



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
ANTILLES OFFICE  
FUND. ANGEL RAMOS ANNEX BLDG., SUITE 202  
383 F.D. ROOSEVELT AVE.  
SAN JUAN, PUERTO RICO 00918

REPLY TO  
ATTENTION OF

**October 22, 2015**

Regulatory Division  
South Permits Branch  
Antilles Section  
SAJ-2004-12518 (SP-JCM)

Amy Dempsey  
Bioimpact, Inc.  
P.O. Box 132  
Kingshill, St. Croix  
U.S. Virgin Islands 00851

Dear Ms. Dempsey:

Reference is made to your Department of the Army (DA) permit application, submitted on June 10, 2015, on behalf of The Summer's End Group, LLC for the proposed development of the St. John Marina Yacht Club. On July 9, 2015, the U.S. Army Corps of Engineers (Corps) issued a Public Notice, requesting comments regarding this permit application. The project would be located at Coral Bay, Estate Carolina, Coral Harbor, St. John, U.S. Virgin Islands. Please refer to number SAJ-2004-12518 (SP-JCM) in future correspondence regarding this case.

The Corps received more than 15,000 communications, including e-mails and letters, in response to the Public Notice issued for your permit application. The majority of the communications were submitted as format letters or variations of format letters with personal comments, through national and local organizations such as the National Parks Conservation Association, Friends of the Virgin Islands National Park, Save Coral Bay, and Coral Bay Community Council. However, numerous personal communications were directly submitted to the Corps by individuals, including residents and visitors of Coral Bay, as well as members of the general public expressing interest in Coral Bay. The vast majority of the communications express concerns and objections regarding the proposed marina. One particularly detailed communication was submitted by two law firms (i.e., Manko, Gold, Katcher & Fox, LLP and Sive, Paget & Riesel, P.C.) on behalf of the Coral Bay Community Council (CBCC) and nineteen individuals who oppose the proposed marina. In the attached digital disks we are providing copy of all the communications received from the public. Therein, we also provide an Excel spreadsheet where we have categorized by topic a list of 113 specific comments taken from a sample of 860 communications from the public. The CBCC via letter dated October 13, 2015, also provided a summary of all the comments, which based on their records the Corps received in response to the Public Notice (see attached disks).

In addition, the attached disks include copy of the communications received from the U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), U.S. Fish & Wildlife Service (FWS), U.S. Coast Guard (USCG), and National Park Service (NPS) in response to our Public Notice. In their communications, these federal agencies also express concerns about the proposed project.

We have reviewed all the information provided in your permit application, as well as all the comments received in response to our Public Notice. The Corps is concerned with the potential direct, indirect and cumulative impacts of the proposed marina on the public interest and the aquatic environment. Please be advised that additional information, including your response or rebuttal to the comments received in response to the Public Notice, is necessary for the Corps to be able to complete the required regulatory processing and evaluation, and make a final decision regarding your permit application. Additional information is necessary to complete the documentation and procedures required by the National Environmental Policy Act (NEPA). Also, additional information and/or modifications to the proposed project are necessary to document and ensure that it would not be contrary to the public interest pursuant to 33 CFR Part 320.4. Further information is also necessary to complete our analysis of compliance with the Section 404(b)(1) Guidelines pursuant to 40 CFR Part 230 for the proposed discharge of dredge or fill material in waters of the United States. Moreover, additional information is necessary to complete the interagency consultation procedures required by Section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Act (MSA) for your permit application.

In order to satisfy the above stated regulatory requirements and procedures applicable to the review of your permit application, we request your submittal of the information detailed under the topics listed below. For your convenience, to the best of our ability, we have attempted to incorporate into the information topics below the information necessary to address the relevant factors identified in the communications received in response to our Public Notice. Any other information you feel may be helpful in order to fully justify the proposal should also be submitted in response to this letter.

#### A. Project Location

1. Alternatives analysis - The alternatives analysis submitted with your permit application did not describe or compare with sufficient detail and rigor the different sites considered for the proposed marina. In order to allow a proper evaluation and balancing of the ability of the different sites to meet the overall project purpose (as established in our Public Notice) and their potential effects (benefits and detriments) on the public interest, we request that you please revise and expand your alternative analysis as follows:

a. The list of factors used to compare the sites should be reviewed to ensure that all relevant factors, in relation to the public interest review and the overall project purpose, are included, and that duplicative, redundant or non-informative factors are excluded. Please note that if a particular factor does not contribute to differentiate one site from the others, that factor can be excluded from the analysis. The Corps understands that important relevant factors such as: compatibility with existing land uses and landscape; potential effects to existing business and local economy; compatibility with and potential effects to existing infrastructure; potential conflicts and adverse effects related with navigation; quantification of potential impacts to benthic habitats; and potential effects to protected or sensitive resources within or in the vicinity of the alternative sites; among others, are important relevant factors that were not included in your analysis of alternatives. On the other hand, some of the factors included in the analysis were not clearly differentiated from others (e.g., "Location"). This last issue could be addressed providing more detailed definitions or descriptions for the factors, as described in more detail below.

b. The factors and criteria must be defined or described in more detail and specificity to allow an objective comparison of the alternatives. This should assist in avoiding duplicative or redundant factors. In addition, adequate discussion and documentation must be provided to support the conclusions of the comparison with regard to the alternative locations. This may require or result in a revision of the factors included for comparison.

For example, the definition or description for the "Environmental Compatibility" factor presented in your analysis is too broad. Which specific environmental resources are being targeted? Is it natural areas, protected areas, mangroves, forests, submerged aquatic vegetation, endangered species, critical habitat, coral reefs, or others? Also, how is proximity to the resources addressed in this factor? In addition, what types of avoidance and minimization measures are included in this factor and how are they being evaluated? On the other hand, no references to maps, surveys, publications, agency records, etc. were provided to document how it was determined that environmental resources were absent or present at the alternative sites being considered. Similar comments are applicable to the many of the other factors included in your analysis of alternatives.

c. An appropriate and practicable approach to structure the comparison of alternative sites could be to conduct a tiered analysis. This could be achieved using an initial set of more general factors to screen out some alternatives, and then conduct a more rigorous analysis of the remaining alternatives based on a set of more specific factors or criteria. Based on our review of your alternatives analysis and the comments provided in response to the Public Notice, the Corps understands that at least two of the alternative sites identified (i.e., Cruz Bay and Turner Bay/Enighed Pond) warrant a much more detailed and rigorous comparison with the proposed location at Coral Harbor.

2. Federal investment in Coral Bay - As explained in the enclosed letters from NMFS and EPA (see attached disk), Coral Bay has been designated as a priority site for the implementation of the U.S. Coral Reef Task Force Local Action Strategy. As a result of this designation, significant investments have been made by NMFS and EPA to support the development and implementation of watershed level management plans and actions directed to reduce land-based sources of pollution and improve water quality, seagrasses and corals within Coral Bay. The CBCC has been involved for many years in the development and implementation of a Watershed Management Program for Coral Bay and has received various grants and awards from NMFS and EPA in this regard. We request that you please include in your response to this letter an assessment and discussion regarding whether the proposed project would be compatible or in conflict with the goals, programs and investments supported by these Federal agencies and the CBCC to improve the Coral Bay watershed, water quality and aquatic resources.

3. Exposure to prevailing and storm winds and waves - The EARs submitted with the permit application describe that based on the orientation of Coral Harbor, the project site is well protected and has limited fetch. However, this conclusion was mostly based on general wave and wind information for the U.S. Virgin Islands. The local data provided specifically for the project site was limited to 20 observations from May 2012 to February 2014, varying from one to four observations per month. Notwithstanding, the EARs acknowledge that waves do enter Coral Harbor from the southeast and impact the shoreline to the south of the project site. This shoreline is subject to wave action related erosion, as evidenced by the placement of riprap.

In addition to the above, the Corps received numerous communications from the public indicating that prevailing wind and wave patterns at the proposed project site, located at the windward side of the bay, would create unstable and unsafe conditions for boats, which would in turn affect the viability of the project. The comments submitted by the CBCC via letter dated August 21, 2015 and Mr. Stanley M. Nicholas via letter dated July 17, 2015 (see attached Disk) were particularly detailed in this regard. These communications provided additional local data and analysis regarding potential adverse effects of prevailing wind and wave conditions, as well as potential effects of storms and hurricanes, on the structures of the proposed marina and the vessels therein.

The Corps understands that additional local data collection and analysis are necessary to adequately evaluate the potential effects of the prevailing and storm wind and wave conditions on the proposed docking marina. This information is necessary not only to evaluate the feasibility of the proposed project location and design, but also to prevent potential piecemealing in the evaluation of the project, if modifications in the project design or additional structures such as groins or wave breakers are determined to be necessary to protect the proposed marina structures and vessels from the effects

of the waves and wind. Please provide these data and analysis in your response to this letter.

4. Virgin Islands National Park (VINP) and Virgin Islands Coral Reef National Monument (VICRNM) - The Corps is concerned with the proximity of the proposed marina to the VINP and the VICRNM, and its potential direct, indirect and cumulative impacts on the sensitive marine resources located therein, especially within Hurricane Hole. This concern was also expressed by many commenters to our Public Notice, in particular by the National Park Service (NPS), which is the federal agency responsible for the management of the VINP and VICRNM.

The VICRNM was established on January 17, 2001, by Presidential Proclamation 7399 to provide greater protection to sensitive coral reef resources located within federally owned submerged lands beyond Virgin Islands National Park. In light of this proclamation, recreational or commercial boat anchoring is prohibited within the VICRNM. In addition, operation of personal watercraft is prohibited in the VINP and VICRNM.

Hurricane Hole, a NPS designated no-anchoring bay, which is part of the VICRNM, is located approximately 1.5 miles from Coral Harbor. The NPS has described that Hurricane Hole supports the most extensive pristine and well developed mangrove habitat on St. John. The NPS also described that aside from the Hurricane Hole area, the majority of the VICRNM and some of the most pristine beach and marine habitat in VINP lie on the south side of St. John and could be immediately accessed south of Coral Harbor. In addition, the NPS has noted that Lagoon Point, which has been designated as a National Natural Landmark (NNL), is located in Coral Bay directly along the transit routes to and from the proposed marina.

The proposed marina would be reasonably expected to increase boat traffic activity in the vicinity of Coral Bay, not only by the vessels occupying the marina, but also by their tender boats and recreational personal watercrafts, such as jet skies. The NPS has expressed that due to limited resources and personnel it could be difficult for them to effectively enforce the boating regulations, protect the sensitive marine resources, and respond to potential boat accidents and groundings within the VINP and VICRNM with the increased boating activity that could be expected from the development of the proposed marina.

In spite of the above, the information provided in your permit application, including the two Environmental Assessment Reports (EARs) prepared for the water-based and land-based components of the project, did not evaluate the potential effects of the proposed marina on the marine resources within the VINP, VICRNM, or Lagoon Point NNL. Based on the above, it is imperative for our evaluation of your permit application that you please complete and submit an assessment of the potential direct, indirect and cumulative effects of the proposed project on the resources of the VINP, VICRNM and

Lagoon Point NNL, including but not limited to boat traffic, enforcement, safety, marine resources, water quality, landscape, viewshed, lightscape, soundscape, carrying capacity, and visitor use and experience. In addition, as part of this assessment, please describe in detail the measures you propose to implement to adequately mitigate (i.e., avoid, minimize and compensate) any potential adverse effects of the proposed project on the VINP, VICRNM and Lagoon Point NNL.

5. Economics - Numerous commenters to our Public Notice expressed concerns with the potential adverse effects of the proposed marina on the existing ecotourism based attractions, services, businesses and economy of Coral Bay. The CBCC, via letter dated August 20, 2015, forwarded a letter signed by 39 small business owners in Coral Bay, which opposed the development of the proposed project, mainly because they understand that the project would be damaging to the economy of the area (see attached disk). Numerous communications were also received from visitors of Coral Bay expressing that they would not return to St. John if the proposed marina is built. In addition, reports prepared by Econsult Solutions and Mr. David Silverman, which were submitted by CBCC via letter dated August 20, 2015, point to potential flaws and limitations in data and analysis presented in the permit application, EARs and Market Study, Feasibility and Economic Analysis report prepared by the Summers End Group for the proposed marina, and indicate that the existing business and economy of Coral Bay would suffer considerable losses as a result of the development of the project. In order to adequately address these issues in our public interest review of your permit application and comply with our requirements under NEPA, we request that you please provide a response to the comments, concerns and findings of these two particular reports.

6. Infrastructure - Numerous commenters to our Public Notice expressed concerns with the potential adverse effects of the proposed marina on the infrastructure at Coral Bay, particularly with respect to traffic, energy, potable water, solid wastes and wastewater. The EAR submitted with your permit application provided evidence of traffic studies, potable water demand calculations, wastewater collection and disposal plans, energy demand calculations, and solid waste management plans. However, no documentation was provided to evidence that the pertinent agencies (i.e., Virgin Islands Water and Power Authority, Virgin Islands Waste Management Authority, and Virgin Islands Department of Public Works) have evaluated, approved or commented on those studies, calculations or plans. In order to adequately evaluate the potential effects of the proposed project on the existing infrastructure of Coral Bay, please submit evidence of the evaluation by those agencies regarding the proposed marina. Please also note that via letter dated August 19, 2015, the EPA expressed concerns with the capacity of the wastewater treatment facility at Cruz Bay could be exceeded by the wastewater volumes to be generated by the proposed project. The EPA also expressed concerns with the ability of the Bovoni Landfill in St. Thomas to receive and manage the solid waste to be generated by the proposed project, and requested that additional details and information should be incorporated into the solid waste management plan for the

project. We request that you please address the comments provided by EPA in this regard in your response to this letter.

## B. Size and Design of Proposed Docking Structure

The Corps is concerned with the size of the proposed marina and the extent of Coral Harbor that it would occupy, and how that could affect existing resources, conditions and uses within Coral Bay. As discussed below in more detail, we request that you evaluate possible project modifications and measures, including reductions in the size or layout of the proposed project and structures, to prevent potential adverse effects on the aquatic resources, and the existing conditions and uses within Coral Bay. In addition, please submit a discussion of which measures would be implemented to mitigate (i.e., avoid, minimize and compensate) those potential impacts.

1. Impacts to seagrass and benthic habitats - The Corps is concerned with the extent of the potential impacts of the proposed project on benthic habitats, particularly seagrasses. The Corps understands that the assessment of potential impacts to seagrasses and benthic habitats provided in your permit application should be revised to provide a more detailed analysis and discussion of the rationale and considerations used to estimate those potential impacts, particularly with respect to potential impacts during construction and operation.

The revised assessment should clearly illustrate, using benthic and bathymetric maps overlaid with the footprint of the project components, and the location, extent and source of all potential impacts by habitat type. All project related components potentially affecting seagrasses should be considered in this analysis, including the proposed navigation channel, docking structures, and associated basin and navigation areas, as well as the 12 proposed anchoring buoys and the existing mooring buoys that would have to be relocated. The analysis should also consider the draft, movement and anchoring of construction vessels and barges. In addition, the analysis should consider the potential effects of the operation of the marina, including draft considerations for propeller wash and turbidity generated by the vessels using the facility, as well as service barges such as the fuel barge.

As part of this analysis we ask that you please evaluate and discuss potential design modifications or reductions in the size of the proposed project footprint (including structures, as well as construction and operation footprints), which could avoid and minimize the potential adverse effects to seagrasses and benthic habitats. Once you demonstrate that the potential impacts to seagrasses have been avoided and minimized to the maximum extent possible and the extent of those impacts has been clearly documented, a compensatory mitigation plan to adequately offset those impacts must be developed and submitted. Please be advised that the Corps understands that the mitigation plans described in your permit application would not provide sufficient compensation for the potential impacts of the proposed project on seagrasses.

In addition, please note that via communications dated February 5, 2015, March 2, 2015, and September 11, 2015 (copies provided in attached disk), NMFS - Habitat Conservation Division (NMFS-HCD) determined that the proposed project would adversely impact aquatic resources of national importance, provided formal objections to the proposed project, recommended the Corps not to authorize the proposed project, and requested certain specific information to continue their review of the proposal. Please review NMFS-HCD communications and provide adequate responses to their concerns and requests, in particular to the information requested on page 5 of their letter dated February 5, 2015. This information will be necessary to complete our required interagency consultation pursuant to the Magnuson-Stevens Act and resolve the objections presented pursuant to Part IV 3(b) or the Memorandum of Agreement between the Department of Commerce and the Department of the Army dated August 11, 1992.

2. Existing mooring buoys and moored boats - The EARs submitted as part of your permit application acknowledge that a mooring field managed by the U.S. Virgin Island Department of Natural Resources (USVI-DPNR) is located within Coral Harbor, and that approximately 115 boats are presently anchored or moored within Coral Harbor. Many of those boats and moorings are located within the footprint of the proposed marina and would have to be relocated prior to project construction. The EARs (which were prepared for an earlier version of the project) have not been updated to reflect that a previously proposed new mooring field was removed from the currently proposed project. The Corps has not received any information describing the new proposed plan and process for relocating the existing moorings and boats, including details about the coordination that would be required with boat owners and the USVI-DPNR, description of the proposed location with benthic habitat characterization, and evaluation of the potential impacts of establishing this new mooring area. Therefore, please provide this information in your response to this letter. In addition, please discuss the measures that would be implemented to avoid and minimize adverse effects to the present uses of the bay as a mooring area.

3. Navigation and recreation - Numerous communications received in response to our Public Notice for your permit application expressed concerns regarding the size of the proposed marina and how it could affect existing navigation and recreation practices within Coral Harbor. These communications indicated that the proposed project would obstruct the ability of many sail boats currently moored therein to sail in and out of Coral Harbor and reach their mooring location. In addition, the commenters indicated that the Kids and the Sea (KATS) boating education program for children would most likely not be able to continue operating within Coral Bay, because the structures and boat traffic associated with the proposed marina would make it very difficult sail within the bay. Furthermore, commenters expressed that dinghy traffic to and from moored boats within the bay would be blocked by the proposed marina; and that the marina would also block the site traditionally used by local fishermen to launch



their boats. Please address these concerns and discuss which measures would be implemented to prevent adverse effects on the existing navigation and recreational practices that take place within Coral Bay.

4. Water circulation and movement of aquatic species - The Corps is concerned with the potential "barrier" effect that the 1,333 proposed pilings could have on water circulation patterns and movement of marine species within Coral Harbor. The comments provided by the CBCC and Mr. David Silverman in response to our Public Notice (copy enclosed) include a series of drawings generated with a scale model rendering tool. The drawings provide various views of the project piling arrangement from different perspectives. A review of those drawings evidences that the arrangement and density of pilings would result in potential obstructions, which could have detrimental effects on the existing water circulation patterns and in the movement of marine species in and out, and through Coral Harbor. Changes in water circulation could lead to deterioration of the water quality and marine habitats within the Coral Bay. Significant obstructions to the free movement of marine species could result in abandonment of existing habitats, as well as disorientation and injuries to individuals of the different marine species inhabiting Coral Bay. We request that you please provide an assessment of these potential adverse effects of the proposed project. In addition, please discuss the measures that would be implemented to adequately mitigate these adverse effects. In this regard, we ask that you please evaluate potential design modifications or reductions in the size of the proposed docking structures, which could contribute to avoid and minimize these potential adverse effects.

5. Property ownership and riparian rights – Several commenters to our Public Notice expressed that the size of the proposed marina would interfere with the ability of adjacent riparian property owners to access the navigable waters of Coral Bay, and with the general public's right of navigation on the water surface. Please see the comments provided in this regard by the CBCC in their submittal dated August 20, 2015; Mr. Philip Strenger via e-mail dated August 16, 2015; Camille and Allegra Kean via e-mail dated August 24, 2015; and Maria Hodge, legal counsel for the Moravian Church via letter dated August 5, 2014. We request that you please provide a response to these concerns, including an evaluation of the potential effects of the proposed marina on the riparian rights of adjacent property owners, as well as on the public's general right of navigation. The evaluation should consider potential design modifications or reductions in the size of the proposed docking structures, which could contribute to avoid and minimize these potential adverse effects.

6. Ambient and underwater noise - Numerous commenters to our Public Notice expressed concerns with the potential noise impacts of the proposed project, particularly in relation to pile driving during the construction of the docking structures. The EARs indicates that one of the proposed measures to minimize noise impacts during project construction is to use vibratory hammers to drive piles wherever technically feasible. However, no evaluation of the technical feasibility of using vibratory

hammers, such as geotechnical data, was provided. Therefore, the Corps cannot determine the extent in which this technique would be utilized and its actual effects on minimizing noise related impacts.

In order to fully evaluate the potential effects of the proposed project regarding ambient and underwater noise levels, a more detailed description of the actual construction techniques that would be utilized must be provided, including appropriate technical data supporting its proposed use, their expected effects in terms of generation of ambient and underwater noise, and the proposed measures to minimize those potential adverse effects. Please include this information in your response to this letter. Please note that via communications dated January 16, 2015 and July 18, 2015 (copies provided in attached disk) NFMS - Protected Resources Division (NMFS-PRD) requested submittal of additional information necessary to evaluate the proposed project potential acoustic impacts to sea turtles. Please provide the information requested by NMFS-PRD in your response to this letter. This information will be necessary to complete the required interagency consultation procedures pursuant to Section 7 of the ESA. Similar evaluation of potential acoustic impacts to other marine animals inhabiting the bay, such as dolphins should also be submitted in response to this letter.

C. Environmental Assessment (EA) vs Environmental Impact Statement (EIS) - Please note that via letter dated August 19, 2015, EPA advised the Corps that a full EIS should be prepared for this project to fulfill the requirements of NEPA. The NPS, via letter dated August 17, 2105, also expressed that an EIS should be required for this project. Numerous communications from the public also asked the Corps to prepare an EIS for this project. As indicated above, the information being requested in the present letter will be necessary for the Corps to comply with the procedural and documentation requirements of NEPA. At this time the Corps has not determined that preparation of an EIS will be necessary to satisfy the NEPA requirements applicable to your permit application. However, in order to document your position in this regard, we request that you please submit your response and/or rebuttal to the above recommendations that an EIS should be prepared, discussing why do you understand that an EIS should not be required.

#### D. Additional Federal Agencies Comments and Requirements

1. U.S. Environmental Protection Agency (EPA) - Via letter dated August 19, 2015, EPA determined that the proposed project would adversely impact aquatic resources of national importance, provided formal objections to the proposed project, and recommended the Corps to deny a permit for this project. Please review EPA's letter and provide adequate responses to the concerns detailed therein. This information will be necessary to complete our required interagency coordination and resolve the objections presented pursuant to Part IV 3(a) and 3(b) of the Section 404(q)

Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army dated August 11, 1992.

2. National Marine Fisheries Service (NMFS) - Via e-mails dated January 16, 2015 and July 18, 2015 (copies provided in attached disk) NMFS - Protected Resources Division (NMFS-PRD) requested submittal of information necessary for the Corps to request initiation and complete the required interagency consultation pursuant to Section 7 of the ESA for your proposed project. Please provide all the information requested by NMFS-PRD in your response to this letter.

3. U.S. Fish and Wildlife Service (FWS) - Via letter dated August 4, 2015 (copy provided in attached disk), FWS provided a series of recommendations to avoid, minimize and compensate the potential effects of the proposed marina on the resource and species under their purview. Please address and provide a response to all the comments presented by FWS in your response to this letter. This information will be necessary to satisfy the interagency consultation and coordination requirements of Section 7 of the ESA and the Fish and Wildlife Coordination Act.

4. U.S. Coast Guard (USCG) – Please provide a response to all the questions and concerns presented by the USCG via e-mails dated February 4, 2015 and October 17, 2015, regarding the proposed project.

E. Coastal Zone Management and Water Quality Certifications or Permits - You are reminded that two necessary prerequisites to the issuance of a Department of the Army permit for your project are the issuance of Water Quality Certification and a Coastal Zone Management Plan Consistency Certification by the U.S. Virgin Islands Department of Planning and Natural Resources (USVI-DPNR). Your permit application included copies of a Coastal Zone Management permit issued by the USVI-DPNR for the proposed project. However, this permit is not final, as it has not been approved by the Governor of the U.S. Virgin Islands or ratified by U.S. Virgin Islands Legislature. Therefore, please keep this office informed of the status of your applications for these two certifications.

F. Cumulative Impacts: In order for the Corps to consider environmental cumulative impacts of the proposed project, we request you to provide information regarding other existing, in progress or proposed projects that could affect the aquatic resources in the vicinity of the project areas. In particular, please provide information regarding your evaluation of potential past, present and foreseeable future environmental impacts of the proposed action in relation to such projects and describe the corresponding minimization and mitigation measurements being proposed. In this regard, please be advised that on October 19, 2015, the Corps issued a permit to the Coral Bay Community Council for the removal of derelict vessels within Coral Bay (DA Permit number SAJ-2015-02010). In addition, the Corps is aware that another marina (i.e.,

Sirius Marina) is being proposed within Coral Bay (DA Permit number SAJ-1982-05019).

Your application will be held in abeyance for 30 days pending receipt of your response. If within the next 30 days from the date of this letter we have not received a written communication from you, we will take final action on your Department of the Army permit application. Final action could include deactivation or denial of your permit application. Should the file be withdrawn, it will be retained for a period of one year.

You are cautioned that work performed below the mean high waterline or ordinary high waterline in waters of the United States, or the discharge of dredged or fill material into adjacent wetlands, without a DA permit would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from other agency does not obviate the requirement for obtaining a DA permit for the work described above prior to commencing work.

Thank you for your cooperation with our Regulatory Program. If you have any questions or concerns regarding this matter, please contact José A. Cedeño-Maldonado, Project Manager, at the letterhead address, by e-mail at jose.cedeno-maldonado@usace.army.mil, or by telephone at 787-729-6944.

Sincerely,

Sindulfo Castillo  
Chief, Antilles Section

Enclosures (see attached list)

Copy Furnished: Chalièse Summers, The Summer's End Group, LLC, 5000 Estate Enighed, Suite 63, St. John, US Virgin Islands 00830

List of Enclosures

1. Disk 1
  - a. Communications from Federal agencies in response to the Public Notice
  - b. Communications from CBCC in response to the Public Notice
  - c. Communications from the public in response to the Public Notice
  - d. Public Notice Comments by Category - Excel Spreadsheet
2. Disk 2 - Appendices 1 - 43 to Comments letter from CBCC dated August 20, 2015.