



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
ANTILLES OFFICE
400 FERNÁNDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

July 9, 2015

Regulatory Division
South Permits Branch
Antilles Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2004-12518 (SP-JCM)

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, Estate Carolina, Coral Bay, St. John, U.S. Virgin Islands.

Directions to the site are as follows: From the town of Crux Bay take Hwy. 10 east to Coral Bay. Turn right at the intersection of Hwy. 10 and Route 107. The project site is located within Coral Harbor, at the northwest corner of Coral Bay, and includes lands on both sides of Route 107.

APPROXIMATE CENTRAL COORDINATES: Latitude: 18.343277° N
Longitude: 64.714555° W

BACKGROUND: On January 7, 2015, the Corps issued a Public Notice for this project. As indicated in the Public Notice, the U.S. Fish and Wildlife Service was acting as lead agency in the Federal environmental compliance review, coordination and consultation procedures for the project. However, via letter dated April 3, 2015, the Corps received notification that USFWS had withdrawn from the Federal lead agency role for this project. In addition, various components of the proposed project (mainly the 75-buoy mooring field and the repairs to an existing rip-rap) were eliminated. Based on the above, the Corps determined that a new Public Notice for the proposed project was warranted. Accordingly, we are issuing the current new Public Notice. Since this is a new public notification procedure, we encourage all agencies and the general public to submit new comments in response to this Public Notice, even if comments were submitted in response to the previous Public Notice.

PROJECT PURPOSE:

Basic: Offshore Marina.

Overall: Construct a private commercial offshore marina with ancillary and commercial facilities in adjacent uplands in St. John, USVI.

EXISTING CONDITIONS: Coral Harbor is heavily used for mooring and anchoring by local and transient boats. The USVI Department of Planning and Natural Resources (DPNR) has established a mooring area within Coral Harbor. Approximately 115 boats are regularly anchored or moored within Coral Harbor. According to NOAA's Environmental Sensitivity Index (ESI) Maps and information provided by the applicant, shoreline habitats present around Coral Harbor include mangrove fringes dominated by red mangrove (*Rhizophora mangle*), gravel beaches and mixed sand/gravel beaches. Riprap revetment was also installed to stabilize a section of the southwest shoreline of Coral Harbor. NOAA's Benthic Habitat Maps indicate that continuous dense seagrasses extend along the shoreline of Coral Harbor, while patchy areas dominated by macroalgae with a 10-50% cover are present in the central portions of the harbor. Benthic assessments conducted by the applicant confirm that the footprint of the proposed project includes dense seagrass areas dominated by *Thalassia testudinum* (80%) and *Syringodium filiforme* (20%) at depths between 1 ft to 11 ft, with algal species increasing in density toward deeper areas. Small patches of *Halodule beaudettei* are present especially in areas of regrowth. As depth increases, animal burrows increase and seagrass densities fall, while *Syringodium* becomes more prevalent. Between depths of approximately 11 ft and 13 ft seagrass densities fall to between 5 and 30% and by the time the water reaches 13 ft to 14 ft the seagrass densities fall to 5% and the amount of macroalgae increases. By 15 ft of depth there is only an occasional *Thalassia* shoot, and macroalgae is the dominant colonizer covering between 10% and 70% of the seafloor. *Halimeda* is the most common algae present. Also found in relatively high abundance are *Caulerpa*, *Udotea*, *Avrainvillea*, *Penicillus capitatus*, *Laurencia*, *Hypnea* and *Dictyota*. At a depth of greater than 15 ft, even the macroalgae density decreases. The system is light limited at this depth. Blowouts and scars predominantly caused by debris, anchoring and moorings are found scattered throughout the seagrass and macroalgae colonized areas.

According to the benthic assessment conducted by the applicant, the proposed project footprint does not include hard bottom or coral colonized areas. However, several coral colonies, including the species *Solenastrea bournoni* and *Siderastrea radicans*, are found scattered within the general project area. On the other hand, hard bottom colonized areas are found to the east of the proposed project footprint and near the mouth of Coral Harbor. Several small colonies of the federally listed Threatened lobed star coral (*Orbicella annularis*) and a single live colony of the federally listed threatened elkhorn coral (*Acropora palmata*) were observed at the hard bottom areas near the mouth of Coral Harbor, approximately 1,500 ft from the project site.

Sea turtles, in particular green sea turtles (*Chelonia mydas*) and hawksbill sea turtles (*Eretmochelys imbricata*) are known to inhabit and forage in the seagrasses within Coral Harbor. Leatherback sea turtles (*Dermochelys coriacea*) are also known to be present in waters around St. John. The shoreline in the vicinity of the project site consists primarily of cobble and revetted shoreline and has an extremely narrow eroded shoreline that is not suitable nesting habitat for these turtles.

In terms of water quality, samples taken by the applicant characterize Coral Harbor as an area of fluctuating water quality with varying turbidity and occasional contamination by fecal coliform and enterococci bacteria. The total suspended solids (TSS) and turbidity are high compared with other more open embayments. During times of run off the turbidity become extremely elevated from upland erosion. Coral Harbor is highly impacted by the input of terrestrial sediment due to runoff and is further impacted by boat anchoring and mooring which serve to resuspend fine bottom sediments and by discharges from these vessels. Spring Gut discharges into Coral Harbor and the footprint of the discharge is readily visible in the marine environment.

The project footprint also includes an unnamed ephemeral tributary gut, which discharges through a culvert into Coral Harbor. The channel of the gut has been altered in the past. It remains dry most of the time and only carries water flow after rain events. The gut does not support aquatic vegetation and there are no wetland areas adjacent to its channel.

PROPOSED WORK: The applicant seeks authorization to construct a 145-slip fixed-dock marina with slips of varying length up to 160 feet long and 12 permanent mooring buoys. The piers, catwalks and walkways of the marina would extend over approximately 1.42 acres of marine bottom. Construction of the marina would not require dredging of any areas within Coral Harbor. On the other hand, the construction of the marina would require the installation of approximately 1,333 piles, between 12-17 inches in diameter, directly impacting approximately 2,500 square feet of marine bottom. The project would directly impact approximately 2,500 square feet of seagrasses due to the placement of the approximately 1,333 piles. In addition, the docking structures would occupy approximately 1.42 acres of which 181 square feet would be over areas with seagrass and coral rubble, 1,567 square feet over area of sparse seagrass, 41,546.37 square feet over areas with 30%-100% seagrass coverage, 27,072 square feet over areas with 5-30% seagrass and algae coverage and 4,717 square feet over areas with 5% seagrass/algae coverage. In addition, boats docked at the marina would have the potential to shade approximately 5.7 acres of seagrasses at maximum occupancy.

The docks and walkways would be constructed using grated decking supported by 15-inch coated-steel piles tied together with precast concrete pile caps. Access to the marina would be via a single controlled walkway to the fixed docks. A 20-foot by 40-foot dinghy dock would be located midway between the shoreline and the first slip at the marina. The marina would provide facilities for fueling, solid waste disposal, potable water and electrical power supply and sewage pump-out services. There is an existing

rip-rap revetment along the southern shoreline of Coral Harbor, which would not be modified or affected as part of the proposed project.

The proposed project also includes redevelopment of upland areas and properties adjoining the proposed marina. This upland redevelopment will provide needed services for the marina, including off-street parking, a restaurant, Customs and Border Protection office, a marina office, marina engineering, marina security, crew shower and locker facilities, apartments to support marina management, fish and farmers market, solid and liquid waste management facilities, stormwater and fueling facilities, as well as additional commercial space. No boat maintenance facilities will be associated with this upland redevelopment. The proposed upland redevelopment would require impacts to a 265 linear foot section of an existing ephemeral tributary for the installation of two culverts for a driveway crossing, and re-contouring to create a storm water retention or treatment areas. The impacts to the tributary would include the discharge of 17 cubic yards of riprap to protect the culverts, seven cubic yards of gravel at the base of the culverts, and seven cubic yards of additional clean fill material around the culverts.

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: To minimize the direct impact of pilings the seagrass within the piling footprints will be transplanted. The transplant plugs will be used to seed the area in the northwest corner of the bay that has been impacted by the deposition of sediment from years of uncontrolled storm water runoff. The direct construction impact will be related to barge movements and spuds and will be minimized through monitoring and delineating spudding and anchoring areas. Barge shading will be mitigated through the periodic relocation of barges to prevent shading impacts. The surrounding SAV could also be impacted by construction related turbidity impacts. This will be abated by sediment and siltation control through detailed planning, training and stringent monitoring. To minimize impacts the marina has been located far enough offshore to avoid dredging and to avoid the densest seagrass beds. Grated decking will be used to limit shading impacts to submerged aquatic vegetation, and seagrasses within the piling footprints will be transplanted. To avoid and minimize injury or death to marine mammals and sea turtles, the following NMFS measures from the Vessel Strike Avoidance Measures and Reporting for Mariners will be implemented by all vessels associated with the project construction. To minimize noise impacts to these species a vibratory hammer will be used to drive piles wherever technically feasible. To avoid and minimize potential boating impacts to corals, seagrass and shallow reefs, the applicant is proposing to install informational buoys and signage to advise mariners to avoid areas with these sensitive resources.

COMPENSATORY MITIGATION - The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To mitigate for impacts that cannot be avoided, red mangroves will be planted amid the riprap along the entire waterfront, watershed management will be undertaken both on site and in the surrounding watershed to improve runoff water quality, informational buoys will be placed to warn boaters of shallow reefs and

seagrass beds, and an intensive cleanup of the bay removing derelict vessels from the seafloor that are impacting seagrass will be undertaken.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the U.S. Virgin Islands State Historic Preservation Officer.

ENDANGERED SPECIES: NOAA's Environmental Sensitivity Index (ESI) Maps indicate that the federally listed endangered Humpback whale (*Megaptera novaeangliae*), and the Bottlenose dolphin (*Tursiops truncatus*), which is protected under the Marine Mammal Protection Act (MMPA), may be present in nearshore and shelf waters around St. Thomas. The ESI Maps also indicate that the federally listed threatened Green sea turtle (*Chelonia mydas*) is known to be present in seagrass areas within Coral Bay, and that the federally listed endangered (*Eretmochelys imbricata*) Hawksbill sea turtle may be present in waters, as well as in sand and mixed sand-gravel beaches, around St. John. In addition, the federally listed endangered Leatherback sea turtle (*Dermochelys coriacea*) is known to occur in waters offshore of St. John. As described above, seagrass beds, which provide foraging habitat for sea turtles are located within the proposed project footprint. Furthermore, the applicant has indicated that federally listed Hawksbill and Green sea turtles have been seen within Coral Harbor. On the other hand, the shoreline in the vicinity of the project site consists primarily of cobble and revetted shoreline and has an extremely narrow eroded shoreline that is therefore considered to be not suitable nesting habitat for these sea turtles. In addition, as stated above, a benthic assessment conducted by the applicant revealed that hard bottom, coral rubble, or coral colonized areas, which could provide the primary constituent elements of the designated critical habitat for acroporid corals, are not present within the footprint of the proposed project. However, hard bottom colonized areas are found to the east of the proposed project footprint and near the mouth of Coral Harbor. Several small colonies of the Federally listed threatened lobed star coral (*Orbicella annularis*) and a single live colony of the Federally listed threatened elkhorn coral (*Acropora palmata*) were observed at the hard bottom areas near the mouth of Coral Harbor, approximately 1,500 ft from the project site. Based on the above information and considering its location, nature and scope, the Corps has determined that the proposed project will not affect Federally protected whales, dolphins, or nesting sea turtles. On the other hand, the Corps has preliminarily determined that the proposed project may affect but is not likely to adversely affect the above referenced Federally listed sea turtles (in water), lobed star coral, elkhorn coral, and designated critical habitat for acroporid corals. Via separate letter the Corps will request U.S. Fish and Wildlife and National Marine Fisheries Service concurrence with these determinations pursuant to Section 7 of the Endangered Species Act.

ESSENCIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. According to information provided by the

applicant, the proposed project has the potential to impact approximately eight acres of marine bottom, including seagrass colonized areas, which may be utilized by various life stages of some of the federally managed species within the U.S. Caribbean. Based on the available information, the Corps initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Caribbean Sea. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service, Habitat Conservation Division.

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 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 45 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. José A. Cedeño-Maldonado, in writing at the Antilles Permits Section, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299, by electronic mail at jose.cedeno-maldonado@usace.army.mil or by telephone at (787) 729-6905, extension 3063.

IMPACT ON NATURAL RESOURCES: 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.

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.