



The St John Marina in Coral Bay

Permit Application by the Summer's End Group
Summary of Public Comments
3 Oct 2015

Disclaimer

These notes are a partial summary of the public comments submitted to the US Army Corps of Engineers pursuant to the July 9 2015 Public Notice for the Summer's End Group marina located in Coral Bay, St John. These notes are intended to highlight the areas of greatest concern expressed by the public, and they do not attempt to cover the full scope of public concerns. For the complete set of comments please refer to the formal submission of the Coral Bay Community Council and all letters submitted by private individuals and government agencies pursuant to the first Public Notice (January 2015) and the second Public Notice (July 2015).

➔ What and who is “Save Coral Bay” ?

- **Save Coral Bay** is:

- A grassroots organization created for the purpose of assisting the public response to the proposed Summer’s End Group marina project.
- Over 8,000 individuals involved.
- Over 1,000 individual donors who collectively have raised over \$102,000 to fund legal action to protect the Coral Bay marine environment.
- Save Coral Bay includes local property owners, business owners, Coral Bay residents, visitors, residents of other Virgin Islands, stateside supporters and others. It is a broad and diverse group of people dedicated to protecting the environment of Coral Bay for future generations.

The logo for Save Coral Bay is displayed on a black rectangular background. The text "SAVE CORAL BAY" is written in a large, white, serif font, with "FOR FUTURE GENERATIONS" in a smaller, white, sans-serif font centered below it.

SAVE CORAL BAY
FOR FUTURE GENERATIONS

What has Save Coral Bay accomplished?

- In partnership with the Virgin Islands Conservation Society (VICS) **retained local counsel to appeal** the flawed CZM decision on SEG permits in November 2014. Currently waiting for the appeal to be heard by the Virgin Islands Board of Land Use Appeals.
- Organized a website – **SaveCoralBay.com** – to provide the public with extensive primary documents (applications, assessments, news articles, analysis, Army Corps notices and legal documents).
- Printed **brochures and other media** to inform tourists and the general public of the proposed development.
- Together with CBCC, is **represented (pro bono) by two federal environmental law firms** with extensive experience in NEPA (Manko-Gold and Sive, Paget & Riesel).

➔ The Summer's End Group proposal has provoked an unprecedented level of public response

- Over **22,000 letters** from individuals
- Over 4,500 individual **requests for a Public Hearing**
- A petition with over **8,000 signatures**
- **All opposed to the Summers End Group marina in Coral Bay**



*Overflow crowd
At the August 2014
CZM Hearing*

➔ What are the main concerns ?

- **It is in the wrong location**
 - Shoreline is open to the ocean
 - Sea grass beds, turtle habitat
 - Subject to major impacts from any tropical weather
- **It is far too large**
 - 1,333 steel pilings
 - 1.7 acres of fixed marina structures, 5.7 acres of boats, 10000' of boats
 - 28 acres of Coral Bay Harbor devoted to one private marina
 - Restricts all other land owners from utilizing their shoreline
- **Extensive environmental impacts to an Aquatic Resource of National Importance**
 - Essential Fish Habitat (EFH)
 - Protected species (sea turtles, corals, marine mammals)
 - Unique shark habitat (pupping grounds in the mangroves)
 - Water quality impacts from marina, boats, upland development
- **Inappropriate in such close proximity to National Park resources**
 - Impacts to Hurricane Hole, Coral Reef National Monument, VI National Park
 - Extensive indirect impacts to the park visitor experience
 - Significant impacts to the quality of the human environment in Coral Bay

Some Additional Topics of Public Concern

1. There is no demonstrated **need** for this project.
2. The basic purpose can be fulfilled elsewhere on St John in **better locations** with less environmental impact.
3. The harbor is too small for a marina of this **scale** (navigational issues and littoral rights).
4. The **location** is totally unfit for a marina (weather, marina design).
5. Coral Bay has rich **biodiversity**, including endangered species, which would be adversely impacted.
6. The habitat in the footprint of the marina is marine meadows – **Essential Fish Habitat** and critical habitat for endangered **sea turtles** – and the habitat and water quality would be adversely impacted.
7. Elsewhere in the Virgin Islands intensive marina development has been **deadly to marine habitat**.
8. The **acoustic impacts** would resound throughout the valley, hillsides, and underwater causing significant impacts to the human and marine environment.
9. The proximity to the **Virgin Islands National Park**, the **Coral Reef National Monument** and **Hurricane Hole** mean that the adverse effects of the project would directly and indirectly impact these national resources.
10. The project is **not economically viable**; the developers have **no marina experience**; the project is likely to fail.
11. The project will have a significant **negative net economic impact**, considering the overall economy of Coral Bay.
12. The project has shown no concern for the **culture, history, community values** or critical resources of Coral Bay and would result in severe impacts significantly affecting the quality of the human environment.

→ This location in Coral Bay is totally unfit for a marina (wind, waves, slip design)

- Numerous captains, marina experts, and persons with extensive local knowledge have pointed out the totally unsuitable conditions for a marina at this location.
- The unlimited fetch (open ocean exposure) presents severe wind and wave action during even minor tropical weather. During major weather this location is where ships are pushed to the shore.
- Even under normal mild weather, the location experiences wind and waves from the southeast on a regular and frequent basis. The design of the marina, broadside to the waves, creates an uncomfortable and unsafe condition for boats and passengers.

Unlimited Fetch (Open Ocean Exposure)



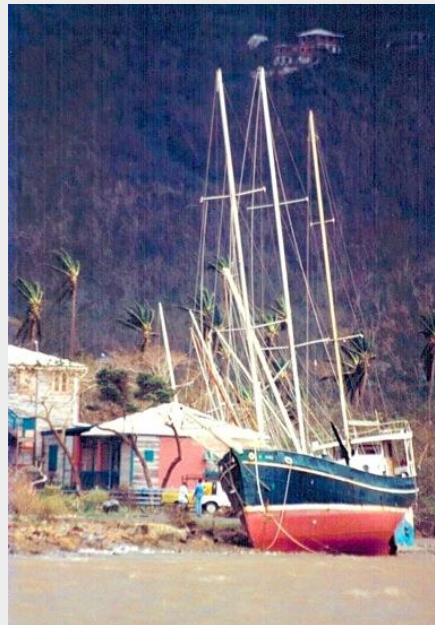
Prevailing Calm Weather Waves



This is the location where boats are wrecked on the shoreline after every major storm



Hurricane Hugo - 1989

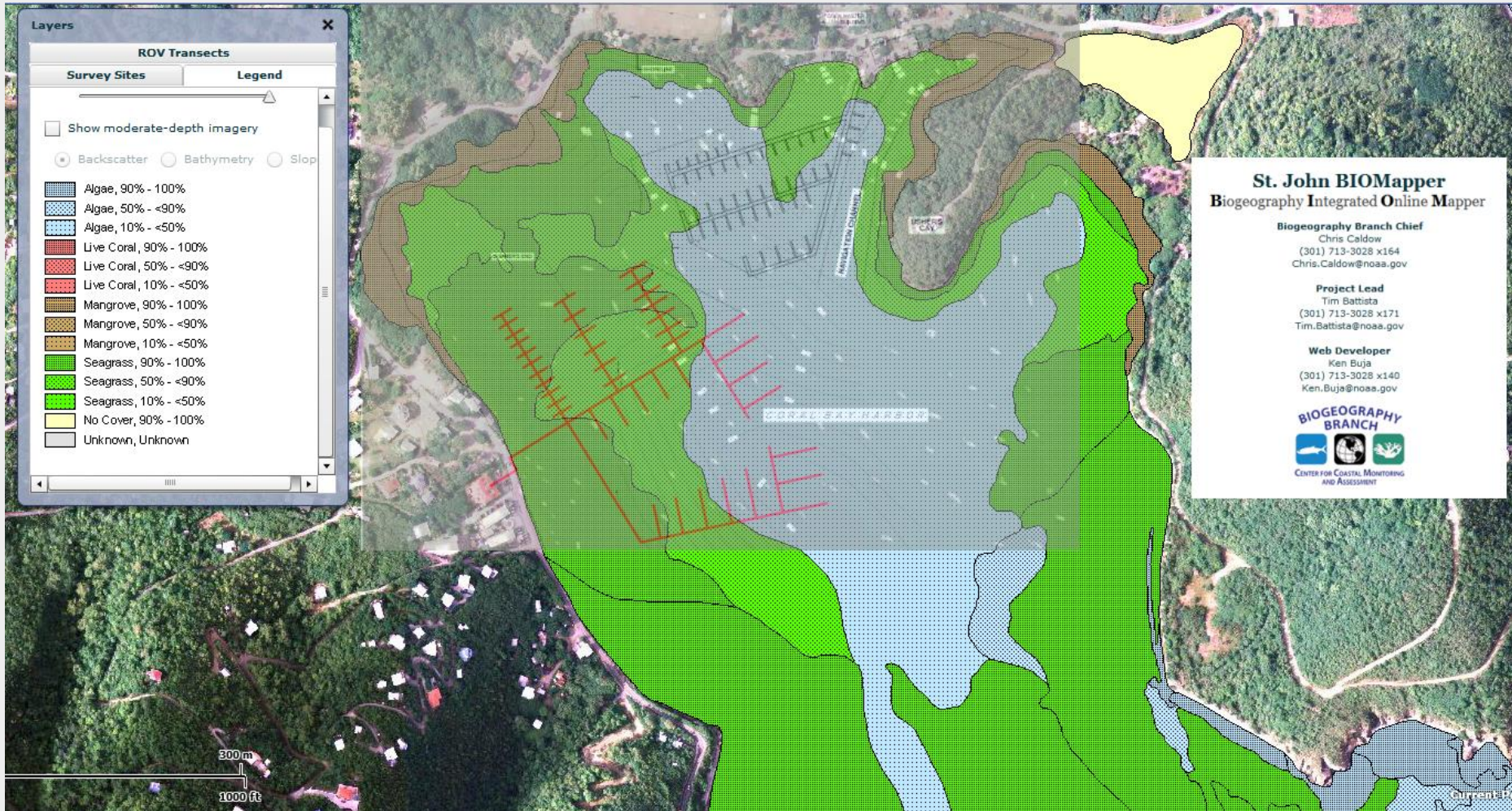


Hurricane Marilyn - 1995



Tropical Storm Erika - 2015

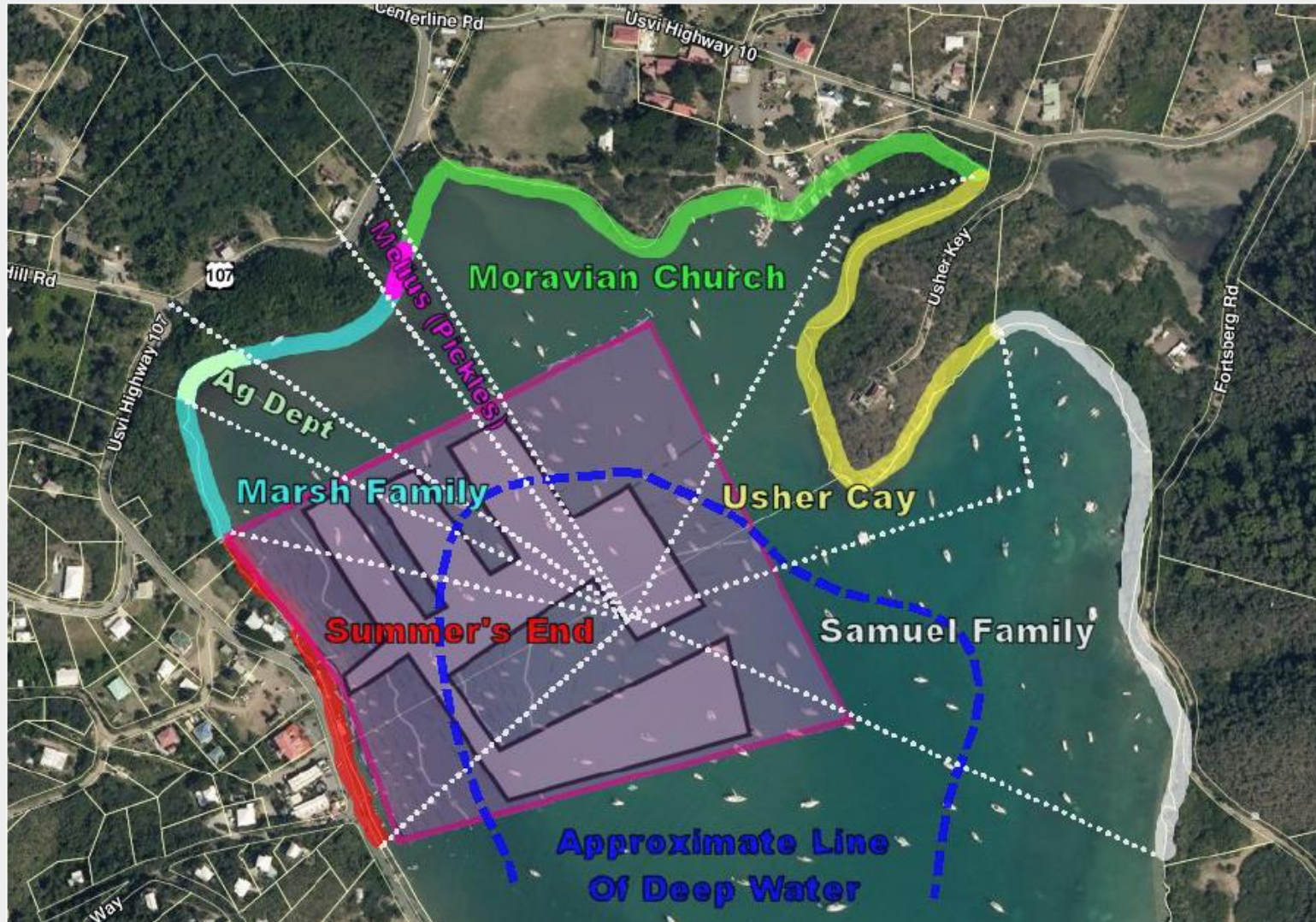
➔ The habitat in the footprint of the marina is marine meadows – Essential Fish Habitat



→ The harbor is too small for a marina of this scale (navigational issues and littoral rights)

- Two other owners of significant waterfront properties of Coral Bay harbor have objected to this project on the basis that it impacts their littoral rights (Moravian Conference and the owners of Usher Cay). The SEG marina extends far beyond any equitable boundaries considering the rights of other property owners.
- The size and location present a serious impediment to harbor access by traditional sailing means. With the prevailing winds sailboats need to tack to enter or depart the harbor. The main pier extending 900' into the harbor (more than halfway across) will make navigation under wind power impossible under most conditions.

The proposed marina blocks access to deep water for all other waterfront properties



The 28 Acre Site covers most of the navigable deep water of Coral Bay Harbor



Photorealistic scale rendering of the Summer's End Group marina at 75% occupancy

➔ Proximity to the National Park, Coral Reef National Monument and Hurricane Hole

- The proposed location is surrounded on three sides by the boundaries of the Virgin Islands National Park, and offshore by the Coral Reef National Monument.



Potential Impacts to NP Resources

- Huge increase in motorized boat traffic (every large yacht has one or more tenders)
- Potential for fueling spills, toxic ablative bottom paints
- Sound and light pollution
- Insufficient space in Hurricane Hole to accommodate 150 additional vessels during tropical storm conditions
- Impacts on protected species and habitats in the Coral Reef National Monument
- See letter from National Park Superintendent and thousands of individuals

→ Coral Bay has rich biodiversity, including multiple endangered species

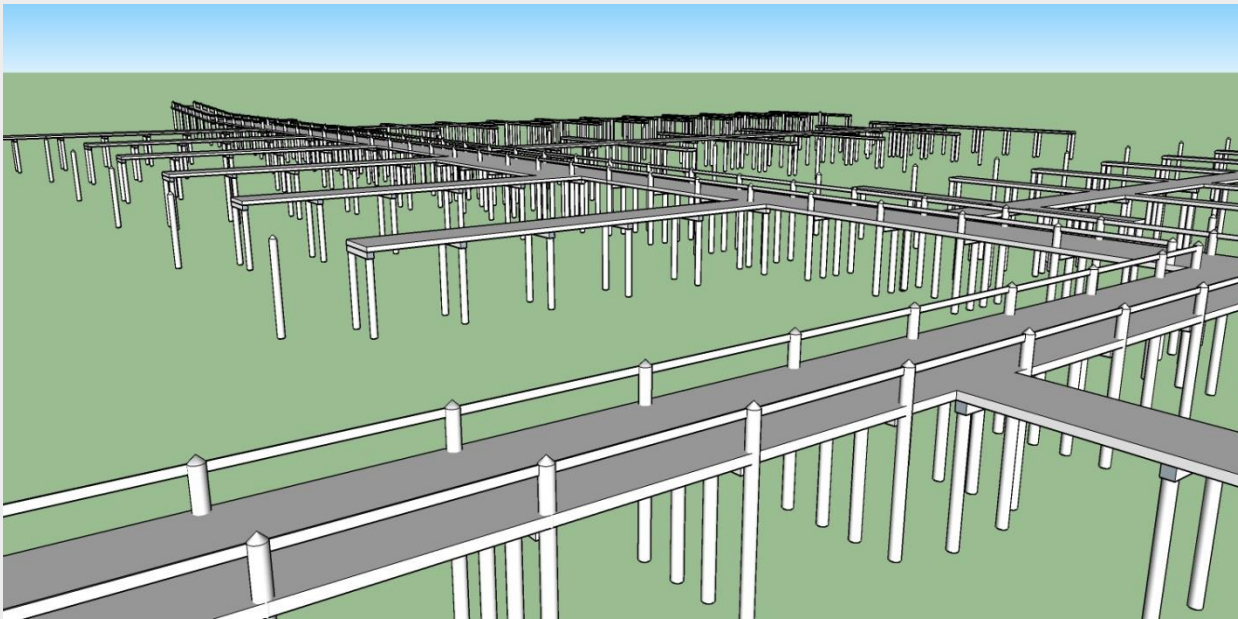
- The mangroves are a regionally unique pupping ground for Lemon and Black Tip shark – directly downwind from the proposed fueling dock.
- Green Sea Turtles, Hawksbill Turtles frequently are seen in Coral Bay, and Leatherback Turtles are known to visit.
- Multiple species of listed corals are found either directly within the project site, or adjacent to it.
- Queen Conch and other commercially valuable shellfish inhabit the sea grass beds.
- The entire harbor, sea grass meadows and mangroves, are a nursery for a multitude of reef fish species.
- Dolphins are frequently seen in the harbor, in the precise location of the proposed marina.
- Humpback whales seasonally migrate just outside of the harbor.

→ In the Virgin Islands marina development has proven to be deadly to marine habitat

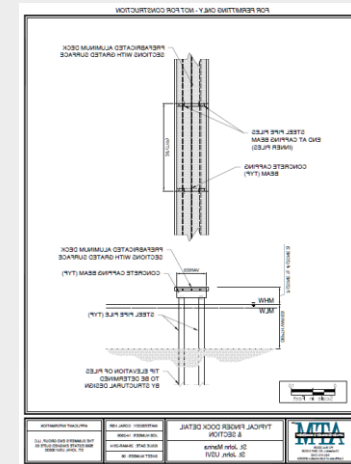
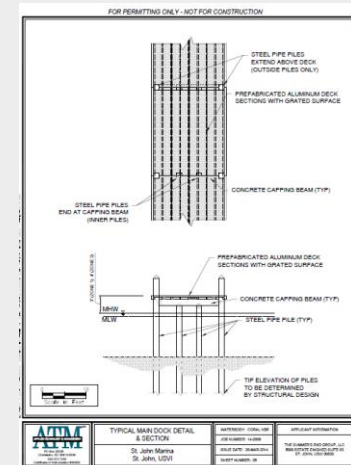
- Virgin Islands Coastal Zone Management Act states that marinas should be located on sandy bottoms, not live seabeds (sea grasses, corals).
- Benner Bay in St Thomas has documented the significant adverse effects of marinas on benthic habitats.
- Elsewhere in the Virgin Islands marinas are associated with dead sea beds, extensive trash, and degradation of the marine environment.
- New marinas should be situated in proximity with existing marine infrastructure to ensure that the adverse impacts do not extend into more pristine waters.

Extensive piling field will create major water quality impacts

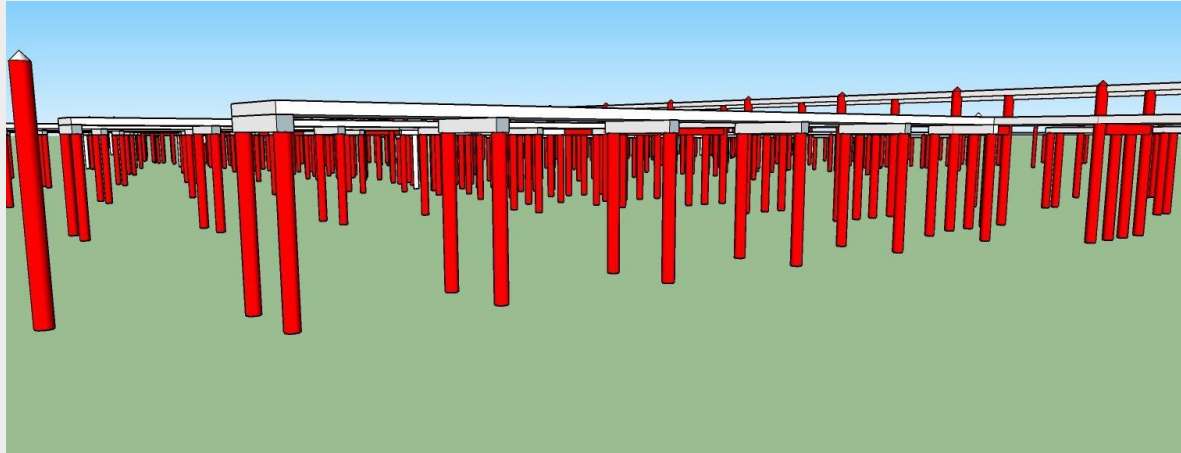
- 1.72 acres of fixed marina structures built on 1,333 steel pilings
- 5.7 acres of boat shading
- 17 acre construction site
- 28 acre marina site



Partial Scale View of Main Pier Piling Structures

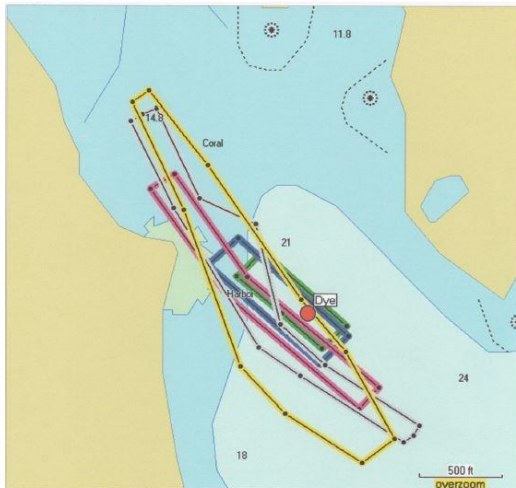


The piling structures are directly in the path of water movement



Piling Field (color coded for emphasis)

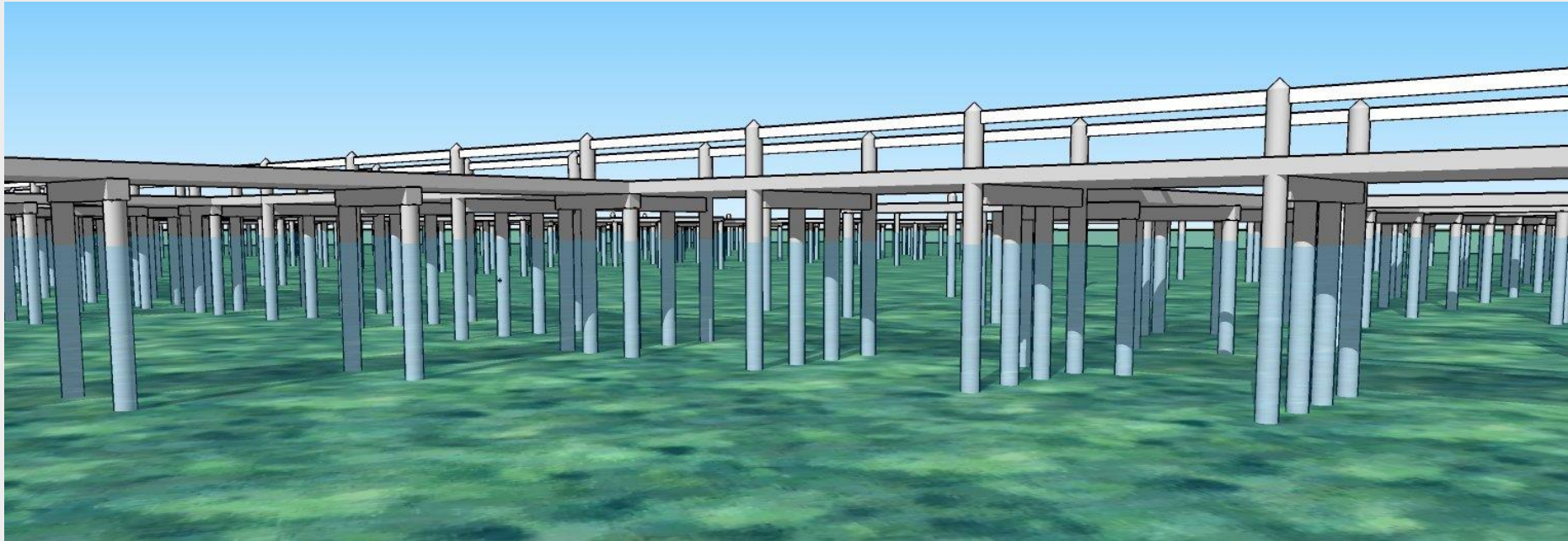
Figure A-8
Dye Dispersion Clouds for Coral Bay
St John, Virgin Islands
September 7, 2007



*Dye Dispersion Study (water transport)
with Proposed Marina Overlay*

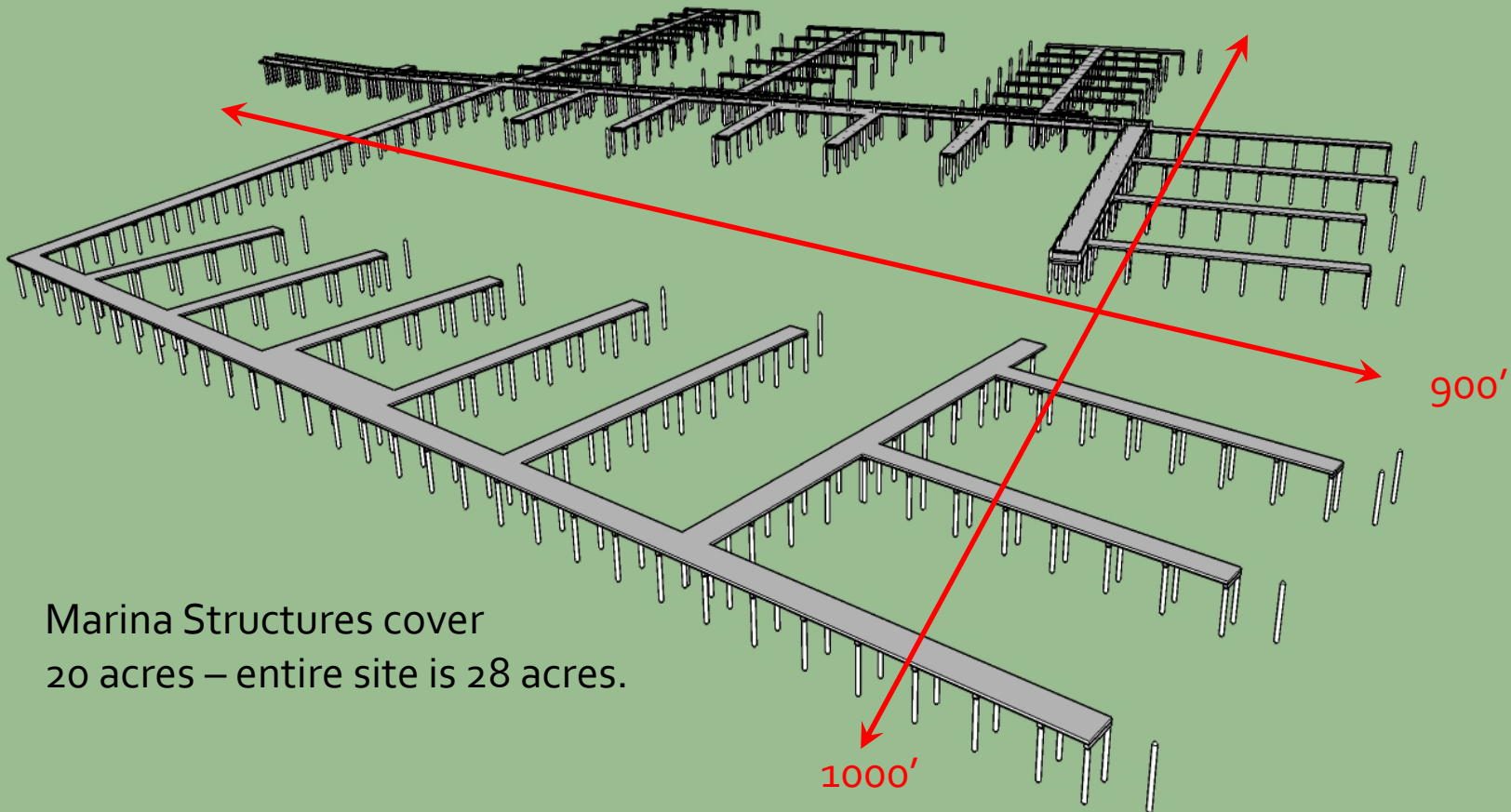


Scale Renderings of Piling Field (cont.)



Extensive shading impacts on sea grasses – 1.7 acres of fixed marina structures, 5.7 acres of boats, 17 acre construction site, 28 acre overall marina site. Main pier is oriented East-West, contrary to dock guidelines and maximizing shading impact.

Full Scale Rendering of Piling Structure



→ The acoustic impacts would resound throughout the valley, hillsides, and underwater

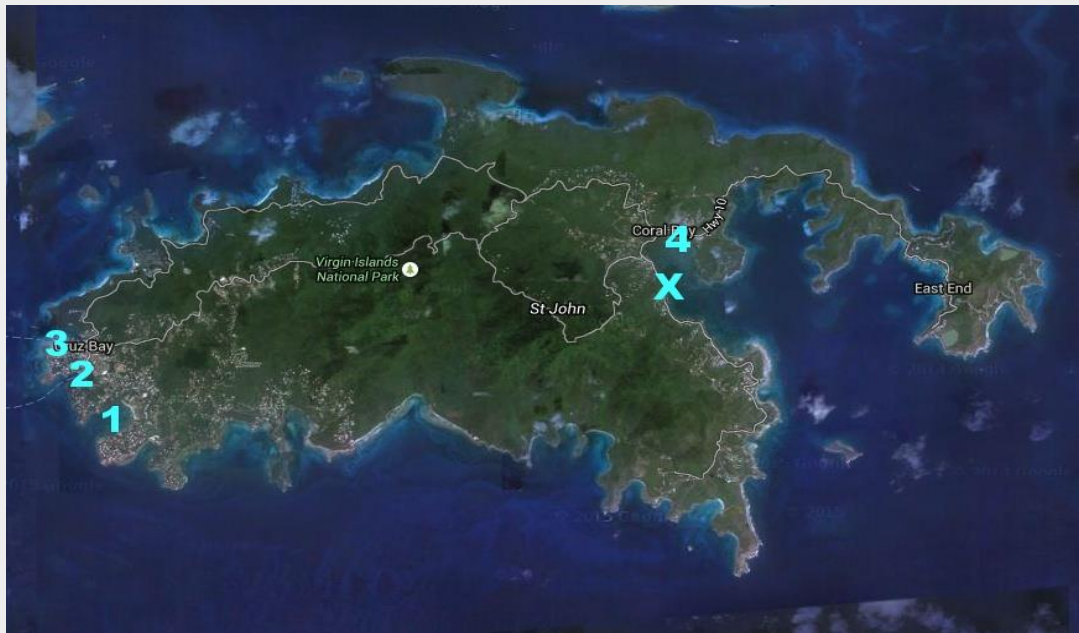
- The project is built on 1,333 steel pilings (mostly 17" diameter).
- The substrate conditions are unknown, so the viability of using vibratory pile drivers is unknown.
- This would be one of the largest pile-supported structures in the Caribbean.
- Acoustic impacts from pile driving would be 6 days a week, 8 hours a day, for up to two years. This would decimate the tourism economy of Coral Bay.
- The acoustic impacts would be harmful and possibly lethal to sea turtles and marine mammals which frequent Coral Bay.

→ There is no need for this project

- Mega yachts utilize the moorings of the National Park, or anchor offshore, and are entirely self-sufficient. When they want to visit a beach or access shore amenities they utilize their tenders or dinghies.
- Multiple yacht captains have said that the remote location of Coral Bay is unsuitable for yacht owners who prefer destination marinas with easy air access. Coral Bay is a minimum of 2 hours from the closest airport.
- The market model provided by SEG does not hold up to scrutiny – it uses old data from a different geographic region and provides no evidence that this project would meet a market need.

➔ The basic purpose can be fulfilled elsewhere on St John with less environmental impact

- Any location in Cruz Bay is closer to the infrastructure and amenities required by a marina.
- Look at Enighed Pond or Cruz Bay Creek, for example.
- Other locations will have significantly less environmental impact than the sea grass beds of Coral Bay harbor.



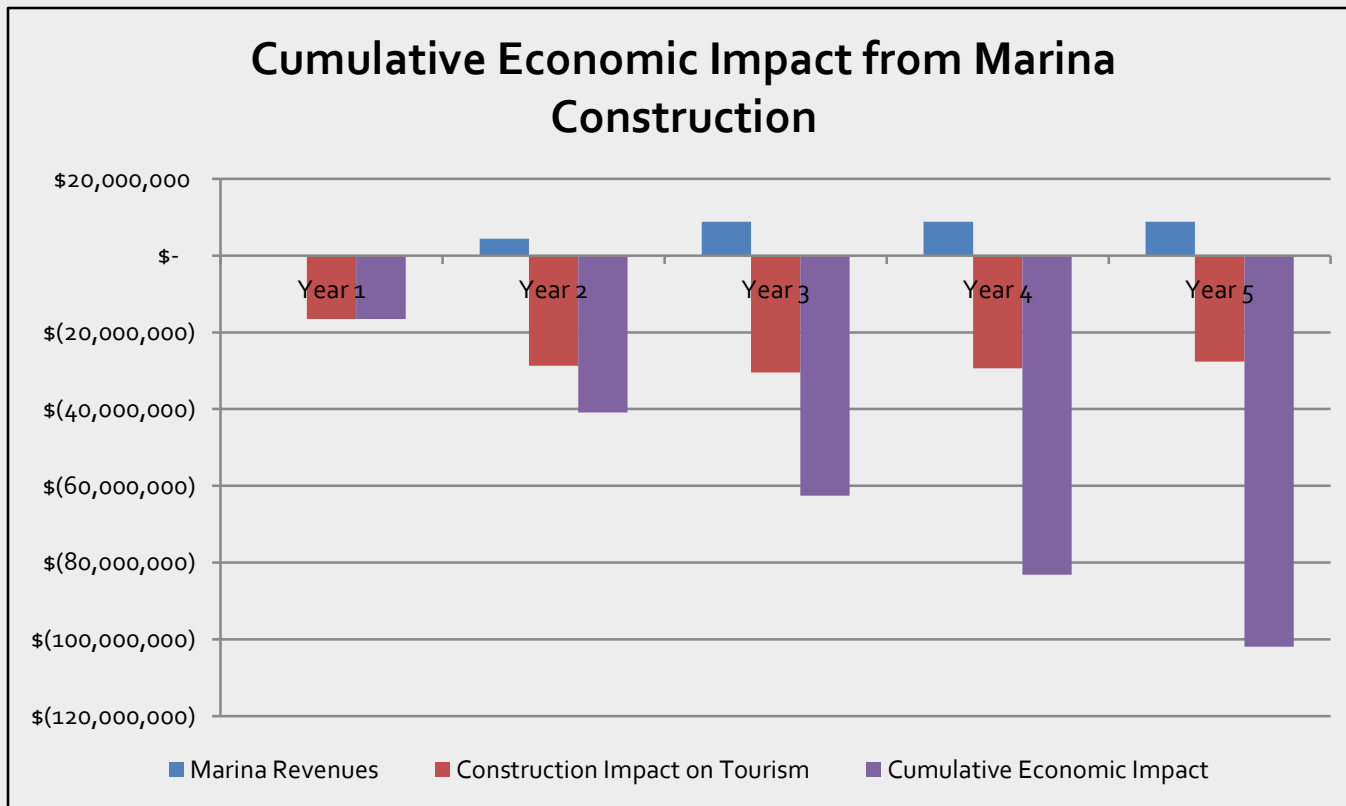
➔ The project is not economically viable

- The construction costs are not based on a realistic estimate of what it costs to build in the remote location of Coral Bay.
- The construction schedule does not account for delays due to logistics, weather, and lack of infrastructure.
- The applicants do not have control of the properties on which the marina is based.
- Based on the applicant's own cost forecast, the monthly slip rental would need to be so high as to be non-competitive and over-priced for the local community.

→ The project has no net economic benefit to the overall economy of Coral Bay

- The adverse impacts on the eco-tourism economy of Coral Bay will be severe, particularly during the 2 year construction period.
- Recovery from the downturn will be slow – people do not readily return to a place after a bad experience.
- The positive economic impact forecast by the developer is unproven, and only a small fraction of the negative impact on tourism.
- Overall the project would result in substantial economic losses to the Coral Bay economy
 - This is the opinion of villa owners in Coral Bay.
 - This is the opinion of over 90% of the shop owners in Coral Bay.
 - This is the opinion of the Coral Bay Community Council.

Negative Net Economic Impact to the Tourism Economy of Coral Bay



➔ Public Interest Determination (1)

All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are

1. **conservation** –
impacts to endangered species, essential fish habitat, mangroves, shark nursery, aquatic resource of national importance (EPA and NOAA)
2. **economics** –
no viable economic plan, severe adverse impacts to local economy
3. **aesthetics** –
totally transforms historic and current character of Coral Bay
4. **general environmental concerns** –
air quality from on-board diesel generators, light pollution from security lighting, solid waste management, noise pollution during construction and operation
5. **wetlands** –
impacts on marine meadows and mangroves, special aquatic sites, cumulative impacts from past development (sediments) and potential future development
6. **historical properties** –
impacts on historic viewshed of Fortsberg (National Register), Emmaus Moravian Church (National Register), Usher Quay

Public Interest Determination (2)

7. fish and wildlife values –

impacts to regionally important shark pupping ground (lemon, black tip and nurse shark in mangroves), queen conch, tarpon and snook, multiple species of reef fish and shellfish, Essential Fish Habitat

8. flood hazards, floodplain values –

site is rated VE14 which is inappropriate for a marina without wave protection, waves are known to exceed 12' at that location during tropical weather events, severe flooding occurs regularly after heavy rain events

9. land use –

SEG hopes to control 3.2 acres of land and use that as basis for controlling 28 acres of the 80 acre harbor; the SEG shoreline is approx 880', CB shoreline is approx 7,500', but SEG proposes to control 35% of the harbor area with just 12% of the shoreline.

10. navigation –

the marina is fully exposed to the ocean, wrong location, wrong slip design broadside to waves, the 900' main pier extends over half way across the harbor, navigation under sail is impossible under prevailing winds, the marina and proposed channel for large yachts will create significant navigational and traffic hazards in the harbor

Public Interest Determination (3)

11. shoreline erosion and accretion –

the shoreline in that location has been repeatedly eroded and damaged by tropical storms, requiring rip-rap repairs to protect the road; the proposed planting of mangroves on this exposed shoreline is unlikely to be successful.

12. recreation –

impacts on Virgin Islands National Park, Coral Reef National Monument, letter from Park Superintendent , impacts on existing uses of Coral Bay (Kids and the Sea)

13. water supply and conservation –

inadequate cistern and storage capacity for land-based and marina uses, requiring extensive trucking of water over fragile, mountainous island roads

14. water quality –

potential for severe impacts to water quality from construction impacts, shading impacts killing sea grasses, minor fuel spills, upland runoff, inadequate tertiary waste water treatment, extensive impervious surfaces for parking, turbidity from propeller wash in shallow waters

15. energy needs –

requires up to 1.5 megawatts of WAPA grid capacity (1/3 of total available) on an already over-stressed grid, no mention of solar generation or storage systems

Public Interest Determination (4)

16. safety –

the marina would be a major public safety hazard following any major storm, would block access to the south side of Coral Bay, could block access by water to the center of Coral Bay, hazards from above ground fuel storage, lack of adequate water to address marina fires, lack of realistic fire safety plans.

11. food, and fiber production –

fishermen utilize the shoreline that will be occupied by the marina due to its proximity to the road; this project would impact local fishermen by removing that access.

12. mineral needs – N/A

13. considerations of property ownership –

see complaints from other shoreline property owners regarding infringement of littoral rights , excessive size (28 acres) compared to land ownership (< 4 acres), controls approximately 35% of the harbor (and over 50% of the deep water) while controlling less than 15% of the shoreline.

19. and in general, the needs and welfare of the people –

the project is 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 effect the quality of the human environment.

→ Five federal agencies have voiced strong objections to the St John Marina



United States Environmental Protection Agency

“After reviewing the available data, the U.S. Environmental Protection Agency (EPA) believes that this project will result in significant impacts to aquatic resources of national importance. **EPA thus strongly recommends the denial of a Department of the Army permit for this project.**”



NOAA HABITAT CONSERVATION
NATIONAL MARINE FISHERIES SERVICE

“In addition to the impacts to Aquatic Resources of National Importance, NMFS concludes the docking structure construction, mooring facility, and upland development will adversely impact EFH. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations when an activity is expected to adversely impact EFH. **The Department of the Army shall not authorize the project as proposed.**”

→ Five federal agencies object (cont.)



"We believe the direct and indirect impacts of this project have not been adequately assessed and mitigated. **We recommend that the Corps not issue this permit until our concerns have been addressed.**"



"After reviewing ... the Environmental Assessment Report (EAR) prepared for the project, **we continue to be unable to determine the potential extent of project impacts to (endangered species)**". They then say that "sea turtles are known to use Coral Bay ... but, **despite several requests, no sea turtle surveys have been conducted for the project.**"

→ Five federal agencies object (cont.)



“Given that the applicant indicates that the single most important reason for locating the marina in Coral Harbor is the proximity of Park and Monument resources, I would ask that your office not issue a permit until the impacts on these critical resources are adequately considered, with mitigation for negative impacts identified and required as a condition of this permit. **I believe that this proposed development has proven to be so controversial and can reasonably be expected to cause significant long term harm and impairment to the resources of the Virgin Islands National Park and Virgin Islands Coral Reef National Monument as to require the permitting agency (ACoE) and/or the permittee to complete a full Environmental Impact Statement before issuing a permit or proceeding.**”

Way forward ...

- The applicant
 - Has not addressed any of the federal agency comments, some of which (NOAA-PRD, NOAA-HCD) have been known since August 2014 (14 months).
 - Has submitted three permit applications without answering any of the questions raised by public and agency comments.
 - No longer has any property interest in the central parcel of the project.
 - Has not met the requirements of the CWA 404(b) by not providing a realistic alternatives assessment.
 - Has not submitted an Environmental Assessment Report addressing the combined impacts of the land and water development.
- The project
 - Does not meet the criteria identified for a Public Interest determination, including impacts on ARNI, navigational issues, protected resources, and environmental quality.
 - Has not been demonstrated to be economically beneficial to Coral Bay, or economically viable to develop.
 - Provides no meaningful mitigation in spite of extensive impacts to special aquatic sites.
 - Is opposed by two of the major shoreline property owners of Coral Bay Harbor.
 - Is opposed by over 90% of the business owners of Coral Bay.
- The public
 - Has demonstrated unprecedented opposition by sending over twenty two thousand letters opposed to the project for multiple reasons.
- Based on the above, we believe that the Army Corps should either
 - **Deny the permit, or**
 - **Immediately require a comprehensive Environmental Impact Statement addressing all of the issues raised by the public and the federal agencies.**

Appendix A: Sources of Public Response

Letters Opposed to the Marina	First PN	Second PN
From Individuals	800	591
From National and Regional Organizations (approx)	15	20
From Individuals (variations of an online letter)		2,000
From Individuals (online letter with personal comments)		1,150
Letters from NPCA Members (approx 500 with personal comments, approx 5350 duplicates, total 17733 individual responses)	11,239	11,733
Letter from Coral Bay small business owners		25
TOTAL COMMENT LETTERS (EACH NOTICE)	12,054	15,544
TOTAL COMMENT LETTERS (COMBINED TWO NOTICES)		22,100
TOTAL PETITION SIGNATURES	5,200	8,197

Appendix B: Viewshed Analysis

