

*Save Coral Bay Inc.
9901 Emmaus, Coral Bay
St John, US Virgin Islands*

30 November 2021

To: Ms. Alisa Zarbo, Chief, Palm Beach Gardens Section
Ms. Carolyn Farmer, Project Manager, Palm Beach Gardens Section
United States Army Corps of Engineers
4400 PGA Boulevard, 500
Palm Beach Gardens, FL 33410

re: **Public Opposition to the St John Marina by the Summers End Group LLC**

Dear Ms. Zarbo and Ms. Farmer,

On behalf of the 13,733 signatories on the attached petition, and based on the public interest considerations detailed in this letter, I am submitting to you a formal request for denial of Army Corps of Engineers permit application number SAJ-2004-12518 for the "St John Marina" by the Summers End Group LLC.

Background: Public Opposition to the Project

When the Army Corps of Engineers ("USACE") first published a Public Notice for the St John Marina in Coral Bay (permit application number SAJ-2004-12518) the public response was unprecedented for a small place like St John. During January and February 2015 over 13,000 individuals expressed their opposition to this project of the Summers End Group LLC through personal letters, petitions and form letters.

That opposition was all based on a clear understanding by the people who best know Coral Bay that this was no place for a 30-acre mega yacht marina with 145 slips, a 1000' main pier extending more than half way across the small harbor, and catering for yachts up to 200' in length. The open exposure to the southeast, the shallow water, the living sea grass beds, the thriving mangrove nursery for sharks, all clearly dictated that this marina could never be constructed in Coral Bay without severe impacts to the ecosystem.

Two years later – in September 2017 – Coral Bay was devastated by two category 5 hurricanes. Hurricanes Irma and Maria obliterated structures, vegetation and infrastructure across the entire east end of St John. The sole access for emergency first responders was via the waters of Coral Harbor since all overland routes were impassable for days.

The storms of 2017 provided concrete evidence that Coral Bay is no place for a mega yacht marina with close to one thousand steel and concrete pilings, acres of piers and walkways, and up to ten



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thousand linear feet – two miles – of yacht capacity. We were faced with the specter of ruptured fuel tanks, damaged sewage holding tanks, yachts and marina debris blocking the harbor and the roadways – all of which would have presented a severe threat to human health and safety in the face of a public emergency.

Once our infrastructure was restored, the Save Coral Bay group solicited public input on the lessons learned from the hurricanes and the implications for construction of large commercial marinas in Coral Bay. In early 2020 we provided an online facility for individuals to offer comments on their support, or opposition to the Summers End Marina project. We encouraged individuals, both residents as well as visitors, to offer individualized comments.

That public outreach resulted in over 4,000 responses from native St Johnians and other Virgin Islanders, from full-time residents, and from past visitors from the US mainland. Respondents included marine biologists, doctors, lawyers, engineers, yacht owners, scientists, business owners, and people from all walks of life who simply love and appreciate the unique and fragile beauty of Coral Bay.

By mid-2020 the Covid-19 pandemic had resulted in closures of ports throughout the Caribbean. The USVI, however, remained open and this attracted large numbers of private yachts to the remote bays and harbors of St Thomas and St John. The appearance of 20-50 yachts in places which never had seen more than a small handful was a wake-up call to residents of Coral Bay and the east end of St John. The impacts of careless anchoring on corals and sea grass, loud music, jet skis, solid waste and night lighting were all apparent.

The Current Petition

This month, November 2021, we have once again reached out to the general public for their thoughts and opinions about a major commercial marina in Coral Bay. And not surprisingly, the reaction has been stronger than at any time in the previous seven years. Not only do people know that the environment of Coral Harbor cannot survive with a marina of this scale, not only do people know that the exposure to severe tropical weather presents clear threats to a marina in this location, but now many people have seen what a major increase in yacht traffic can do to the overall experience of a place such as Coral Bay.

In the attached petition we are submitting to you the names of over 13,733 individuals who have expressed their opposition to the St John Marina in Coral Bay as proposed by the Summers End Group LLC. These individuals have all expressly requested that the Army Corps of Engineers deny the permit – SAJ-2004-12518 – requested by the Summers End Group.



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A breakdown of these 13,733 submissions provides the following metrics:

- 2,380 individuals self-identified their residence as the US Virgin Islands
- 2,880 individuals provided optional additional comments
- 5,647 individuals signed the petition during November 2021
- 7,069 individuals signed the petition during the period from 2020-2021
- 8,602 individuals signed the petition subsequent to the 2017 hurricanes
- 13,733 individuals have signed the petition since its inception in 2014

Although there may be a small number of duplicate names in this list of project opponents, we have done our best to eliminate all duplicates based on email address. The document submitted herewith includes the full name, email address, state of residence, optional comments, and petition signing year(s) for each signatory.

We should note that this list of project opponents is limited solely to those individuals who signed an online petition during the identified periods. It does NOT include the names of individuals who sent letters of opposition to the Army Corps during the two public comment periods in January and August 2015. During those public comment periods over 22,000 individual and form letters were submitted to the Corps in opposition to the project. Those names are not included on the attached list.

Army Corps Public Interest Review

It is our understanding that, pursuant to the Code of Federal Regulations § 320.4 (a) (“Public Interest Review”), the Corps is required to base its decision whether or not to issue a permit, in part, on an “evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest.”

The regulations further state that “The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process.”

It is our firm belief, supported by the statements of over 13,600 individuals and seven years of application history, that the benefits, if any, which might accrue from the proposed marina are overwhelmingly outweighed by the detrimental effects of the project on the public interest factors enumerated in the regulations.

The primary “benefit” of the St John Marina project is an expectation of business profits which accrue to the marina owners and investors. A secondary “benefit” would be some small



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incremental tax revenues to the Government of the Virgin Islands. History has shown that there are minimal employment opportunities in Caribbean marinas since the yachting season is limited to six months per year (due to hurricanes). The secondary and tertiary economic benefits claimed by the marina developers are totally unsupported by evidence or analysis and fly in the face of actual experience.

On the other side of the public interest balance are the overwhelming negative effects of this proposal on all of the factors enumerated in the petitions and statements of 13,000 individuals. These effects, and the corresponding citation to the public interest regulations, are summarized below:

1. The expected significant adverse effects on wetlands, including shallow sea grass meadows and fringing mangroves. **(CFR 320.4(b))**.
2. Significant adverse effects on protected resources including sea turtle foraging grounds, shark habitat, endangered coral species and habitat, all of which are a major attraction to residents and visitors to Coral Bay. **(CFR 320.4(c) and CFR 320.4(j)4)**.
3. The potential for the construction and operation of the marina to result in chronic turbidity from the release of deep fine sediments throughout Coral Harbor, damaging the productivity for fish and shellfish and the esthetics of the waters. **(CFR 320.4(c) and CFR 320.4(d))**.
4. The adverse impacts to the dominant economy of the past 50 years, which is based on eco-tourism and the “laid back” ambiance of very rural Coral Bay, and the absence of a public need for a facility of this scale. **(CFR 320.4(a)2 and CFR 320.4(q))**.
5. Significant adverse impacts to the visitor experience of the Virgin Islands National Park and the Virgin Islands Coral Reef National Monument, all of which are a major appeal of Coral Bay. **(CFR 320.4(e))**.
6. The potential impacts to significant historic resources, including at least one early 18th century shipwreck within the proposed marina site. **(CFR 320.4(j)4)**.
7. Impacts to the riparian rights of Coral Harbor shoreline property owners who have expressed their objection to the project based its infringement on their property rights. **(CFR 320.4(g))**.
8. The lack of any effective mitigation for the expected loss of acres of sea grasses, impacts to mangroves, and loss of protected habitat and species. **(CFR 320.4(r))**.



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9. The potential impacts to navigation if the marina structures were to be destroyed in a major hurricane, impacting access to the community of Coral Bay. **(CFR 320.4(o))**.
10. The availability of alternative sites in closer proximity to existing infrastructure and entailing significantly less environmental impact.

For these reasons, and based on the requirements detailed in the relevant Federal Regulations, we believe that it is abundantly clear that this project is **not in the public interest** and the positive effects of the project, if any, are clearly outweighed by its negative impacts on the public interest.

The Summers End Group first submitted a permit application to the Army Corps in April 2014. More than seven years later, with a clear understanding of the adverse impacts of this project, the lack of public interest, and the failure of the applicant to answer fundamental questions posed by the public, by consulting federal agencies, and by the Corps, we believe that, pursuant to Army Corps regulations, this permit application must now be formally denied.

Respectfully submitted,



David L. Silverman
President, Save Coral Bay Inc, a 501(c)3 public charity

cc: Mr. Shawn Zinser, Chief, Regulatory Division, Jacksonville District
Ms. Sharon Coldren, President, Coral Bay Community Council
Attorney Robb Fox, Esq., Manko, Gold, Katcher and Fox

ENCLOSURES:

- (1) Key to Table of Signatories
- (2) Selected Individual Comments
- (3) Table of Petition Signatories 2014-2021
- (4) Copies of Army Corps Petitions – 2014, 2015, 2017, 2020, 2021

