

# PAVESE LAW FIRM

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December 15, 2017

**By e-mail to [jose.cedeno-maldonado@usace.army.mil](mailto:jose.cedeno-maldonado@usace.army.mil)  
and United States Mail**

José A. Cedeño-Maldonado  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers  
Jacksonville District - Antilles Office  
Fund. Angel Ramos Annex Bldg., Suite 202  
383 F.D. Roosevelt Ave.  
San Juan, Puerto Rico 00918

Re: SAJ-2004-12518 (SP-JCM)  
St. John Marina Yacht Club

Dear Mr. Cedeño-Maldonado:

Please accept this letter as The Summer's End Group, LLC's response to the Corps request for additional information by letter dated October 26, 2017 regarding the above referenced application. The applicant's response is as follows:

1. *Alternatives analysis: The alternatives analysis submitted in your response was presented through an extensive narrative comparing the different locations and layouts considered. However, from the narrative discussion it is difficult to understand the weight given to the different factors or criteria used to rate and compare the alternatives. Therefore, we recommend that you prepare and submit a table summarizing your alternatives analysis. This table should indicate and explain the rating or value given to each comparison factor/criterion used to select the preferred alternative. In other words as part of your alternatives analysis we request that you: (1) define a set of criteria for comparing the alternative sites and layouts considered; (2) define a system to rate the alternatives against each of the criteria; and (3) describe a method to comparatively weigh each rating as to its importance.*

**Applicant's Response:** See attached Exhibit "A" - Alternatives Analysis

2. *Exposure to prevailing and storm winds and waves: The wind and wave analysis submitted in your response did not evaluate prevailing and storm winds and waves at Coral Bay, as requested by the Corps. The analysis did not provide and was not based on local data collected at Coral Bay. The analysis submitted only determined extreme wind and water levels at the project site, mainly based on data from a buoy located approximately 53 miles to the southeast of St. John. Finally, the analysis did not make any recommendations or provided any conclusions regarding safety or suitability of the bay for the proposed project and design under normal sea conditions. Therefore, please provide the information requested in our October 22, 2015 letter, regarding this topic.*

**Applicant's Response:** See attached Exhibit "B" – Marina Site Suitability Analysis

3. *Virgin Islands National Park (VINP) and Virgin Islands Coral Reef National Monument (VICRNM): Your response analyzed potential effects of the proposed project on the VINP and VICRNM, and proposed several measures and actions to mitigate those effects, many of which would require collaboration and coordination with the National Park Service (NPS). However, your response did not include any evidence of your coordination with the NPS in that regard, or their interest/willingness in collaborating with those measures. In order to consider those mitigation measures in the evaluation of your proposal, the Corps would need appropriate documentation of the NPS interest and commitment to work with you in the implementation of the proposed mitigation measures.*

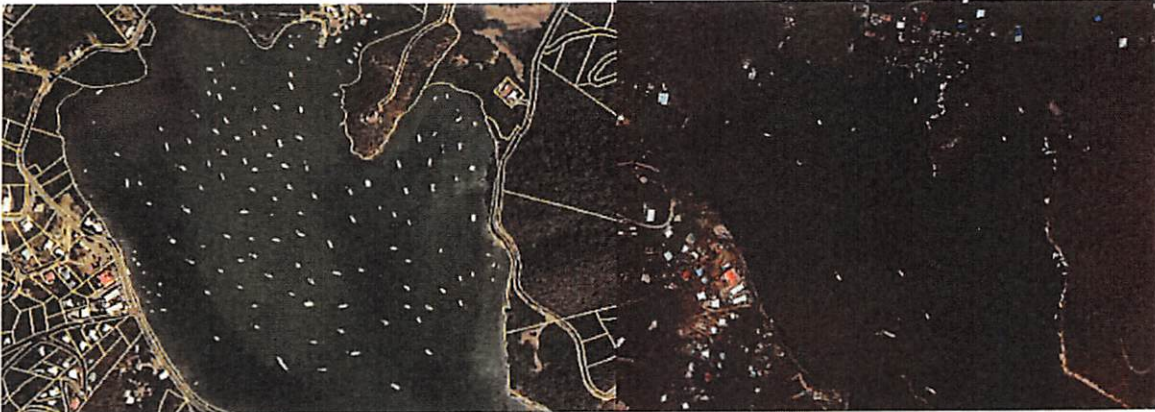
**Applicant's Response:** Summers End Group (SEG) worked with representatives of the National Park Service in May and June of 2017, to develop the mitigation that were previously presented. Unfortunately, changes in the park administration and staffing meant that a response from the Service accepting the proposed mitigation was not received prior to the earlier submittal. SEG continued to reach out to the Park to complete coordination through the beginning of September. Once the hurricanes hit, the applicant has not been successful in reaching anyone associated with the VINP and VICRNM since that time. Accordingly, we are withdrawing all the proposed mitigation associated with the park from this submittal and providing alternative mitigation proposals. When the Park is fully staffed and their hurricane recovery is complete, SEG will reach out to them again to continue its efforts to work with the NPS to protect the area.

4. *Infrastructure: As requested in our October 22, 2015 letter, please provide evidence of your coordination with the Virgin Islands Department of Public Works and their evaluation of the potential effects of the construction and operation of the proposed project on the traffic conditions and roadway infrastructure of Coral Bay. Similarly, please provide evidence of your coordination with the Virgin Islands Power and Water Authority (VIWAPA) to evaluate the potential effects of the project on the electric power infrastructure of Coral Bay. Please note that the VIWAPA Load Requirement Sheet submitted with your response does not appear to have been evaluated, signed or approved by VIWAPA.*

**Applicant's Response:** Please see the email exchanges between the applicant and Commissioner Nelson Petty of the Virgin Islands Water and Power Authority, attached as Exhibit "C-1" regarding the sufficiency of the power system and Exhibit "C-2", regarding the sufficiency of the road system to serve the marina as proposed.

5. *Impacts to seagrass and benthic habitats: We have received information indicating that seagrass and other benthic habitats in the U.S. Virgin Islands, including Coral Bay, received considerable impacts due to sediment deposition from storm surges and runoff, as well as scouring from vessels and anchors associated to the effects of hurricanes Irma and María. Therefore, we request that you conduct and submit a new benthic assessment to ensure that recent changes in the benthic composition of the project area are captured and that the potential for its natural recovery is considered in assessing and addressing the potential impacts of the proposed marina, and in developing adequate compensatory measures for project impacts to benthic habitats.*

**Applicant's Response:** Hurricanes Irma and Maria both caused significant damage to the Coral Bay area and Coral Harbor was devastated. The harbor used as a hurricane hole by many boaters due to its protected nature was not sufficient to protect the vessels and vessels were torn from their moorings and sunk or pushed into the mangroves. The mangroves took a tremendous impact from the storm and as of early December almost all show no signs of recovery.

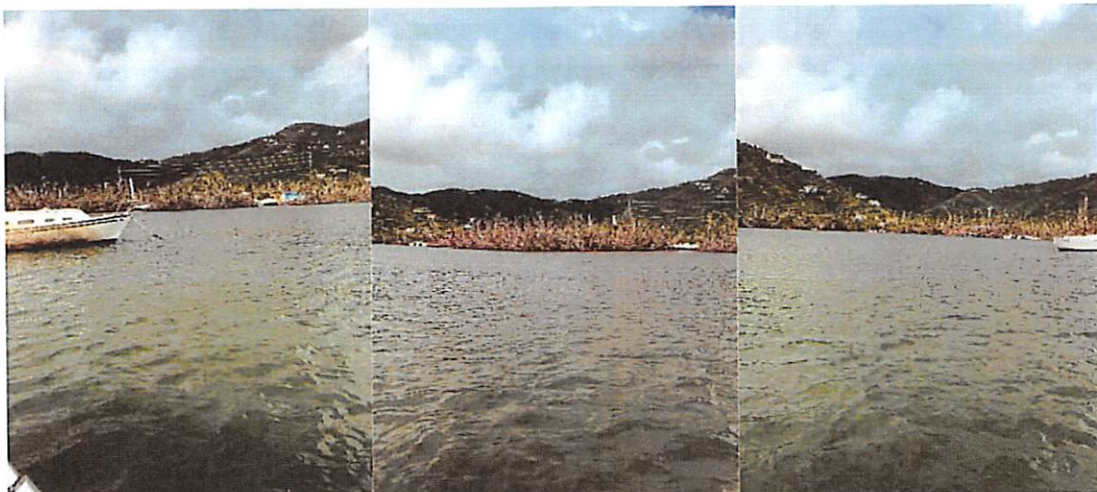


Pre-Irma Coral Bay

September 15-16, 2017

At least nine attempts have been made to resurvey the project area to determine the extent of seagrass and benthic impacts since early November without success. The project area still has very poor visibility due to suspended solids and turbidity in the waters resulting both from the effects of the hurricanes and the substantial amount of rainfall that has occurred since the hurricanes. As the island has had much of its vegetation destroyed, there is very little ground cover to keep soils and debris from washing into the harbor. Effectively, visibility is non-existent.

As of December 7, 2017, visibility is still too poor to conduct the detailed benthic survey which would be necessary to determine changes in seagrass coverage and potential for recovery. Based on touch, we know that seagrass is still present in some areas, but the extent of coverage could not be determined. It is probable that seagrass will recover consistent with past experience when vessels relocate, and the area is allowed to recolonize under favorable conditions.



Shoreline Mangroves in Coral Bay. Note Water Quality

6. *Existing mooring buoys and moored boats: Your response stated the applicant would cover the cost of removing and relocating legal moorings currently within the footprint of the proposed marina, and that the U.S. Virgin Islands Department of Planning and Natural Resources (USVI-DPNR) would assist in the removal of unauthorized anchored vessels and in identifying and permitting new locations for legal vessels. Please provide evidence of your coordination with the USVI-DPNR in this regard, including appropriate documentation of the USVI-DPNR agreement to relocate the existing moorings and vessels. As stated in our October 22, 2017 letter, in order to fully assess the potential effects of your proposed project, the Corps would need to evaluate the 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 relocation site for the moorings with benthic habitat characterization, and evaluation of the potential impacts of establishing this new mooring area.*

**Applicant's Response:** Please see attached Exhibit "D", an email from Commissioner Dawn Henry of United States Virgin Islands Department of Planning and Natural Resources, regarding the cooperation of the agency in regard to this proposal. Relocating existing moorings and vessels will be dependent on post-hurricane assessment and will be further coordinated when that information is available.

7. *Water circulation: Your previous submittals included limited data on marine current measures within Coral Bay. However, even though you have acknowledged existing poor water quality, slow circulation and sluggish water movement in Coral Bay, no specific data analysis or modeling have been presented to properly evaluate whether the proposed marina could result in further deterioration of water circulation and quality, particularly within the innermost portions of the bay. As stated in our October 22, 2017 letter, changes in water circulation patterns could lead to deterioration of the water quality and marine habitats within the Coral Bay. Therefore, we again request that you please complete and submit for our review a water circulation modeling study, assessing the potential effects of the project on the mixing and flushing capacity, as well as the water quality of the bay.*

**Applicant's Response:** Water movement in Coral Bay is sluggish with the circulation being both tidal and wind driven. Current measurements were collected in the project footprint over a 2 year period. The studies showed a sluggish exchange driven by tidal fluctuations. The circulation is affected by wind direction and when strong consistent wind occurs from the southeast it pushes water into the bay to aid flushing. Circulation decreases to the north and as also reported in Sirius Marina's EAR. The highest current recorded was 0.6ft/sec but the average was 0.36ft/sec overall, the falling tide averages 5.06ft/sec, and as shown in the table below (previously addressed in the NMFS PRD report).

Month/Year	CURRENTS			Tidal State	Winds
	18° 20.649'N 64° 42.847'W	18° 20.598'N 64° 42.824'W	18° 20.555'N 64° 42.804'W		
June-17	0.3ft/sec SW	0.3ft/sec W	0.3ft/sec SW	falling	E
	0.4ft/sec SW	0.2ft/sec SW	0.3ft/sec SW	falling	E
	0.3ft/sec SW	0.2ft/sec SW	0.3ft/sec SW	falling	E
	0.3ft/sec SW	0.2ft/sec SW	0.3ft/sec SW	falling	E
May-17	0.4ft/sec NNW	0.5ft/sec NNW	0.5ft/sec NNW	rising	SE
	0.4ft/sec NNW	0.6ft/sec NNW	0.5ft/sec NNW	rising	SE
	0.4ft/sec NNW	0.2ft/sec NW	0.5ft/sec NNW	rising	E
	0.6ft/sec NW	0.5ft/sec NW	0.4ft/sec NW	rising	E
April-17	0.2ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	NE
	0.2ft/sec SW	0.2ft/sec SW	0.3ft/sec SW	falling	NE
	0.1ft/sec W	0.1ft/sec W	0.3ft/sec NW	rising	E
	0.2ft/sec W	0.1ft/sec NW	0.3ft/sec NW	rising	E
	0.2ft/sec SW	0.2ft/sec W	0.3ft/sec SW	falling	SE
March-17	0.3ft/sec NW	0.4ft/sec NW	0.3ft/sec NW	rising	NE
	0.2ft/sec NW	0.2ft/sec NNW	0.4ft/sec NW	rising	NE
September-16	0.5ft/sec NNW	0.4ft/sec NNW	0.4ft/sec NNW	rising	E
	0.3ft/sec W	0.3ft/sec W	0.3ft/sec SW	falling	E
	0.4ft/sec NNW	0.3ft/sec NW	0.3ft/sec NNW	rising	SE
August-16	0.1ft/sec W	0.1ft/sec SW	0.1ft/sec NW	slack	SE
	0.1ft/sec SW	0.0ft/sec	0.2ft/sec NW	slack	SE
	0.5ft/sec NNW	0.5ft/sec NNW	0.5ft/sec NNW	rising	SE
	0.4ft/sec NW	0.5ft/sec NNW	0.5ft/sec NW	rising	SE
	0.2ft/sec W	0.2ft/sec SW	0.2ft/sec SSW	falling	E
July-16	0.5ft/sec NW	0.5ft/sec NW	0.4ft/sec NW	rising	SE
	0.3ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	SE
	0.2ft/sec SW	0.2ft/sec SW	0.2ft/sec SW	falling	SE
	0.1ft/sec SW	0.1ft/sec SSW	0.2ft/sec SSW	falling	E
June-16	0.3ft/sec SW	0.2ft/sec SW	0.4ft/sec SW	falling	SE
	0.4ft/sec NNW	0.5ft/sec NNW	0.7ft/sec NNW	rising	SE
	0.3ft/sec NW	0.4ft/sec NW	0.5ft/sec NNW	rising	E
May-16	0.4ft/sec NW	0.2ft/sec NW	0.4ft/sec NW	rising	E
	0.6ft/sec NW	0.5ft/sec NNW	0.4ft/sec NNW	rising	SE
	0.3ft/sec SSW	0.3ft/sec SSW	0.3ft/sec SSW	falling	SE
	0.2ft/sec SW	0.2ft/sec SSW	0.2ft/sec SSW	falling	SE
February-16	0.3ft/sec SSW	0.2ft/sec SSW	0.3ft/sec SSW	falling	ESE
	0.3ft/sec SW	0.2ft/sec SW	0.4ft/sec SW	falling	NE
January-16	0.4ft/sec WNW	0.5ft/sec NW	0.5ft/sec NNW	rising	NE
	0.4ft/sec NW	0.4ft/sec NW	0.4ft/sec NNW	rising	NE
	0.5ft/sec NW	0.5ft/sec NNW	0.4ft/sec NW	rising	NE
December-16	0.2ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	NE
	0.2ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	NE
	0.3ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	NE
	0.3ft/sec SW	0.3ft/sec SW	0.3ft/sec SW	falling	E
	0.4ft/sec NW	0.5ft/sec NNW	0.5ft/sec NW	rising	NE
	0.3ft/sec NNW	0.4ft/sec NW	0.5ft/sec NW	rising	NE
	0.4ft/sec NW	0.4ft/sec NNW	0.3ft/sec W	rising	NNE
	0.4ft/sec SSW	0.5ft/sec SW	0.4ft/sec SW	rising	NNE

Coral Harbor encompasses approximately 97 acres and is, on average, eight feet deep when considering the square footage of each depth. Therefore, there are approximately 142,000,000 gallons of water within the bay at mean water. Water is exchanged due to the changing tide and the exchange is impacted by wind and wind driven currents. Runoff is not a significant influence on flushing.

Tidal flushing refers to the systematic replacement of water in a bay or estuary as a result of tidal flow. The ocean is assumed to be a sink for water discharged during the ebb and a source of new water carried in by the flood. Ketchum (1951a) broadly defined tidal flushing in terms of an exchange ratio ( $r$ ) representing the fraction of water in a specified location that is replaced during a tidal cycle. The exchange ratio, also called the flushing rate or water renewal rate is construed as  $r = P/P + V$ , where  $P$  equals the intertidal volume or tidal prism, which is the difference between the volumes of water occupying the location at high and low tide which for Coral Harbor is approximately 25,000,000 gallons ( $P$ ) and  $V$  equals the low tide volume 129,000,000gallons. Therefore, the exchange ratio for Coral Bay is 0.163. This assumes an unrestricted mouth into the bay.

At the average current recorded which was approximately 0.36ft/sec water and with the opening of the bay being approximately 1550ft. across and averaging 10 ft of depth, there is an area of 15,500 sq. ft. through which water can move through at any given time. Based on an average of 0.36 ft/sec, approximately 30,000,000 gallons of water could move in or out of the bay during a 12 hour tidal cycle. The opening should not restrict flushing.

The water within the bay flows out of the bay and slowly mixes with the adjacent water in greater Coral Bay and then flows back into the bay as the tide shifts. So this is an exchange with water previously mixed with water from the bay. This exchange is clearly visible was the turbidity plume extends out of the bay during the outgoing tide and then is pulled back into the bay with the incoming tide. Therefore, only limited exchange occurs which is clear by the difference in turbidity in and out of the bay. Rarely is turbidity low within the harbor. This provides a good scenario in the event of a hydrocarbon release, water movement is slow, and flushing is limited facilitating the containment of a spill. For heavy suspended sediment they will not remain suspended for long periods due to water agitation when suspended by prop-wash or construction. However, very fine sediments created by vessel movements, construction, and any other bottom disturbances are going to remain in the water column and will be retained within the bay. Nutrients suspended or released by vessels and from runoff will accumulate rather than disperse. The limit flushing and circulation in the bay was one of the reasons that dredging was not considered, the very fine sediments suspended by dredging would remain in the water column for an extended period of time to the detriment of the benthic community. The presence of the marina could result in long-term increases in

turbidity if vessels are allowed to suspend sediments through prop-wash and buildup of nutrients if vessels are allowed to discharge waste. It will be imperative that low vessel speeds are required and enforced (during both construction and operations) and those vessels do not use bow thrusters in a way that affects bottom sediment. During construction the use of tugs will be the most significant potential source for suspending sediments and their use will be carefully monitored. The limited flushing will also accelerate the accumulation of metals leaching from bottom paints on vessels.

Increased turbidity and nutrient buildup could have an impact on seagrasses within the bay over the long term.

Ketchum, B. H., 1951a. The Exchanges of Fresh and Salt Waters in Tidal Estuaries, *Jour. Marine Research* 10, 19–38.

8. *Ambient and underwater noise: Your response indicated that, based on upland investigation and a review of the geology of the area, project engineers have determined that they will be able to use of a vibratory hammer to drive the 960 piles required for the construction of the proposed marina; and that an impact hammer would probably be required to set the piles. However, no geotechnical data or similar studies were submitted to support the practicability of the proposed methodology and the corresponding acoustic impacts mitigation measures. As stated in our October 22, 2017 letter, without such data or studies the Corps cannot determine with confidence whether in fact a vibratory hammer would be practicable for this location, and its actual effects on minimizing noise related impacts. Therefore, we again request that you conduct and submit the pertinent geotechnical studies to adequately support the feasibility of your proposed construction methodology. In addition, we recommend that you incorporate further acoustic impact minimization measures, such as using wood blocks to further abate noise generated by impact hammer pile driving activities; as well as using impact hammer only between July 7 - December 11, to avoid noise impacts to small (<2g) Nassau grouper. According to the National Marine Fisheries Service (NMFS), Nassau grouper less than 2 g should not be present in Caribbean nearshore habitats between July 7 - December 7. Please indicate whether it would be practicable to incorporate those measures as part of the construction of your proposed marina.*

**Applicant's Response:** The project engineers have based their assumptions on existing data. In "Sedimentary Development of Coral Bay, St. John, USVI: A Shift From Natural to Anthropogenic Influences" (*Caribbean Journal of Science*, Vol. 43, No. 2, 226-243, 2007, Gregg R. Brooks, Barry Devine, Rebekka A. Larsib and Bryan P. Rood), they were able to utilize 10ft vibra-cores to collect samples in Coral Harbor. A depth of 10 feet is sufficient to set the piles with a vibro-hammer. The piles can then be impact driven to depth.



Based on the engineers' estimates, each pile will require 200 strikes with the impact hammer (this assumes an initial 10 feet of vibro-hammering) and 5 to 6 piles can be driven per day. This would result in 1000 to 1200 strikes a day. Pile driving should take no more than 192 days for the offshore piles. There are 64 boardwalk piles and these piles will also require similar number of strikes and should take between 11 and 13 days for a total of 203 to 205 days of pile installation. In order to minimize acoustic impacts to species during any driving activities, bubble curtains will be installed, and sea turtle and marine mammal monitoring will be implemented. SEG has committed to using the wooden blocks to reduce noise impacts. SEG cannot commit to only driving piles with an impact hammer between July 7 and December 11. The limited window could have serious economic impact to the project due to timing.

9. *Cumulative impacts: Your response did not sufficiently address our October 22, 2017, requests regarding cumulative impacts. We recommend that you follow the enclosed template, to structure the information and analysis required to adequately complete the cumulative impacts analysis for your proposed marina and satisfy the corresponding requirements under the National Environmental Policy Act (NEPA).*

**Applicant's Response:** The Council on Environmental Quality's NEPA regulations defines cumulative impacts as: "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." [40 CFR 1508.7] Therefore, the NEPA cumulative effects analysis focuses on specific categories of resources instead of the environmental effects caused by a particular action and the identification of the stressors that cause degradation of those resources, including those caused by actions unrelated to the proposed action (CEQ 1997).

Saint John is about 20 square miles in size and over half of the island is designated as Virgin Islands National Park. The island has experienced minor population declines prior to the hurricanes of 2017 with the census in 2000 identifying a population of 4,197 people and the 2010 census identifying a population of 4,170. The island developed as agriculture after Columbus and over the last century, the economy has re-oriented to tourism, driven significantly by the designation of the National Park. Coral Bay is located on the southeastern side of the island and was once the main commercial and population center on the island due to the harbor. The introduction of a ferry service to Cruz Bay, about eight miles away, allowed it to grow and become the largest town on St. John. Coral Bay has fallen in significance and its harbor has been increasingly used for unregulated mooring and anchoring. There is presently no pump-out facility or fuel facility serving the area.

There are presently two proposals to construct marinas in Coral Bay. In addition to this application, there is a proposal to construct another marina in the northern portion of Coral Bay, and the plans for that marina are discussed in the Alternatives Analysis. There is also a plan for the installation of a potable water system by the Virgin Islands Water and Power Authority which has been tabled for several years but is now being revisited by the Authority.

If authorized, the development of two marinas in the harbor will minimize the unregulated mooring area available in the area and many of the vessels currently moored or anchored within the harbor will need to be relocated or moved into one of the marinas. The presence of both marinas would encourage a significant reduction in the number of illegally moored and anchored vessels in the area and reduce the impacts related to those vessels, particularly to the discharge of wastes from those vessels.

If authorized as presently proposed, the marinas would provide dockage for 241 vessels and would result in an increase in the number of vessels entering and leaving the harbor. Prior to the hurricanes, it is estimated that approximately 100 boats were using the bay for mooring or anchoring which have impacts to sea grasses at those sites and no efforts at mitigation or restoration for those losses. If authorized, the new marinas proposed will result in a loss of seagrass due to shading and direct impacts ranging up to five acres. However, this loss will be mitigated by transplanting seagrasses to encourage re-colonization of suitable areas and the re-colonization of areas previously impacted by unregulated mooring and anchoring. The marina proposed in the present application does not propose dredging as part of its application. In addition, it proposes mitigation efforts with replanting mangrove fringe and re-sodding areas adjacent to the drainage way to reduce silts and turbidity in the water column. The northern marina proposes dredging which will have a significant impact on water quality, at least short term, and a significant impact on light availability to seagrasses which could result in an additional loss of seagrass if dredging were authorized.

The development of both marinas will result in an increase in economic activity within the area and would encourage businesses and services in the area. The additional of potable water would also encourage development along the bay. There is a dense mangrove fringe around almost the entire bay and additional mitigation is proposed by the applicant that would restore more than 800 feet of mangrove fringe so it is unlikely that additional marine uses will be developed along the shoreline. Efforts to develop the area in an environmentally sustainable way, including the proposed mitigation associated with this marina application, would help limit the use of the bay for unauthorized mooring and anchoring and illegal discharges from those vessels. Furthermore, the improved availability of waste management, authorized moorings, and pump-out facilities should result in a net benefit to the water quality in the bay.

10. *Archaeology and historic resources: Your response indicated that a previously undetected shipwreck was recently identified within the project area and that measures to protect the resource have been implemented in coordination with the Virgin Islands State Historic Preservation Office (VISHPO). Please provide evidence of your coordination with VISHPO in this regard, including any communications or letters issued by VISHPO with regards to the evaluation of the potential effects of the proposed marina to archeologic or historic resources.*

**Applicant's Response:**

<b>David Brewer</b> <David.Brewer@dpr.vi.gov>	Mar 24
to me, Sean , Ebony	

**Dear Amy -- I do not mean to be a hard nut here, but... this will be my recommendation to CZM...**

**Reviewing the findings and the attached letter regarding the location, etc. I'm inclined to go back to my original recommendation of cutting off the last arm - - see attached drawing with cutoff in red... I know that's going to cause a lot of wailing and gnashing of teeth, but it's the right thing to do. Anything less will potentially impact the site.**

**If there's an argument about profitability, we can reconsider doing Phase II Testing and Evaluation and/or Phase III Data Recovery. They do that and they can stick the arm back on, but it would be prohibitively expensive.**

**Please carry this message to the planners/owners.**

**David M. Brewer  
Senior Archaeologist  
Virgin Islands State Historic Preservation Office  
Fort Frederik Museum**

**198 Strand St.  
Frederiksted, St. Croix  
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**Phone:** [\(340\) 719-7089](tel:(340)719-7089)

11. *U.S. Coast Guard (USCG): Your response to the comments provided by the USCG indicated that the applicant will work with the USCG to identify the need and location of additional Private Aids to Navigation (PATON) for the Coral Bay area as a result of the proposed marina. However, your response did not include any evidence or documentation of your coordination with the USCG in this regard. Please be advised that any PATON needed or required in relation to the proposed marina requires a permit and would be considered part of the same single and complete project, and should be included in your permit application. Therefore, we request that you complete your coordination with the USCG and provide information regarding the need, number, location, benthic habitats, and anchoring system for any such PATON, as well as evidence of your corresponding coordination with the USCG. In addition, as requested by the USCG, please clarify the fuel capacity of the mega yachts that are expected to use the proposed marina and explain why you do not anticipate transferring 250 barrels of fuel to any single vessel. If indeed more than 250 barrels of fuel would be transferred to a single vessel, you would need to engage in additional coordination with the USCG; and evidence of such coordination must be provided to the Corps.*

**Applicant's Response:** Attached are Exhibit "E" regarding the PATON application and Exhibit "F" in regard to the fueling question.

12. *Compensatory Mitigation Plan: The Compensatory Mitigation Plan submitted with your response does not describe the mitigation measures that you propose to implement in collaboration with the NPS, which are mentioned in other parts of your response. Also the Compensatory Mitigation Plan does not describe in detail the proposed removal and disposal of derelict vessels, which is mentioned in the Introduction section of the plan. In addition, the plan does not describe the proposed long term maintenance of storm water management structures within Coral Bay watershed, which is described in other sections of your response. Furthermore, there are inconsistencies between the Compensatory Mitigation Plan and other sections of your response with regards to the number of informational buoys (aids to navigation) that would be installed to alert boaters of the location of the*

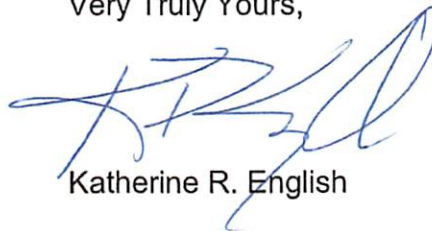
*seagrass transplant sites, as well as shallow seagrasses and reefs in the vicinity of Coral Harbor. In this regard, we request that you please confirm the number, type, location and benthic conditions for those proposed buoys. Please submit a revised Compensatory Mitigation Plan addressing the above.*

*The revised document should also address and incorporate the results of the updated benthic assessment that we requested above.*

**Applicant's Response:** Please see attached Exhibit "G" Compensatory Mitigation Plan.

Thank you for your consideration of the applicant's responsive submittal. We respectfully request the initiation of consultation with the commenting agencies regarding this application. If you wish to discuss this further, please contact me at your convenience.

Very Truly Yours,



Katherine R. English

KRE/ss

Enclosures

cc: Chalièse Summers  
Amy Dempsey  
Nancy Peele  
Matt Goodrich