



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FLORIDA 33410

March 26, 2020

REPLY TO  
ATTENTION OF

Regulatory Division  
South Permits Branch  
Palm Beach Gardens Permits Section  
SAJ-2004-12518 (SP-KAE)

The Summer's End Group, LLC  
c/o Chaliese N. Summers, Managing Member  
5000 Estate Enighed, Suite 63  
St. John, Virgin Islands 00830

Dear Ms. Summers:

This correspondence is in reference to your permit application received on December 13, 2019, requesting Department of the Army (DA) authorization to impact waters of the United States, in the Caribbean Sea, in association with the construction of a commercial marina. The project site is located at 10-17, 10-18, 10-91, 10-41 (Rem), 13A, 13B and 13 (Rem), in Estate Carolina, within Coral Bay, St. John, U.S. Virgin Islands. This project has been assigned permit application number SAJ-2004-12518, which should be referenced on all future correspondence.

The application received has been reviewed and contains insufficient information to evaluate the proposal. The Corps considers your application incomplete. The Corps will not take further action until receipt of the information requested.


As the Corps considers the application incomplete, we will not take action on it until we receive the required information and drawings. We request you provide this information within **30 days**. If the Corps does not receive a response, we will assume you have no further interest in obtaining a Department of the Army permit and the Corps will withdraw your permit application. Such action will constitute final action by the Department of the Army.

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 Department of the Army permit could subject you to enforcement action. Receipt of a State permit does not obviate the requirement for obtaining a DA permit for the work described above prior to commencing work.

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Should you have any questions or comments regarding this request for additional information, please contact me at the letterhead address, by phone at 561-472-3514, or by electronic mail at Kelly.Egan@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Kelly Egan". The signature is written in a cursive style with a large, looped "K" and "E".

Kelly Egan  
Project Manager

Enclosures  
Completeness Summary

Copy Furnished:  
JH Sprague Consulting, LLC, [spragueconsulting@me.com](mailto:spragueconsulting@me.com)

### **Completeness Summary/ Request for Additional Information**

#### **Description and Narratives:**

1. Please provide a table that compares all previously proposed activities with currently proposed activities.
  - This table at a minimum shall include all past proposed activities which are no longer part of the current proposal; it should include all proposed works, including but not limited to upland activities, docking structures, piles, mooring slips, mooring buoys, navigation channel, riprap, removal of vessels, coral/ seagrass relocation or transplantation, mangrove impacts, stormwater management activities, fill activities, wave attenuator, mitigation efforts, etc.
  - Please include all permanent, temporary, and/or secondary impacts with the quantities of the impact and type.
  - Please note that if the project varies from the previous Corps issued Public Notice dated July 9, 2015, a new public notice may be required.
2. Please clarify the parcels where the proposed works are to take place and provide a table to include what portion of the proposed works are to occur on each individual parcel and identify the ownership of the parcels.
  - It is unclear from the provided information if upland activities are still to occur as there are various documents that still reference such.
  - If activities located on the uplands are no longer part of this proposed project, all documents (including drawings) shall be revised to exclude the upland activities and be provided for review.
3. Thank you for the submitted circulation study which was conducted to assess the action area (question 1 in your 12/13/19 response), however it appears that the calibration and validation of the model study was not provided.
  - Please provide this information to continue review of the study.
  - Also, please note that the model did not take into account the design of a navigational channel nor did it account for a buffer that vessels would need from existing resources so as not to impact those resources with sedimentation.
  - Please provide an overlay of the resources and the in situ measurements from the study.
4. Please provide a drawing showing the areas of all impacts, permanent, temporary, and/or secondary, for all proposed activities (this should match the table provided in question #1 of this request) and should be labeled as either a permanent, temporary, and/or secondary effect; including but not limited to the marina, the docking structures, the navigation channel, the mooring buoy area, the removal of vessels, the installation of piles, any proposed dredge or fill activities, any potential effects from mitigation efforts, wave attenuator, storm

water management activities, shading in mooring slips, etc. Please also include drawings showing the exact locations of all benthic aquatic resources (please provide a legend with the species type and quantity on the drawings).

5. In the December 13, 2019 submittal, a comprehensive benthic aquatic resource survey was not provided.
  - Please provide a benthic aquatic resource survey, which has been completed within one year of the date of this request. Please conduct a survey to identify the essential features of designated critical habitat for elkhorn and staghorn corals (i.e., substrate of suitable quality and availability [i.e., consolidated hardbottom or dead coral skeletons free from fleshy macroalgae or turf algae and sediment cover]; such substrate supports successful larval settlement, recruitment, and reattachment and recruitment of asexual fragments). Please also quantify the amount (in square feet or acres) of designated critical habitat (where the essential feature is present) in and around the action area.
  - The survey at a minimum shall include a detailed methodology developed in concert with NMFS in order to ensure it is capable of detecting and identifying any ESA-listed coral species that may be present and essential features of designated critical habitat, any other species of corals not listed that may be present and coral hardbottom, any native and non-native seagrasses that may be present, any sponges or octocorals, etc.
  - Please note that the request is for all areas that may be impacted directly or indirectly by the proposed project. This includes at a minimum the proposed navigation channel, both Pen Point and Harbor Point known coral areas, the proposed marina and all mooring areas, any proposed mooring buoy areas, any area where stormwater activities are to take place, etc.
6. In the December 13, 2019 submittal response, the applicant does not address impacts to Essential Fish Habitat. The permanent, temporary, and/or secondary impacts to seagrass from the proposed marina remain unclear.
  - Please provide the areas of seagrass impact including, but not limited to, direct and indirect impacts from the installation of pilings, installation of moorings, spudding of vessels, shading from dock structures, shading from vessels, shading from shadow extensions, prop wash, bottom scour, and any additional impacts due to proposed marina construction and operations.
7. In the December 13, 2019 submittal response #2 regarding Essential Fish Habitat and the circulation study, the applicant states that the “overall analysis provides reasonable assurances that the proposed marina will not adversely impact the ESA-listed corals located at the west and east mouth of the harbor, due to both the depth of those resources and the distance from the marina”; however since a comprehensive benthic aquatic resource survey was not

conducted, how does the applicant know the depth of the resources or what resources are present? Please provide the following information.

- The applicants' statement does not include the potential effects of placing a navigation channel and the distance vessels would need to remain away from existing resources in order to not impact those resources with turbidity and sedimentation of use of the channel. Please include the navigation channel in the analysis.
  - The applicants' statement also does not take into account that the sediment deposition from the marina itself was determined to have a deposition effect on at the very least Pen Point corals at a rate of 8% occurrence, which is still considered an impact. Please address this accordingly.
  - Please evaluate impacts to corals not listed under ESA as well in the response.
  - Please evaluate impacts to seagrass in the response.
  - Please provide the reasonable assurances the applicant states are present.
8. The applicant states that side sonar and multibeam sonar were conducted on both Harbor Point and Pen Point reefs, and indicates no coral or area of concern below 2 meters depth. Please provide this information as it appears Pen Point reef is the only Figure submitted. Also, please note that the comprehensive benthic aquatic survey of both reef areas will confirm the sonar information.
9. Thank you for the provided Geophysical Investigation and Bathymetric Survey conducted on July 16, 2019, however it appears that the survey is incomplete as there is a portion of the proposed works area that was not surveyed; a portion of the main access walkway, and the first (B) and second (C) piers off of the access walkway were not included due to obstructions; these areas could potentially contain bedrock due to the existing depths in this area, as shown on the submitted benthic contours.
- Please provide a complete geophysical survey that encompasses all areas of proposed works, otherwise the Corps will assume these areas to contain bedrock and the proposed project will need to be redesigned to avoid these areas. In response number #5 of the December submittal, the applicant states that no hard substrate is present within the proposed project; however this is an inaccurate statement as not all areas have been investigated.
10. With regards to the provided Summer's End Harbor Management Docking and Mooring Plan (HDMP):
- Since the management of the marina will include the installation of the channel markers, these need to be considered in the proposed project action area.
  - Please describe how the applicant determined the vessels shall remain eighteen inches from the submerged bottom at low tide. Please indicate if

the applicant is stating that the vessels shall remain eighteen inches above all existing resources in addition to the submerged bottom, as any existing resources, including seagrasses, may be impacted through prop wash with this minimal distance.

- The HDMP states that 75 public moorings will be installed, please include these locations (shown in a table format and on a drawing noting latitude and longitudes) and any proposed impacts.
- The HDMP states that condemned moorings shall be professionally removed with no impacts. Please address how this is to occur, include information pertaining to the removal and methodologies. How will the contractor know there will be no impacts to existing resources? Has a survey been conducted in these areas, if not, one needs to be provided.
- The proposed twelve moorings directly associated with the marina will need to be shown on the proposed drawings with locations denoted via latitude and longitudes. Ensure that the proposed number of vessels is included in the overall total vessel count.
- The HDMP states that non-compliant vessels in the harbor are expected to vacate Coral Harbor to places unknown. Please state other locations locally these individuals can relocate to. Also, provide who is to identify them as non-compliant and who will be in charge of removing them.
- Please discuss the measures that will ensure during hurricane or other severe weather events that the proposed marina will have in place to ensure all vessels will be removed as stated. Please also indicate where these vessels will be placed.
- Will the vessels utilizing the proposed 75 moorings also be limited to depth requirements?
- Please provide the drafts of all vessels that shall utilize the proposed marina and any proposed moorings in a table format and on a drawing, ensuring that the proposed vessels shall not impact the bottom contours or any existing resources.
- Please indicate how the increased ingress and egress of the Harbor will not impact existing resources within the harbor itself and the adjacent resources and provide the measures the HDMP will stipulate to ensure this.

#### 11. Avoidance and minimization efforts:

- Please indicate why the proposed docks are to be located only a minimum of 4-feet above mean high water line and not 5-feet which is industry standard to allow maximum light penetration in addition to the grated decking.
- Thank you for stating that there will be proposed boat lifts to dock A. Please address if with the addition of the lifts there are to be additional piles that were not included in the 960 count.
- Please indicate how the applicant is proposing to limit the vessel access to shallow water areas (depths below minus 7 feet).

- Has a grant been funded? If not what funds are available and what are the allocation timelines for a full time DPNR enforcement officer?
- It is unclear if Exhibit 4, attachment A is from the applicant or suggestions from an agency. Please clarify. Is the applicant stating that an informational center to educate the public is going to be part of this proposal? If so this needs to be included as part of the project and additional questions may be asked. The same goes for the proposed mobile application, additional questions may be asked if it is part of this proposal.
- The applicant states that a detailed mitigation plan will be provided. Please provide an updated detailed mitigation proposal for review; taking into account all proposed permanent, temporary, and/or secondary effects from the proposed project activities.
- Please indicate if the use of single pilings were considered in place of finger piers. Please provide a justification as to why the use of single pilings was not adapted in an effort to minimize impacts to Essential Fish Habitat.

#### 12. Alternatives Analysis:

- As stated under 40 C.F.R Section 230.10(a)(2) property that the applicant cannot reasonably obtain, utilize or manage to fulfill the project purpose is not a practicable alternative. It appears from the submitted alternatives analysis that several of the proposed areas are located within the National Park boundaries and as such shall not be considered in the alternatives analysis.
- The submitted alternatives analysis (Exhibit 5 Attachment A) states that there are proposed impacts to the uplands per a previous submittal. Please discuss if the proposal is also to include upland works. If so please provide information pertaining to this and updated drawings reflective of this.
- It appears from the submitted analysis that Enighed Pond would have the least amount of environmental impacts, it has been previously dredged, is accessible via an existing road, navigation is deep enough due to the ferry terminal created and is in an area of compatible use, it also is available for purchase, and is within an storm safe area. Please provide a detailed analysis of this area including various configurations showing how this area is inadequate for the project purpose (as stated in the Corps July 9, 2015 Public Notice: Construct a private commercial offshore marina with ancillary and commercial facilities in adjacent uplands in St. John, USVI).
- Please provide onsite alternatives for the proposed project. At a minimum this must include varying configurations, varying slip counts, proposed impacts with alternative configurations, etc.
- Please provide a no action alternative; please note that simply stating that the no action alternative does not meet purpose and need is not sufficient. The no action alternative should be discussed in two ways: 1) can the

project be constructed without the need for a permit, and 2) in terms of what will transpire should the facility not be constructed.

- Please provide an updated alternatives analysis with a conceptual site plan for each alternative.

13. Thank you for the provided letters from Mr. Goodrich, P.E. and Mr. Boyd, stating that there are other alternatives other than a wave attenuation infrastructure. Could you please elaborate on these alternatives, the alternative marina management measures, and how the proposed project shall employ these methods to ensure the vessels are to remain safe when conditions exceed tranquil criteria. Are the alternative measures going to be included within the HDMP, if so please provide an updated copy showing this.

14. Pile installation:

- Thank you for providing the letter from Mr. Bigler. Please update it as needed per the findings of the additional geophysical investigation which encompasses all areas of the proposed works.
- Please provide the number of strikes per pile and the number of seconds of vibration per pile.

15. Upland Permitting:

- Please discuss if this is part of this proposed project.
- Please explain what measures will be taken to prevent stormwater runoff and discharges into the Harbor and Bay.
- Please identify the stormwater mitigation efforts in the proposed mitigation plan.

16. Please provide a valid Section 401 Water Quality Certification and Coastal Zone Management permit from the Department of Planning and Natural Resources.