

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Mrs. Chaliene Summers
The Summer's End Group, LLC
5000 Estate Enighed, Suite 63
St. John, VI 00830

WATERWAY AND LOCATION: The project would affect waters of the United States (WOTUS) associated with the Caribbean Sea. The project site is located at Coral Harbor, St. John, USVI.

PROJECT PURPOSE:

Basic: Construction of a new private commercial marina and mooring management field.

Overall: Construct a private commercial marina with 145 slips of varying length and 87 moorings buoys, 75 of which would be managed through a public private partnership with the DPNR in St. John.

EXISTING CONDITIONS: Coral Bay is an area of particular concern and is delineated as such by the Virgin Islands government; however formal management plans have never been finalized for the area. The area has also been identified by the federal government as an area of interest and significant funding has been invested in improving storm water runoff quality which impacts the bay. The project is located in Coral Bay Harbor, which has been designated as a mooring area by the Department of Planning and Natural Resources (DPNR). The bay is surrounded by mangroves which provide fish habitat and a nursery ground. The bay contains dense seagrass beds, submerged aquatic vegetation (SAV), and therefore is essential fish habitat. The seagrass beds are also forage habitat for endangered sea turtle species and endangered sea turtles have been noted foraging in the bay. The bay is known as a black tip, lemon and nurse shark nursery and bull sharks are known to enter the bay to prey on the other juvenile shark species. A single live *Acropora palmata* colony was located offshore of Harbor Point on the far side of Coral Harbor. *Dendrogyra cylindrus*, *Orbicella annularis*, and *Orbicella faveolata* are present in the near shore environment on the far side of the harbor and small colonies are present on the hard bottom to the east of the proposed project.

PROPOSED WORK: The applicant seeks authorization to construct a private commercial marina with 145 slips of varying length, dinghy to 210 feet, and 87 moorings buoys, 75 of which would be managed through a public private partnership with the DPNR. The project also proposes repairs to existing rip-rap revetment and upland facilities would be constructed for administrative and commercial purposes. Project would provide sewage pump out services and waste disposal facilities, potable water, electrical power and fuel pump out facility amid other facilities. The proposed project impacts to seagrass colonized marine bottom would be associated with 1,333 piles (12 -17 inch diameter) occupying 2,500

square feet (sq. ft.), dock structures totaling 1.42 acres, boat shading estimated in 5.7 acres and temporary construction impacts approximately up to additional 2 acres.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The marina has been positioned deep enough to avoid dredging. The docks have been located to avoid the scattered corals. The docks have been positioned to avoid the densest areas of seagrass. The docks will use grated decking to minimize impacts to SAV. The project would be directly impacting approximately 2500 sq. ft. (0.06 acres) of SAV due to the placement of 1,333 piles ranging from 12-17" in diameters. Due to wave turbulence, seagrass will also be lost surrounding the piles. The dock itself occupies 1.42 acres of which 181 sq. ft. (0.004 acres) would be over areas with seagrass and coral rubble, 1,567 sq. ft. (0.03 acres) over area of sparse seagrass, 41,546.37 sq. ft. (0.95 acres) over areas with 30%-100% seagrass coverage, 27,072 sq. ft. (0.62 acres).

The fire suppression and potable water demands for the marina would be met from upland cisterns fed by roof catchments located on the upland areas. Makeup water will be purchased from both the Water and Power Authority (WAPA) and Caneel Bay as-needed. All water would be stored in existing cisterns, with a distribution piping system installed to serve each slip in the marina. Wastewater generated from the pump out system, with a publicly accessible pump out located on the fuel dock and individual connections at the larger boat slips, would be pumped to a 3,000-gallon high-density polyethylene (HDPE) holding tank on the uplands. A local licensed waste hauler would be contracted to empty this tank and haul the waste to a permitted wastewater treatment facility for treatment and reuse/disposal. The marina would also include 12 permanent mooring balls associated with the marina, and the development of as an initial step in providing a long-term comprehensive mooring program for Coral Bay. This program would ultimately provide 75 additional mooring balls through a public-private partnership with the Department of Planning and Natural Resources (DPNR).

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The project would serve to manage mooring in the bay through a public private partnership with DPNR and will be installing proper moorings throughout the bay. By cleaning up the improper moorings and debris, the project would facilitate the recolonization of the SAV. The project includes transplanting of seagrass from piling footprints into impacted areas of the bay, the project includes drainage improvements in the surrounding watershed to abate sediment impacts to water quality. The project would provide sewage pump out services and waste disposal facilities to the boating community. The marina will have signage throughout the facility educating boaters of practices to protect marine resources. The marina would contribute funds on an ongoing basis to research to avoid seaturtle vessel strikes.

CULTURAL RESOURCES, ENDANGERED SPECIES and ESSENCIAL FISH HABITAT:

The Fish and Wildlife Service (FWS) is the lead Federal Agency for those components.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program.

AUTHORIZATION FROM OTHER AGENCIES: A Water Quality Certificate from the U.S. Virgin Islands Department of Planning and Environmental Resources, Division of Environmental Protection (DPNR-DEP) will also be required.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Antilles Permits Section, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299, within 25 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated WOTUS. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Mr. Johann M. Sasso, in writing at the Antilles Permits Section, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299, by electronic mail at Johann.M.Sasso@usace.army.mil or by telephone at (787) 729-6905, extension 3053.

IMPACT ON NATURAL RESOURCES: The Fish and Wildlife Service (FWS) is the lead Federal Agency for those components. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs,

considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.