

ST. JOHN TRADEWINDS

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FWS Pulls Boating Infrastructure Grant Funds from Summer's End Group

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Principals of the St. John Marina, Yacht Club at Summer's End, pictured in an artist's rendering, above, did not respond to an email request for comment on the federal decision.

After months of formal complaints, bureaucratic red tape and a Freedom of Information Act request which netted hundreds of pages of internal and external emails, U.S. Fish and Wildlife Service officials yanked a portion of a \$1.27 million grant from Summers End Group recently.

The grant was awarded in December 2013 to V.I. Department of Planning and Natural Resources with SEG as the sub-grantee. FWS distributes the funds as part of its Boating Infrastructure Grant (BIG) program available to projects which construct, renovate and maintain facilities for transient boaters. The BIG program is funded by the Sport Fish Restoration and Boating Trust Fund with allocations that will be lost if they are not spent by regional FWS offices.

FWS Southeast Regional officials issued a letter to DPNR March 17 rescinding the BIG program grant. Wildlife and Sport Fish Restoration Program Chief Michael Piccirilli wrote that SEG's marina was not eligible because of the harm it would cause the environment.

"One requirement for BIG Program grant projects is found under 50 CFR Boating Infrastructure Grant Final Rule, Subpart B 86.21, which states: 'What activities are ineligible for funding?' Piccirilli wrote. "Your project is ineligible for funding if you propose to: (c) 'Significantly degrade or destroy valuable resources or alter the cultural or historic nature of the area.' After receiving information concerning potential impacts of the marina project to the environmental and cultural resources of the area, we revisited our initial decision to fund this award in light of 50 CFR 86.21."

"Consequently, we have decided to discontinue this award based on our analyses of the information received," he wrote.

While SEG has not received any funding to date, FWS authorized the expenditure \$176,449 of federal funds for the developers "to complete the required environmental, economic, cultural compliance, and permitting documentation ('soft costs')," Piccirilli wrote.

"The Service also authorized the grantee to expend up to an additional \$127,366 of the federal budget if additional funds were needed for the permits and compliance studies, thus allowing for a total of \$303,815 for 'soft costs'," the FWS official wrote to DPNR Commissioner Dawn Henry. "After one year, minimal progress has been made on the grant project.

Piccirilli's letter enumerated 21 issues which need to be addressed about SEG's marina project ranging from addressing pile driving and quantification of potential acoustic impacts to sea turtles to analyzing impacts to the resources of the Virgin Islands National Park and the Virgin Islands Coral Reef National Monument from increased vessel traffic.

SEG principals Chaliene Summers and Rick Barksdale have plans to construct a 145-slip mega marina in Coral Bay harbor. They were able to secure the BIG funding by convincing FWS that 37 percent of their project would benefit transient boaters.

SEG's project sailed through the local Coastal Zone Management process, getting a green light from a controversial St. John CZM Committee in October. Despite the DPNR permits, before construction can begin, the marina still requires permits from the Army Corps of Engineers as well as the local legislature for use of submerged lands.

In the wake of DPNR's decision, several Coral Bay and off island residents opposed to SEG's marina project formed the group Save Coral Bay and raised more than \$90,000 to launch a legal fight against the development.

The community group in collaboration with V.I. Conservation Society filed an appeal to the Virgin Islands Board of Land Use Appeals. That appeal has not been heard yet. Working with federal environmental lawyers, Save Coral Bay officials also submitted extensive comments to ACOE, which has not yet issued its decision on SEG's permit application.

As another part of Save Coral Bay's effort, Coral Bay residents Gerry Hills and Barry Devine decided to take a closer look at the SEG's BIG program funding.

"SEG got the grant in December 2013 but it wasn't announced to anyone," said Hills. "FWS was supposed to publicize it and get community input. We heard about in September just before the CZM hearing."

After Devine wrote several emails to FWS's Southeast Regional Office with no response, Hills got involved and sent a Freedom of Information Act request to the agency.

Hills received the FOIA information in October 2014, a package of about 400 pages of FWS internal and external emails pointing to a lack of oversight of SEG's BIG program grant.

"After reading through the FOIA documents, I found the BIG Grant regulations," said Hills. "Section 86.21 of their own regulations states, 'Your project is ineligible for funding if you

propose to . . . Significantly degrade or destroy valuable natural resources or alter the cultural or historical nature of the area.’ So I wrote a complaint, based on that clause and a whole lot else.”

In November Hills and Devine filed a formal complaint to FWS requesting the agency retract SEG’s BIG program funds.

“Essentially we could find no evidence of any scientific studies involved in the decision to award the grant, and nothing done by FWS to study impact on the environment,” said Hills.

Their 11-page complaint details numerous instances of the lack of scientific study on SEG’s project and alleges that FWS awarded the funds only to spend federal money.

“The FOIA request produced no evidence of any scientific analysis of this project at it pertains to the FWS statute 86.21 c),” according to the FWS complaint filed by Hills and Devine. “The BIG Grant appears to have been awarded by FWS as a way to use available Federal monies, with no involvement or input from the community. However, there is considerable evidence that this project fails to meet the criteria of FWS statute 86.21 c), for environmental, historical, and cultural reasons, and FWS is in possession of this evidence.”

Hills did not work alone on the FWS funding, he explained.

“The BIG program grant was actually rescinded as a result of effort from 15,000 people who wrote letters [to ACOE] against the marina, a number of federal agencies, and the Office of the Inspector General,” said Hills. “A few of us were closest to the action, but everyone contributed.”