



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

REPLY TO
ATTENTION OF

June 19, 2015

Regulatory Division
South Permits Branch
Antilles Section
SAJ-2004-12518 (SP-JCM)

Amy Dempsey
Bioimpact, Inc.
P.O. Box 132
Kingshill, St. Croix
U.S. Virgin Islands 00851

Dear Ms. Dempsey:

Reference is made to your Department of the Army (DA) permit application, submitted on June 10, 2015, on behalf of The Summer's End Group, LLC for the proposed development of the St. John Marina Yacht Club. The project would be located at Coral Bay, Estate Carolina, Coral Harbor, St. John, U.S. Virgin Islands. Please refer to number SAJ-2004-12518 (SP-JCM) in future correspondence regarding this case.

We also make reference to a previous permit application for this project, which was received by the Corps on April 16, 2014, and for which a Public Notice was issued on January 7, 2015. As stated in the Public Notice, U.S. Fish and Wildlife Service (USFWS) was the lead agency in the Federal environmental compliance review, coordination and consultation procedures for this project. However, via letter dated April 3, 2015, USFWS informed that they had withdrawn from their Federal lead agency role for this project. Furthermore, as discussed during our May 4, 2015 and May 27, 2015 meetings, some of the project components have changed and we have received additional information about other project components since our Public Notice was issued. The new permit application submitted on June 10, 2015, addresses the above information and project modifications. Based on the above, the Corps has determined that it will be necessary to issue a new Public Notice for the proposed project.

Please be advised that the information provided in your June 10, 2015 application is not sufficient for us to fully evaluate the proposed project. The evaluation and processing of the application, including preparation and issuance of the corresponding new Public Notice, will continue once we receive the information and drawings indicated below.

1. Joint Permit Application Process: The referenced application was submitted via e-mail directly to Mr. José A. Cedeño-Maldonado, Project Manager at the U.S. Army

Corps of Engineers (Corps) Antilles Regulatory Section. Please be advised that the Corps and the U.S. Virgin Islands Department of Planning and Natural Resources (DPNR) have implemented a Joint Permit Application process. In accordance with this process, applications for Corps permits must be submitted to the DPNR. The DPNR will then forward the applications to the Corps. The Corps will initiate formal processing and evaluation of the applications, once received from the DPNR. Therefore, please submit your application to the DPNR, so it can be forwarded to our attention. You may also choose to submit to our office a copy of the permit application stamped as received by the DPNR.

2. Project Description and Scope: Please be advised that the permit application form submitted did not include a complete description of the proposed project. The form made reference to an attachment with additional project description information. However, the attachment was not included in your submittal. Please ensure that the permit application submitted includes a complete project description, including all the necessary or referenced attachments. The project description should include: the proposed work and structures in waters of the US; the construction methodology, including construction materials; the number of proposed slips; and the number, type and proposed use of the vessels using the facility. The project description should address both the water-based and the land-based components of the project. Please clearly indicate, which project components have changed from the project description included in our January 7, 2015 Public Notice.

3. Project Drawings: The drawings included in the permit application only depicted the land-based components of the project. No drawings were submitted for the water-based project components, including the marina docks, catwalks, moorings, slips, etc. Therefore, please provide a complete set of drawings for the proposed project, including any necessary plan view and cross section drawings. For inclusion in the public notice, the drawings must be in 8" x 11" size paper. The drawings must be easy to read, clearly depicting the dimensions of the proposed work, structures, and discharges of fill or dredged material in waters of the United States. The drawings should illustrate the location of the mean sea level with respect to the proposed docking structures. In addition, the drawings should illustrate the water depth along the footprint of the docks, as well as the proposed height of the docks from the marine bottom and the water surface. The drawings for the proposed works within the drainage way should depict the existing versus proposed conditions, including the footprint of any proposed fill material discharge areas and the location of the ordinary high water mark, as well as any temporary or permanent access for mechanized equipment.

4. Adjacent Property Owners: The application submitted made reference to an attachment with information regarding the addresses for the proposed project adjacent property owners. However, the attachment was not included in your submittal. Therefore, please provide a list of adjacent (contiguous) property owners to the project area, including the names and correct mailing addresses, for the distribution of the

Public Notice notification letters. If it includes more than 10 property owners, we request that you please provide the list in Microsoft Word format for Avery 5162 labels. If possible, please provide self-adhesive mailing labels for each name/address in order to expedite the issuance of the Public Notice notification letters.

As your application is considered incomplete, no action will be taken on it until the above-requested information and drawings have been received. We request you provide this information within 30 days. If within this time frame no response is received, we will assume you have no further interest in obtaining a DA permit and the application will be withdrawn.

You are cautioned that work performed below the mean high waterline or ordinary high waterline in waters of the United States, or the discharge of dredged or fill material into adjacent wetlands, without a DA permit would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from other agency does not obviate the requirement for obtaining a DA permit for the work described above prior to commencing work.

Thank you for your cooperation with our Regulatory Program. If you have any questions or concerns regarding this matter, please contact José A. Cedeño-Maldonado, Project Manager, at the letterhead address, by e-mail at jose.cedeno-maldonado@usace.army.mil, or by telephone at 787-729-6905 x 3063.

Sincerely,

Sindulfo Castillo
Chief, Antilles Section

Copy Furnished: Chaliene Summers, The Summer's End Group, LLC, 5000 Estate Enighed, Suite 63, St. John, US Virgin Islands 00830