projects involving the placement of pilings which would result in the adverse alteration or elimination of aquatic functions."

*See Rebuttal Response*

#### Issues related to Energy Needs

47. Public Electric Power: The applicant has estimated a demand for 1.5MW of power, which is approximately 1/3 of the total power available in Coral Bay. There is no mention of use of solar power in spite of the fact that this is a priority for the USVI. A thorough evaluation of energy needs and the ability to satisfy them through sustainable means should be conducted.

*Developers of the proposed St. John marina are actively exploring alternative energy sources including solar and wind, as it benefits them economically to find alternatives to paying the oppressive utility rates of the USVI. Alternative energy sourcing is not a permitting requirement of the USVI DPNR or USACE.*

48. Public Safety / Storm Wreckage: How will road access to south side Coral Bay be maintained if a hurricane deposits boats and marina debris on the sole access road? How long will this take and how will emergency services access this region while the road is blocked? How will water access to Coral Bay be restored if the marina is wrecked in a major storm?

*The proposed St. John marina will be evacuated in the event it is so required because of an approaching storm. All vessels at the marina must show proof of insurance that will cover the marina in the event of an accident and or catastrophe due to inclement weather. The HCP for The St. John marina is divided into 3 Conditions and a Post Recovery Stage and is reviewed in Section 7.11, page 7-18 of the Major Water CZM permit application. Also, there are vessels that are wrecked on the shoreline on all sides of Coral Harbor. See Market Analysis which further addresses this concern.*

49. Public Safety / Fire: What evidence is there that the proposed fire suppression methodology is adequate (golf cart with hose)? How much water and other retardants will be available for fire suppression? How will toxic smoke be managed and how will evacuation of the surrounding homes be managed in the case of a major conflagration? How will water quality in the harbor be monitored and remediated, if necessary, following a marina fire?

*Fire is an acceptable and insurable risk faced by all businesses, including the proposed St. John marina who will maintain fire insurance coverage. The VI fire department will benefit as the St. John marina will have additional firefighting equipment and personnel trained to support fire fighters in the event of a fire at the marina. In the event of a fire, water quality monitoring and if warranted, mitigation would be remediated by the responsible party according to USVI code.*

50. Public Safety / Crime – Residents have stated that in other locations in the Virgin Islands marinas have been associated with an increase in crime rate. Has this been analyzed and what is proposed in the way of public safety and police presence (if necessary) to manage this? If additional police presence is required, has the VIPD agreed to the required staffing levels?

*FBI and VIPD statistics show higher unemployment equals higher crime and drug use rates. The proposed St. John marina will significantly aid in the decrease of unemployment in Coral Bay and St. John, thus actually help in lowering the crime and drug use rates. Support for this response can be found within the FBI Uniform Crime Report Program.*

### Issues related to Considerations of Property Ownership

51. Rights of Landowners: How will the rights of other shoreline property owners be preserved? How will their rights to utilize the waters in front of their property be respected? Have adjacent land owners on Coral Bay harbor agreed that the proposed footprint does not impair their littoral rights ? What justification in law or public policy is there to allow an entity who controls 15% of the shoreline to control 40% of the harbor?

*The USVI's Department of Natural Resources, via St. John Coastal Zone Management concluded that the littoral rights of neighboring properties near the proposed YCSE marina would not be infringed upon through their granting of Major Land and Water Permits. On appeal, CZM's conclusion was substantiated by the U.S. Virgin Islands Board of Land Use of Appeals (BLUA). Both CZM and BLUA decisions had zero votes against the approval of both Major Land and Water Permits for the proposed St. John marina.*

52. Lack of Property Ownership, Control, or Authorization: The applicant does not own any of the property associated with the project. The applicant has not supplied any evidence of control of the property, and the only evidence of authority to apply for permits has expired. Some of the property has been listed on the open market. If the applicant does not control, and can provide no evidence that they will control the property, then how can they have standing to apply for a permit?

*Permit applicant has met all legal requirements for permit application.*

### Issues related to the Needs and Welfare of the People

53. The project is clearly not responsive to the needs of the people of Coral Bay (see petition, thousands of letters, business owners); the project does not address the welfare of the people of Coral Bay (adverse economic impacts, sound, light, air pollution); the project would significantly affect the quality of the human environment. Conversely the applicant has only

demonstrated extremely limited support for the project, primarily from early investors. How does the applicant justify proceeding given the extraordinary level of public opposition from all segments of Coral Bay and St John?

*Issues raised have been address in the Agency Responses and The Truth About Coral Bay video.*