

GOVERNMENT OF THE VIRGIN ISLANDS  
DEPARTMENT OF PLANNING AND NATURAL RESOURCES  
ST. THOMAS, VIRGIN ISLANDS

\* \* \*

August 20, 2014

4:21 p.m.- 10:17 p.m.

Public Hearing

Virgin Islands Coastal Zone Management Commission

St. John CZM Committee

RE:

-- Westin St. John Hotel Company, Inc.,

CZT-94-79(L)

-- Summer's End Group, CZJ-4-14(L) & CZJ-4-14-(W)

## APPEARANCES

### COMMITTEE MEMBERS PRESENT:

Andrew Penn, Sr., Chairman  
Brion Morrisette, Esq., Member  
Edmund Roberts, Member

### STAFF PRESENT:

Jean-Pierre Oriol, Acting Commissioner, DPNR  
Winston Brathwaite, Esq., Legal Counsel, DPNR  
Anthony Richards, Permits Coordinator, DPNR  
Norman Williams, Acting Director  
Robert O'Connor, Jr., Principal, Summer's End  
Carol Frett, Paralegal

### OTHERS PRESENT:

Alvis Christian, Member, Summer's End  
Rick Barksdale, Principal, Summer's End Group  
Boyd Sprehn, Esq., Summer's End Group  
Joseph Miner, Summer's End  
Amy Demsey, Marine Biologist, Bio-Impact  
Robert O'Connor, Jr., Principal, Summer's End

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## P R O C E E D I N G S

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1 THE CHAIR: Okay, good day. This is  
2 the St. John CZM Committee. We're going to meet in  
3 executive session. Can we have a roll call?

4 MR. RICHARDS: Brion Morrisette?

5 MR. MORRISETTE: Present.

6 MR. RICHARDS: Andrew Penn, Sr.?

7 THE CHAIR: Present.

8 MR. RICHARDS: Edmund Roberts?

9 MR. ROBERTS: Present.

10 MR. RICHARDS: Mr. Chair, three members  
11 present. You have a quorum.

12 THE CHAIR: Duly noted.

13 MR. ORIOL: All right.

14 THE CHAIR: Mr. Morrisette, thanks  
15 for making it, and we are in executive session.

16 [EXECUTIVE SESSION COMMENCED UNDER SEPARATE COVER.]

\* \* \*

17 THE CHAIR: We are here this  
18 afternoon for a decision meeting for Westin St. John  
19 Hotel Company, Inc., installation of solar arrays,  
20 Permit CZT-94-79(L). Director Richards, could we have  
21 a roll call?

22 MR. RICHARDS: Brion Morrisette?

1 MR. MORRISETTE: Present.

2 MR. RICHARDS: Andrew Penn, Senior?

3 THE CHAIR: Present.

4 MR. RICHARDS: Edmund Roberts?

5 MR. ROBERTS: Present.

6 MR. RICHARDS: Mr. Chairman, three  
7 committee members present. We have a quorum.

8 THE CHAIR: So noted. Commissioner  
9 Oriol, can we have a background on this project?

10 MR. ORIOL: Good evening, Mr. Chair,  
11 other members of the St. John Committee of the V.I.  
12 Coastal Zone Management Commission. My name is  
13 Jean-Pierre Oriol and I am the Acting Commissioner for  
14 the Department of Planning and Natural Resources.

15 This evening we are here before you for  
16 the proposed modification to Major CZM Permit No.  
17 CZT-94-79(L) for the Westin St. John Hotel Company,  
18 Inc.

19 On November 10th, 1982, the St. John  
20 Committee of the V.I. Coastal Zone Management  
21 Commission issued its approval of Major CZM Permit No.  
22 CZT-94-79(L) to the Great Cruz Bay Development  
23 Company, Inc., now the Westin Resort St. John for the  
24 construction of the following:

25 A. Sixteen condominium buildings of six

1 units each and one building of four units each, total  
2 100 condominiums.

3 B. One hotel of 50 units, and ancillary  
4 structures.

5 C. Two swimming pools, four tennis  
6 courts, roadways, and 150 parking spaces, along with  
7 the sewage treatment plant, emergency generator,  
8 reverse osmosis plant and incinerator.

9 To date, the Westin St. John has  
10 received four modifications -- sorry -- five  
11 modifications from the St. John Committee, the last  
12 of which was issued in July 2013.

13 Request for Modification No. 8. On  
14 May 21st, 2014, the Permittee submitted a Request  
15 for Modification to Major Coastal Zone Management  
16 Permit No. CZT-94-79(L) in order to approve -- to  
17 provide solar panel structures throughout the  
18 resort. The purpose of the project is to  
19 incorporate different types of solar structures  
20 within the Westin master plan. The project includes  
21 the new building of a car port structure to hold the  
22 solar array, the new building of a high bay cover at  
23 the tennis courts to hold the solar array, the  
24 installation of the roof mounted solar array on  
25 various existing buildings, and a new building of

1 several pavilions for solar arrays.

2 According to the Applicant, the system  
3 size will be approximately 987 kilowatts with an  
4 estimated yearly output estimated at 1,584  
5 megawatts.

6 NRG Solar, LLC, the company selected to  
7 design and install the solar array components is a  
8 solar company with basic goals such as to connect  
9 the consumers with their own energy generating  
10 potentials and to enable the consumer to make their  
11 own energy choice. With this in mind, Westin will  
12 now have the ability to be off the grid if  
13 necessary.

14 The Applicant states that the design for  
15 the structures will be designed for 150 miles per  
16 hour winds. The steel will be galvanized coated and  
17 painted to withstand the coastal weather. Portions  
18 of the ornamental landscape established b Westin  
19 over the years will be removed during the course of  
20 this construction. Mature trees removed from the  
21 car parking site and replaced at a two to one ratio  
22 in kind and an overall landscape plan will be  
23 provided prior to execution.

24 The parking lot structure is designed at  
25 8-feet clear height at the lowest point with panels

1 sloping at a 7 degree angle. It will be supported  
2 by a single row of steel columns set on 5 to 6 feet  
3 diameter by 9 to 10 feet length drilled piers. The  
4 panels are not expected to affect the current storm  
5 water management system, as the volume of water will  
6 not increase as a result.

7 The high bay structure is designed to  
8 cover the tennis court, the engineering yard, and  
9 the cistern yard vary in height from 16 feet to  
10 24 feet high. These structures are steel post and  
11 beam systems supported on 3 feet diameter by 9-foot  
12 length drilled piers.

13 There will be eight mini pavilions to  
14 replace the existing canvas cabanas. These  
15 pavilions will be of similar size as the cabanas,  
16 designed with gently sloping canvas roofs, each  
17 supported by four new columns which sit on 5 feet by  
18 5 feet by 2.5 concrete spread footings. The custom  
19 pavilion for the Snorkels Restaurant will be of the  
20 same basic construction but replacing the existing  
21 footprint of the restaurant. These footing pads  
22 will be slightly larger in size, ranging from 6 feet  
23 by 6 feet by 2 feet to 8 feet by 8 feet by 4 feet.

24 According to the Applicant, no work will  
25 be performed seaward of a 50 foot setback line to



1 the beach and all excavated materials will be stored  
2 on paved existing surfaces and used for back fill,  
3 and the excess will be trucked to the Sussannaberg  
4 transfer station.

5 Erosion control measures to be  
6 implemented are in the form of silt fences. Storm  
7 drain inlet protection and the use of temporary  
8 stone construction at the road entrance.

9 In keeping with the request for the  
10 proposed modification, the Permittee has submitted  
11 the following:

12 A. Request for Modification Letter  
13 dated May 23rd, 2014, site plans and drawings.

14 B. A copy of Major Coastal Zone  
15 Management Permit No. CZT-94-79L; and

16 C. A receipt for the \$500 application  
17 fee.

18 Staff Findings. Staff has reviewed the  
19 request by the Westin Hotel Company for modification  
20 of Major CZM Permit No. CZT-94-79(L). The  
21 modification will allow for the installation of  
22 solar panel structures throughout the resort and is  
23 consistent with the use permitted under the issuance  
24 of this permit.

25 Therefore, pursuant to Title 12 Virgin

1 Islands Rules and Regulations, Section 910-14(a),  
2 the Commissioner has determined that the proposed  
3 modification does not substantially alter or modify  
4 the scope, nature or characteristics of the existing  
5 permit, CZT-94-79(L) as modified, issued to the  
6 Westin St. John Hotel Company, Inc.

7 In accordance with Title 12 Virgin  
8 Islands Rules and Regulations, Section 910,-14(b),  
9 this determination is forwarded to the committee to  
10 impose any additional conditions that it deems  
11 necessary to satisfy the provisions of the permit.

12 THE CHAIR: Thank you, Commissioner  
13 Oriol. I stand corrected, Acting Commissioner.

14 Who is presenting on behalf of the Westin?

15 MR. KELLY: My name is Raymond Kelly.  
16 I'm on the executive committee for Energy Solar. I  
17 also have Tracy Roberts here with Springline  
18 Architects who is helping us with CZM process. Then  
19 we have Mike here from the Westin and Jack Von  
20 Giovanni who is the director of development for NRG,  
21 and this is his project.

22 THE CHAIR: Commissioner Roberts,  
23 Commissioner Morrisette, do you guys have any  
24 questions?

25 MR. ROBERTS: I do have a couple of

1 questions. My questions are in regard to the new  
2 build of the federal pavilion for the solar array.  
3 Are those going to be of a new footprint?

4 MR. KELLY: No, Sir, they will not be on  
5 the existing footprint, and this constitutes a  
6 remodeling of the existing structure to support the  
7 solar component.

8 MS. ROBERTS: Mr. Roberts, there are  
9 ten structures right now. We are taking them down and  
10 putting a hard bond to hold the solar panel.

11 MR. ROBERTS: Thank you. Is there any  
12 indication that there will be a reflection on these  
13 array of four panels to the community and the  
14 surrounding area?

15 MR. KELLY: We have done these kind  
16 of installs in other similar locations and these  
17 panels have a black back to them and do not  
18 significantly reflect light off, no more than a car  
19 windshield.

20 MR. ROBERTS: Thank you very much. I  
21 do have panels myself at my house in California. So  
22 have a little understanding of how they are set up.  
23 Also, I thank you very much for your comments.

24 THE CHAIR: Thank you very much,  
25 Mr. Roberts.

1 MR. ROBERTS: That's all I have.

2 THE CHAIR: Commissioner Morrisette,  
3 do you have any questions?

4 MR. MORRISETTE: Obviously, I'm in favor  
5 of anything that helps relieve the strain on WAPA and  
6 helps get Westin off of the grid. It seems like a  
7 movement in the right direction. Two questions I had  
8 is, you indicated that each individual panel has a  
9 reflection comparable to that of a car.

10 MR. ROBERTS: Yes.

11 MR. MORRISETTE: How many panels do you  
12 have? I'm following up on Commissioner Roberts'  
13 question, how much is going to be the reflection in  
14 the aggregate?

15 MR. KELLY: I don't have the exact  
16 number of panels, but the orientation will be to the  
17 south. Any reflection will typically be up into the  
18 air through the ark from east to west. That's east to  
19 west. So the reflection would be up into the air and  
20 not to the ground.

21 MR. MORRISETTE: Not towards the  
22 surrounding hillside out to the bay?

23 MR. KELLY: We don't expect a  
24 reflection to be seen by many around the bay.

25 MR. MORRISETTE: The only other question

1 is, just how high -- I see here that -- of course, we  
2 already know that the Commissioners determined this  
3 would not substantially modify the permit. We really  
4 have a few questions, but I'm curious as to whether  
5 the structures, the new structures have a car port,  
6 and all of the ten ports will be highly visible from  
7 elsewhere.

8 MR. KELLY: We have a presentation  
9 that shows some examples of what you're talking about.  
10 We could switch that and do visual representations.

11 MR MORRISETTE: That's my only further  
12 question. I wouldn't mind if your architect or the  
13 rendering show the foot print of what these look like.  
14 So we're satisfied if this will not be overly visible  
15 and alter the landscape. If you give us a minute to  
16 close this down.

17 MR. KELLY: While he's doing that, I was  
18 going to do a presentation on who NRG is. I will do  
19 it verbally. NRG is a very large company. We are the  
20 largest independent power producer in the United  
21 States. So we're not a small company that just does  
22 solar. We do a wide range of power projects within  
23 the solar and renewable grids.

24 We also do wind projects. We're also,  
25 again, one of the largest renewable energy companies

1 in the United States. So we're not a small,  
2 fly-by-night company. We have the wherewithal to  
3 stand behind the projects we do to make sure that  
4 they're well designed and that they're suitable for  
5 the community.

6 We're also working with Starwood, who is  
7 the parent company to the Westin, in doing other  
8 projects on other properties within their fleet. So  
9 we, you know, have the wherewithal to follow through  
10 with these projects.

11 So what we'll do is we'll switch to a  
12 presentation that Tracy put together and I'll get rid  
13 of the mic and she could tell you a little bit about  
14 some of the questions that you've got and answer some  
15 of the technicals.

16 MR. MORRISETTE: I appreciate it. I want  
17 to add on the record as well, you may see here a large  
18 congregation for the hearing. So we're going to try  
19 to be as efficient as we can and, obviously, I know  
20 you are, as well.

21 MR. KELLY: We'll cut to the chase.

22 MR. ROBERTS: J.P. gave my  
23 presentation, but I have some pictures if you want to  
24 flip through this.

25 MR. MORRISETTE: Tracy, what my question

1 has been --

2 MS. ROBERTS: We have a representation  
3 for each one. If you start flipping through, keep  
4 going, I will tell you when to stop. There, stop.  
5 I'm really only going to talk about the structures  
6 that are the high bays because those are the ones that  
7 are having the impact. But this is what the car port  
8 solar will have over the garage and that's the  
9 existing parking area, and that's very low profile.

10 MR. MORRISETTE: So that's all going to  
11 drain over an impervious surface. So it's not going  
12 to increase runoff?

13 MS. ROBERTS: Will not increase runoff.  
14 Here are the high bays. Towards the end of this, we  
15 do have some photos. Wait right there. Did you see  
16 those two slides? That's what the engineering yard  
17 looks like. This is what it looks like. This is the  
18 engineering yard, and then the next slide is in front  
19 of the fire suppression cistern. Keep flipping. This  
20 is what the high bay looks like. One more, please.  
21 So this is essentially what it would look like over  
22 the tennis courts, and then what would happen with the  
23 engineering building, and also in front of the  
24 cistern, you wouldn't be looking down on all that  
25 stuff. You actually will be looking down on this roof

1 which, to me, is an improvement for anybody that's  
2 living there.

3 MR. MORRISETTE: This is over the tennis  
4 court, is that correct? Not over the engineering  
5 yard. Is that true?

6 MS. ROBERTS: They're all going in the  
7 engineering yard and in front of the fire suppression  
8 system.

9 THE CHAIR: Good afternoon, Tracy.

10 MS. ROBERTS: Good afternoon.

11 THE CHAIR: Panel, Amy, my question  
12 is, have you done a sample of the five panels and you  
13 go on top of the hill and look down and see what the  
14 neighbors' perspective will be from the hill for the  
15 reflection? It's a question about the reflection.

16 MR. KELLY: No, we have not done a  
17 study like that at this point but thought it was  
18 warranted based on what we understand.

19 THE CHAIR: Very well. I just want  
20 to comment and say that we welcome you guys, Westin,  
21 being forerunners to bring that technology to the  
22 island because I think a lot of the neighbors on the  
23 hill might prefer the reflection than the humming from  
24 the generators. So, I'm all for it. I think it's a  
25 step forward and I think Westin has been a forerunner



1 on the island in a lot of the new technology and we  
2 welcome that. I think that's going to be very helpful  
3 for the future of this island.

4 MR. MORRISETTE: Mr. Chair, if you're  
5 prepared to receive a motion, I will submit one.

6 THE CHAIR: Yes, we are.

7 MR. MORRISETTE: I would move that the  
8 St. John Committee of the Virgin Islands Coastal Zone  
9 Management Commission adopt the staff findings and  
10 recommendations and approve the modification of CZM  
11 Major Land Permit No. CZT-94-79L for the proposed  
12 modification subject to the following conditions:

13 A. Permittee shall notify the Division of  
14 Coastal Zone Management, CZM, 48 hours prior to the  
15 commencement of work.

16 B. All territorial -- all applicable  
17 territorial permits, and all of the necessary  
18 approvals must be obtained and copies submitted to the  
19 Division of CZM prior to commencement of any  
20 construction activities.

21 C. No other work beyond that authorized  
22 by this permit would be allowed, so move.

23 THE CHAIR: Can I have a second?

24 MR. ROBERTS: I second the motion.

25 THE CHAIR: Roll call?

1 MR. RICHARDS: Brion Morrisette?

2 MR. MORRISETTE: In favor, yes.

3 MR. RICHARDS: Edmund Roberts?

4 MR. ROBERTS: Yes.

5 MR. RICHARDS: Andrew Penn, Sr.?

6 THE CHAIR: Yes.

7 MR. RICHARDS: Mr. Chair, we have three  
8 ayes. Modification is approved.

9 THE CHAIR: Approved and duly noted.  
10 Congratulations, Westin St. John.

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PRESENTER: SUMMERS END GROUP

1 MR. KELLY: Summer's End Group, LLC.

2 THE CHAIR: Good evening. We are  
3 here today, the St. John CZM Commission, to have a  
4 public hearing CZT-3-14(L) and CZT-4-14(W), The  
5 Summer's End Group, LLC, proposed Coral Bay Marina.  
6 Could we have a roll call?

7 MR. RICHARDS: Brion Morrisette?

8 MR. MORRISETTE: Present.

9 MR. RICHARDS: Edmund Roberts?

10 MR. ROBERTS: Present.

11 MR. RICHARDS: Andrew Penn, Senior?

12 THE CHAIR: Present.

13 MR. RICHARDS: Mr. Chair, we have three  
14 committee members present. We have a quorum.

15 THE CHAIR: Thank you. Before we  
16 begin, I would like to thank everyone for being  
17 orderly and respectful, truly amazed. Seemed like we  
18 were going to have a hurricane out there, so I want to  
19 thank you guys for your respect.

20 We are in this facility because this is  
21 all we have. We are using technology. One of our  
22 Commissioners is presently in California so we're  
23 going to be relating to him by Skype. So St. John is  
24 moving up, we are using the technology which is here  
25 for us, which is our future. Space is limited but

1 we're all here, so let's just make the best of it and,  
2 again, thank you, guys, for your much-appreciated  
3 respect. Hopefully, tonight we could have a great  
4 public hearing.

5 Principals for Summer's End Group, good  
6 evening. I just want to welcome you guys. We have  
7 some opening remarks.

8 MR. MORRISETTE: Mr. Chair, I know that  
9 we have some information from legal counsel that he  
10 wanted to put onto the record. I also have a couple  
11 of remarks I want to put formally on record as well.  
12 There has been a lot said, much of it untrue, that has  
13 created an awful lot of confusion and, unfortunately,  
14 has aroused personal animosities and emotions that are  
15 misplaced.

16 We have a bare quorum on the St. John CZM  
17 Committee, not by design, not of our doing and, in  
18 fact, frankly, not of our preference. We would rather  
19 have five full members and we have been asking for  
20 additional members to be added for years. It's very  
21 hard to get qualified members who are willing to  
22 serve, in part because of the type of things that have  
23 been mistakenly said about us over the past weeks.  
24 None of us is willing to take the heat and take the  
25 review procedure by the Legislature, and that's

1       unfortunate, because I know that my fellow CZM members  
2       here have the very highest of integrity. I know that  
3       I have the best interest of the Virgin Islands at  
4       heart in St. John, as do my fellow CZM members, and we  
5       also have legal procedures that have to be followed.  
6       If I didn't participate tonight, we wouldn't have a  
7       quorum, and procedure for allowing this application to  
8       proceed, couldn't go forward. I am here because I  
9       have to be here. I am unable to comment one way or  
10      the other on the permit application before me, just as  
11      the others are. Under the CZM Rules and Regulations,  
12      having a conflict -- which I have a conflict, and I  
13      want to put it bright and clear on the record, I have  
14      done legal work for the Applicant. I make my living  
15      as an attorney. I'm entitled to make my living as an  
16      attorney. Before I was on the CZM, I took on these  
17      clients for some very limited work. I also was a part  
18      of a marina that was permitted eight years ago. I  
19      feel that that constitutes a conflict as well. There  
20      has been no bones about that, there has been no hiding  
21      of that, there is nothing funky going on with this  
22      committee, and I am offended and I resent those who  
23      suggest otherwise.

24                        On the record, CZM Rules and Regulations  
25      state that anyone, any member or Commission member or

1 staff member who has an interest of any type in the  
2 applicant or in the results or the outcome must  
3 abstain from voting and must not participate in the  
4 vote. The actual language under 9, Section 904-6  
5 under Conflict of Interest is that (c), Subsection  
6 (c), no Commission member shall participate in the  
7 consideration of the voting upon any permit  
8 application if the member has a basis, and it goes on  
9 to indicate, if you have an interest at any time. So  
10 this is why I have to abstain, and I'm not even going  
11 to actively participate in questioning in the event  
12 that anyone has any notion that my questioning might  
13 be biased. I have full confidence that we have  
14 capable presenters tonight, both by the Applicants as  
15 well as members of the public. There will be good  
16 questions posed by the other CZM members. I just  
17 wanted to put that on the record, which indicates that  
18 the law requires that I have to abstain from the  
19 voting process. Thank you.

20 MR. ROBERTS: May I make one comment,  
21 please?

22 THE CHAIR: Yes, Sir.

23 MR. ROBERTS: One thing Brion  
24 Morrisette did not mention in regards to having  
25 additional members of the Commission. The Commission

1 members have submitted to the Legislature by the  
2 Governor of the Virgin Islands, you can submit an  
3 application to that office and if it does not go to  
4 the Legislature, there is nothing that DPNR or CZM can  
5 do about it. I would like to make that clear. I have  
6 had to submit one in order to be on this Commission  
7 and I do it because I wanted to give something back to  
8 these islands. Thank you.

9 MR. MORRISETTE: Mr. Chair, one more time,  
10 I would urge members of the committee who are  
11 interested, and there are members that are interested,  
12 submit your applications, submit your résumés. We  
13 need some new blood. We need some additional members.  
14 So do please come forward. It's a very gratifying  
15 process.

16 THE CHAIR: Thank you, Commissioner.

17 MR. BRATHWAITE: Winston Brathwaite, legal  
18 counsel. I just wanted to make a clarification that  
19 in the section that was read of the Rules and Regs,  
20 904(f), the language actually reads: A Commission  
21 member or a staff member shall decline to participate  
22 in professional activities relating to any matter when  
23 he knows or should know that such activity will be a  
24 conflict of interest. So it doesn't specifically  
25 speak to hearings, it doesn't specifically speak to

1 meetings. It speaks to professional activities. What  
2 I think this is saying is that if you're on this  
3 committee, you should not engage in any kind of  
4 consultation with somebody who you know is bringing a  
5 permit before the committee. So I just want to make  
6 that clarification.

7 MR. MORRISETTE: I agree with that and on  
8 the record I will say that I'm not engaged in any such  
9 work on behalf of the Applicant. The other section  
10 from which I read does say that I should not  
11 participate in voting, and I think it's important for  
12 the record, as well for people to know that all of us,  
13 all of us love St. John, and that no matter what small  
14 financial benefit that might incur to me or inure to  
15 me, that is meaningless to me. What is far more  
16 important to me is my reputation and my love for this  
17 island, and that's why I'm serving on this committee.  
18 There's has been -- any suggestion of anything else is  
19 simply wrong and unfair, and I appreciate your  
20 recognition of that. Thank you.

21 MR. BRATHWAITE: So I would just like to,  
22 again, put on the record that perhaps the correct  
23 section to be referenced would have been 904, Title  
24 6(c), which speaks specifically to Commission members  
25 participating in the consideration of, or voting upon



1 permit applications, but that in this case for the  
2 purposes of needing a quorum, Mr. Morrisette is  
3 present. He will not participate in asking any  
4 questions.

5 THE CHAIR: Thank you. Moving  
6 forward, can we have a preliminary report from Acting  
7 Director Norm Williams?

8 MR. WILLIAMS: Commissioner Penn, we are  
9 waiving reading any reports and just getting testimony  
10 and the presentation from the Applicant.

11 THE CHAIR: Thank you. Duly noted. In  
12 an effort to accommodate our guests and have ample  
13 time for testimony, we're going to limit the  
14 presentation to a maximum of 40 minutes. So you guys,  
15 Summer's End Group, may step forward and continue to  
16 present your application. Thank you.

17 MR. O'CONNOR: Good evening to everyone.  
18 My name is Robert O'Connor, Junior. I am principal in  
19 the marine application. I was involved back in '06  
20 with what is known as the Coral Bay Marina. We went  
21 through the exercise. We were permitted, but the  
22 market racked out, so we didn't go forward. And then  
23 we connected with -- got some help and started a  
24 venture again, which now is known as the St. John  
25 Marina.

1 I'd like to point out a couple of things  
2 because a lot of misinformation is spread that we --  
3 our marina had to do with the school closing and all  
4 of that. We are on the next side of the bay, and I  
5 would like to go back a little bit in history. The  
6 island of St. John, when I was a little boy, had three  
7 schools in Coral Bay, three schools. One in the east  
8 end, one in John's Folly and one in what we call  
9 Immuas, and all of them functioned. It was one in  
10 Cruz Bay.

11 You know, what happened to the community  
12 in Coral Bay is important. It's important that you  
13 know what happened there. Because of the lack of  
14 opportunity, the local people were forced to  
15 relocate, and right now, the names of the local  
16 people that live there, you don't find much of those  
17 names anymore in Coral Bay. For example, the  
18 Hendricks, the Anthonys, the Plasketts, the Georges,  
19 the Rhymers, the Smiths, the Marshes, the Stevens,  
20 the Wilkensions, the Matthias, the Penns, the Smalls,  
21 the Liburds, the Sewers, the Nathaniels, the  
22 Harleys, the Januarys, the Newtons, the Roberts, the  
23 Samuels, the Sullivans, the Sprauves, the Powells,  
24 the Myers, the James, the Jacksons, the Harrigans,  
25 the Bradys, you don't see much of those names in

1 Coral Bay anymore, and the reason why is because of  
2 the lack of opportunity. These people families were  
3 forced to move, some to Cruz Bay and some other  
4 places.

5 This project would help to revitalize  
6 Coral Bay. It creates a situation where they're  
7 going to have many services that's needed, many jobs  
8 will come out of it. Entrepreneurships will be  
9 developed.

10 Last week there were 12 or 13 people  
11 that got captains' licenses in this community.  
12 They're going to need opportunities. This project  
13 will provide a lot of those opportunities. There's  
14 a lot of support services that spin off of this. We  
15 need to provide opportunities in Coral Bay and in  
16 St. John on the whole in order to keep our residents  
17 gainfully employed, be able to support their  
18 families and all of that.

19 You know, we hear about genocide in the  
20 different countries, but when you deprive a  
21 community of opportunities, economic opportunities,  
22 that's a form of it also, and we don't need that.  
23 It's not this project alone. We need such projects  
24 here in St. John that would provide opportunities.  
25 You hear all the time that people, our kids graduate

1 where they're going to work, where they're going to  
2 go, what they're going to do. These are things  
3 that's necessary.

4 Yes, the bay also, there are  
5 environmental benefits from this project. The  
6 harbor will get cleaned up, it will have a pump-out  
7 station, it wouldn't have people just dumping into  
8 the harbor. You'll have some orderly regulations in  
9 there. We look forward to having Customs in there.  
10 You know, these things are positive. I don't know  
11 what -- why we're -- some of us don't like them, but  
12 as we go forward with this meeting, you will hear  
13 the more specific technical information, and I urge  
14 you to listen well and make your decision. Make  
15 your decision based on facts. Make your decisions  
16 based on the benefits that come to this island. We  
17 have to live here. We have to have places to work.

18 At this time, I would like to introduce  
19 one of the principals, Ms. Chaliese, to continue  
20 this presentation.

21 MS. SUMMERS: Thank you, Mr. O'Connor, and  
22 good evening. Thank you all for having us here. I  
23 want to thank DPNR, the CZM staff and the St. John  
24 community members for being here this evening to hear  
25 our presentation about the proposed marina. I am

1 Chaliese Summers, I'm a managing member of the  
2 Summer's End Group and I have been involved in this  
3 project for over five years. Having worked with  
4 Mr. O'Connor for the five years, we put together a  
5 team that we're proud of. You will hear from each of  
6 them and their elements of the project.

7 We have 150 years of experience with our  
8 team, which I will introduce you to them, but first, I  
9 want to talk about briefly, over the last five years,  
10 we've worked closely with DPNR, the directors in the  
11 Department of DPNR as we looked at proposing a marina  
12 for Coral Bay on St. John. We received lots of  
13 guidance and lots of input from them which we  
14 incorporated into the proposed presentation you will  
15 see here today. We also met with the U.S. Army Corps  
16 of Engineers multiple times, also receiving guidance  
17 and input from the agency. We've met with the  
18 individual agencies of the U.S. Army Corps of  
19 Engineers to receive their guidance and their input.  
20 As you will see, this project is very detailed. We've  
21 addressed mitigation, impasse, and so on, which you  
22 will hear more about.

23 I would like to introduce our team. I  
24 have an iPad, which I don't typically like to read  
25 from. I want to make sure I cover the basics of the

1 team. I'm going to backtrack a little bit with  
2 Mr. O'Connor, and most of you know Mr. Robert  
3 O'Connor, Junior. He is the Chairman of the Board for  
4 the U.S. Virgin Islands Port Authority. He has served  
5 as senator for the 17th and 18th Virgin Islands  
6 Legislatures. He's a St. John business owner. He is  
7 a native St. Johnian, and over the last five years,  
8 like I said, I had the great honor to work with him  
9 and I have the utmost respect for him.

10 Next, we have Alvis Christian, most of you  
11 may know him. Alvis is a native St. Johnian as well.  
12 He's a friend of ours as well and he is a leader in  
13 the community of Coral Bay. Alvis has offered great  
14 guidance and input in representing the Coral Bay  
15 community. He's a member of the Moravian Church.  
16 He's a member of our Marine Advisory Panel in which he  
17 offers input for the project as we begin to finalize  
18 and prepare our application to submit to CZM.

19 Next, Rick Barksdale, who is a principal  
20 of the Summer's End Group. He has 35 years of  
21 development construction experience. Rick is an  
22 active member in the St. John community and he's  
23 involved in Coral Bay Ridership Management Plan,  
24 Marine Uses and Planning Team, Sustainable Development  
25 Assessment Team Efforts, St. John Citizens Advisory

1 Committee for the Virgin Islands Waste Management  
2 Authority. He's a supporter of the Island Green  
3 Buildings and Living Initiatives, St. John Recyclers,  
4 NOAA, the Coral Reef Conservation, Caribbean Regional  
5 Ocean Partnership and alternative energy initiatives.  
6 Rick brings over 35 years of experience to the team.

7 I would also like to introduce Jeff Boyd.  
8 Jeff Boyd presents as a marine expert and designer of  
9 the marina that you will see tonight. Jeff Boyd was a  
10 partner of Island Global Yachting, most of us know as  
11 IGY. Jeff has over 30 years experience in the marina  
12 industry. He is currently working on projects on  
13 other islands, Turks and Caicos, Dominica, Bahamas,  
14 St. Croix, and others. We're honored to have him and  
15 his expertise on the team. He brings over 30 years of  
16 experience.

17 Boyd Sprehn, we have from the Law Offices  
18 of Benham and Chan, Attorneys at Law, over on  
19 St. Thomas. He's our -- he's the legal representation  
20 to Summer's End Group and you will hear from him  
21 tonight as well.

22 I'd like to introduce Joe Miner. Joe  
23 Miner is also a civil engineer. He brings at least 20  
24 years of experience to the project. Joe handles all  
25 of the storm water engineering, landscaping for the

1 project. He also worked with the Coral Bay Community  
2 Council working with the Watershed Management Plan a  
3 couple of years back. We are happy to have him. He  
4 is extremely experienced and knowledgeable about the  
5 Coral Bay area and our project as well.

6 Next, I would like to introduce Amy  
7 Demsey. She's our marine biologist with Bio-Impact.  
8 She has 28 years of experience. Some of you may know  
9 her because she's involved in so many of the projects  
10 throughout the entire USVI and BVI. We are honored to  
11 have her on our team as well.

12 These are our panel members that you'll  
13 hear tonight. They're here with us tonight. But  
14 through the five years, we've also had consultants  
15 such as Pan American Consultants who did extensive  
16 archeological studies for us on the land and the  
17 water. We've had numerous surveyors to address the  
18 land portion and surveyors involved in the project.  
19 We've had traffic engineers do extensive traffic  
20 studies as far as the results and the projections on  
21 how this project will impact the traffic. Many, many,  
22 many more people we've worked with over the past five  
23 years to put together the proposal that you will see  
24 tonight. Thank you again for having us here. Alvis?

25 MR. CHRISTIAN: Good evening. My name is



1 Alvis Christian. I'm a generation St. Johnian. I'm  
2 president of the John's Folly Institute in the  
3 southern part of St. John. I'm a non-position member,  
4 non-paying member on this advisory committee, okay?  
5 I'm a part-time representative for the Delegate of  
6 Congress for St. John, part-time. Several points I  
7 have suggested to the club, this advisory club, okay?  
8 No dredging.

9 Second, environmental cleanup of Coral Bay  
10 Harbor to encompass removal of derelict boats and  
11 offshore repository for boat waste, limiting the  
12 number of unregistered boats.

13 Then on the economic rebuilding of local  
14 industry, I have Job Fair and training programs,  
15 specifically geared towards the projected job and  
16 hiring positions.

17 B. Short-term increase in jobs and  
18 long-term increase in careers; social generation,  
19 increased interaction among communities, increased  
20 interaction among our churches and congregation,  
21 represent those who do not voice their opinion during  
22 public hearings and meet those who do not even attend  
23 the public meetings but have concerns. Rick and  
24 Chaliese have met and they have really integrated  
25 themselves into the community, and I would like to

1 congratulate them for what they have done. They have  
2 made tremendous strides in meeting the St. John  
3 community. Bob O'Connor, I knew all my life, all my  
4 life, Bob O'Connor, and now I turn it over to Rick.

5 MR. BARKSDALE: Thank you, Alvis. Good  
6 evening, committee members, DPNR personnel, Ladies and  
7 Gentlemen. We're here tonight to present the proposal  
8 for the St. John Marina. I think one of the things we  
9 need to start with is to distinguish this is not the  
10 Coral Bay Marina. This is the St. John Marina. It's  
11 important to know that our vision is a wholesale  
12 division of the entire community of St. John. That is  
13 why it is the St. John Marina.

14 I'm going to backtrack just a little bit  
15 to talk about how the project, which you'll see  
16 tonight, came to be. Our guiding principle is  
17 sustainable development. Of course, some of you know  
18 what sustainable development is, and for those of you  
19 who don't, it's important for you to understand this  
20 concept. Sustainable development has three  
21 components. It's like a three-legged table. It has a  
22 social component, an economic component and  
23 environmental component, and like a three-legged  
24 table, if you don't address all three areas equally,  
25 you do not have a sustainable project.

1           To further crystalize the concept of  
2           sustainability, let's look at what the Environmental  
3           Protection Agency, U.S. Environmental Protection  
4           Agency, has to say about sustainability. They talk  
5           about sustainability, creating and maintaining  
6           conditions under which humans and nature can co-exist  
7           in productive farming that fulfill the social,  
8           economic and other requirements for present, and as  
9           importantly, future generations. Again, if you don't  
10          design your project with future generations in mind,  
11          you do not have a sustainable project. So at the end  
12          of the day, sustainable development equals sustainable  
13          living. Like what Mr. O'Connor says does not  
14          currently exist.

15                 So before we start to go somewhere, we  
16          need to know where we are. So looking at it from a  
17          social perspective, according to statistics from the  
18          United States Census Bureau, the most recent census  
19          that we have shows that the St. John population is  
20          down 2 percent. Coral Bay is down 2.3 percent. What  
21          is more striking and most concerting, which  
22          statistically backs up what Mr. O'Connor first spoke  
23          about, is that the child population on St. John,  
24          between 2000 and 2010 has dropped 21 percent. Looking  
25          demographically at the population of children on

1 St. John, 72 percent of children of color, 19 percent  
2 are White.

3 Another disappointing fact that we see is  
4 that according to the U.S. Census Bureau, 31 percent  
5 of all children in the U.S. Virgin Islands live below  
6 the poverty level. In April of this year, a report  
7 was released that was sponsored by the Community  
8 Foundation of the Virgin Islands and Kids First, and  
9 this is what they had to say: The declining share of  
10 children in the United States Virgin Islands  
11 population has potential implications on the education  
12 funding and resources available to Virgin Islands  
13 families, and that many families now, because of a  
14 lack of educational opportunities and job  
15 opportunities, are leaving and they leave behind an  
16 older population. So that gives us a snapshot of our  
17 population. But where are we economically?

18 Well, again, according to the United  
19 States Census Bureau, every five years they do what's  
20 called an economic snapshot. The last snapshot was  
21 from 2007 to 2012. In this report that was released  
22 only a month or two ago, they showed that the revenues  
23 in the United States Virgin Islands economy has  
24 dropped almost \$13 billion. That's billion with a  
25 "b." That's almost 65 percent reduction in our

1 revenues. So we see not only is our population  
2 declining, our revenues are declining, and as you  
3 know, unless you take action, if you keep on doing  
4 what you're doing, you're going to keep on getting  
5 what you're getting. So in using sustainable  
6 development principles, we used all of our resources.  
7 One of the many resources that we used was a report  
8 that was issued back in -- it was finalized in May  
9 2013 -- was a Sustainable Development Assessment  
10 Report produced by the American Institute of  
11 Architects. A team of architects that came down here  
12 and evaluated different aspects of Coral Bay life and  
13 where we stood, one of the most important things -- it  
14 was a very long report. One of the most important  
15 things to come out of that report was their SWORT  
16 analysis, which gives a very vivid snapshot on just a  
17 few pages on exactly what's germane, what's going on  
18 in the community. There were sustainable  
19 developments. What we looked for are patterns. Those  
20 patterns are clues to how you manage to come up with  
21 solutions. So, in the SWORT analysis, SWORT stands  
22 for strength, weakness, opportunities and threats. If  
23 you look under the strength, you see tradition,  
24 culture and history, but when you go to weaknesses,  
25 you see erosion of indigenous culture. When you go to

1 strength, again, you see loss of indigenous culture.  
2 So again when you look at their report, you see this  
3 repeated pattern that is substantiated by other  
4 federal agencies that cite the declining population,  
5 the diminishing economic opportunities. Under  
6 weaknesses you will see high unemployment, youth loss.  
7 So it really doesn't matter of who's looking. As long  
8 as they're looking objectively, they're going to see  
9 these situations.

10 Now, the good news is under opportunities,  
11 they said that, hey, Coral Bay could be a prototype  
12 for smart development and growth. Now, one thing  
13 that's been said publicly that is not true is that  
14 there was no mention of a marina. What they did say,  
15 because they -- when they presented their report,  
16 someone in the audience asked them about marinas, and  
17 they said that's a very complex issue. It involves a  
18 lot of facts, a lot of data, and we don't have the  
19 ability or the capacity to deliver an evaluation in  
20 that area. However, they did cite in their  
21 opportunities, a harbor, and one of the definitions of  
22 a harbor is such a body of water having docks or port  
23 facilities, which was a very easy way of them getting  
24 off scott free and not directly addressing the marina  
25 issue. Nevertheless, they left that information for

1 us.

2 So where are we going? We look at  
3 challenges that there are some disturbing trends.  
4 First of all, the diminishing population of  
5 generational St. Johnians. We have to look at  
6 closures. Those closures that are the result of  
7 declining population, declining revenues such as the  
8 closing of the Guy Benjamin School, a variety of  
9 businesses, including the gas station, the substation.  
10 You can read them. You also know, it doesn't matter  
11 where you live, a lack of jobs eventually leads to  
12 high crime rate. We're also in a situation where  
13 there is environmental degradation, both on the land  
14 and the water. They both must be addressed. All this  
15 has led to a certain amount of lack of hope in the  
16 community that was cited by S.D.A.T.

17 So, the solution. Well, the backbone of  
18 Virgin Islands economy, 90 percent of it is tourism.  
19 If you look at the information from the British Virgin  
20 Islands Tourism, they say that the recreational  
21 boating industry for them is a \$100 million a year  
22 industry, which we derive very little benefit from.  
23 The captains that we interviewed, the bare boaters  
24 that we interviewed, they say that the biggest  
25 limitation for St. John and those dollars not being

1 able to come here is lack of funding access, meaning  
2 simply, we don't have a marina.

3 When you live outside of the BVI and  
4 beyond to the eastern Caribbean, that industry becomes  
5 a \$250 million a year industry, quarter of a billion  
6 dollar industry.

7 We looked and had done extensive research  
8 about the markets available. We know the market. We  
9 know who's there, we know why they want to come here.  
10 We have over 40 slip reservations standing right now  
11 and we have not solicited a single one. A lot of  
12 people went to a great deal of effort. In fact, I had  
13 someone even follow me home one day and pull up behind  
14 my vehicle when I parked, got out, and asked me, hey,  
15 are you the marina guy? I was, like, yeah. Put me  
16 down for a slip.

17 So we know that there is a significant  
18 demand locally and beyond St. John. So to answer this  
19 dire economic need, we propose a world class,  
20 environmentally considered marina that will provide  
21 jobs, community improvements, services, and answers  
22 both local and an extended market demand.

23 The economic benefits, for the sake of  
24 time, I'm going to hit the high notes. The economic  
25 benefits, we're looking at direct and indirect



1 employment of over 90 jobs. That equates to the  
2 \$3 million or over income and over \$8 million of  
3 economic impact.

4 One of the components of the project will  
5 be a fish and farmers market to help serve those  
6 people that are already in the community to access a  
7 brand new market that they don't have to further  
8 enhance their livelihood. Customs office has also  
9 been mentioned previously.

10 Another thing that we have met with, both  
11 Economic Development Authority, Department of Labor,  
12 for sponsoring the first Coral Bay job and  
13 entrepreneurial fair. There are a lot of bright  
14 people out there, young people that want to start  
15 businesses, have jobs, and they deserve an  
16 opportunity.

17 We're talking about moving forward with  
18 new career paths, increased sales for existing Coral  
19 Bay businesses and economic strangulation that Mr.  
20 O'Connor was talking about being reversed. Some of  
21 the social benefits we're talking about is an improved  
22 standard of living, internship, mentorship, and the  
23 scholarship programs that we're looking to sponsor.  
24 We're looking at a more attractive street scape,  
25 sidewalks, raised crosswalks, with the purpose in mind

1 of helping to stop youth flight, brain drain, and also  
2 looking to support youth programs, field trips,  
3 seminars, balance social inequity to restore hope in  
4 the community.

5 I think, again, most importantly, this is  
6 the St. John Marina. It's not the Coral Bay Marina.  
7 Just as the benefits that we're providing with 145  
8 slips, we're planning on offering the pump-out fuel  
9 facilities. All of those things are going to help  
10 social, environmental and economic aspects.

11 With that, I will now turn it over to  
12 Mr. Jeff Boyd, who will begin to talk about some of  
13 the technical aspects of the project.

14 MR. BOYD: Good evening, Ladies and  
15 Gentlemen. With respect to the Chairman's wishes to  
16 keep this to 30 minutes, it's my intention to probably  
17 do the questions and answers later, and during the  
18 testimony, you'll be able to ask me more questions and  
19 I'll be able to answer them directly.

20 In the meantime, I'm going to give you a  
21 couple of highlights of how the marina came to be.  
22 I've read many of the blogs and many of the questions  
23 that have come up about the marina, why is it so big.  
24 It's not really about being big. It's about meeting  
25 the demands. As a developer, we don't look at the

1 size of the marina based on where it's at. We base it  
2 on what is needed, what do customers look for, what  
3 are customers requesting. If you look at the marina  
4 itself, it's designed --

5 [Laughter.]

6 Excuse me, did I say something funny? If  
7 you look at the marina itself, it will show you that  
8 the left-hand side of it is basically designed for St.  
9 Johnians. It's basically designed for people to have  
10 yachts and smaller boats here on-island, people who  
11 want to keep them here. As you go out, you look more  
12 to sport fishing, then you go out to catamarans, and  
13 you basically encompass everything the market has to  
14 offer, and the things that we're looking -- the things  
15 that we have identified the customers looking for.

16 The right-hand side is based on a  
17 mixed-use facility that brings in the mega yachts,  
18 mega yachts 200 feet and below, which is -- wow, seems  
19 to be really causing a chuckle in the back there.  
20 Anyway, the facility itself also contemplates a  
21 mooring field. As you know, in Coral Bay right now  
22 there is basically nothing, and you've got hundreds of  
23 anchors that are dragging the bottom of --

24 THE CHAIR: Excuse me, Sir. No further  
25 outbursts or you will be asked to leave. Thank you

1 very much. That was established at the beginning of  
2 this hearing.

3 MR. BOYD: There has been much talk about  
4 the mooring field and the circles that you see don't  
5 necessarily represent the exact placements. There  
6 were some comments about, they're not far enough  
7 apart, they ought to be bigger, and that's true. They  
8 will be designed to fit different sizes and different  
9 categories of boats and they will be put in  
10 accordingly to do so. We don't know exactly what the  
11 demand is at this point. We know that there are a  
12 certain amount of people that don't want to come to  
13 dock, that do want to be on a mooring, and we want to  
14 provide for that.

15 We want to also be sure that there are  
16 options, and that what is good for one customer may  
17 not be for the next customer, and that we establish a  
18 way to take care of both.

19 I think, once again, because we ran way  
20 long on time, I'm going to turn it over to the next  
21 colleague for now and hope that during the question  
22 and answer period and during the testimony, I'll be  
23 able to answer questions as they come up directly  
24 about the facility itself. And with that, Boyd?

25 MR. SPREHN: Thank you, Jeff. I will, in

1 keeping with that, also be very brief. I'm going to  
2 address only one point. We met, expressed, that one  
3 of the comments on this project was a concern  
4 regarding the issue of referral rights. Referral is a  
5 description of lands that are along the shoreline of a  
6 lake, of an ocean, of a bay, and referral land owners  
7 have several rights that encompass and provide part of  
8 their ownership, and they have a right to unobstructed  
9 access to the frontage of the water. They have a  
10 right to access to navigable and deep waters, and they  
11 have the right to pier out, subject to regulations  
12 such as this entity right here.

13           On the screen, you can see the proposal,  
14 and as you may have heard, that original dock is  
15 several hundred feet out, 2 to 300 feet out before you  
16 get to the first side piers in order to reach deep  
17 water. The land that it fronts is owned by the  
18 project proponents. The remaining shore around Coral  
19 Bay is unobstructed. Any other land owner still has  
20 full access to their waterfront so it is not impinging  
21 on that aspect of referral rights. It also remains  
22 open with channels and deep water availability to  
23 access. To the extent you have access from any  
24 current land owner, that will remain access-available  
25 for deep water.

1           If you have any questions, I will be happy  
2 to repeat.

3           I guess I'll just recap briefly. The  
4 current proposal does not obstruct any of the frontage  
5 of other property owners. They still have full access  
6 to all of their land along the waterfront. It does  
7 not block access to deep water. To the extent they  
8 have access to deep water, they will remain with  
9 access to deep water. It does not prohibit any other  
10 party from piercing out from their property subject,  
11 again, to their approval before this body and others  
12 who have their rights such as the Army Corps of  
13 Engineers.

14           So, it is our position that this project  
15 does not adversely affect the referral rights of other  
16 property owners along the waterfront in Coral Bay.  
17 With that, I turn it over to Joe Miner.

18           MR. MINER: Thank you. I'm Joe Miner. I  
19 am a civil engineer brought on because I'm an advocate  
20 for managing storm water appropriately. I started out  
21 down here as part of a community project to help  
22 repair some damages that have been done in the past  
23 and try to bring some education, and I was brought  
24 on-board with this project in order to try to do it  
25 right the first time rather than try to backtrack and

1 fix something that was broken.

2 I'm going to review briefly the extent of  
3 the upland development program. The project consists  
4 of basically a couple different sections. The first  
5 one is renovating and improving the existing  
6 facilities. That consists of Coco Lobo, Voyage Inn,  
7 Shoreline Inn and Out of the Blue. In those areas  
8 we'll be utilizing the existing structures,  
9 renovating, repairing and improving those structures  
10 to meet current demand and to make them more usable in  
11 case of the Voyage building that had been abandoned  
12 for quite a while. The intention is that we're  
13 creating a destination. We're using the landscape and  
14 we're using the site layout to create a place that  
15 people want to go to, and create something beautiful.

16 We're going to be improving parking and  
17 circulation in the existing facilities to provide  
18 additional parking spaces and to make navigation of  
19 those areas better, providing trash disposal in the  
20 area for our facilities to address the waste generated  
21 by our usage. We will be also providing fuel storage  
22 facility on the property to address the needs of the  
23 fuel pumps associated with the docks. There will be a  
24 taxi staging area so the taxis that come to Coral Bay  
25 can park and wait for rides, so you'll have people

1 available to take you where you need to go, take the  
2 tourists where they need to go.

3 We will have -- the existing facilities  
4 currently have cisterns for potable water. They will  
5 remain and continue to be used. Additionally, we will  
6 be adding reused cisterns to take the effluent from  
7 the waste treatment and use that for toilet flushing,  
8 for irrigation.

9 Now, these facilities are not going to be  
10 what you know right now as waste treatment in a lot of  
11 the facility. These are going to be state-of-the-art  
12 treatment facilities that treat the water to almost  
13 drinkable quality. We are going to be using the  
14 facilities that are out there. Currently, the  
15 technology is available to treat water and is  
16 currently used in many other jurisdictions and is  
17 available to be delivered to the island today if the  
18 developers choose to do this, which they have chosen.  
19 It will create water that is not just settle out big  
20 pieces and leach it into a field to be infiltrated  
21 into the ground. We will also be using native  
22 landscaping, for the most part, with some non-native  
23 ornamentals, but not invasive. We will be looking to  
24 purchase those from local nurseries so that the local  
25 community benefits from the development.



1                   We will be providing improvements along  
2                   Route 107. The entire frontage from the 1017 and 1018  
3                   parcels through the Coco Lobo parcel will be repaved  
4                   and replaced according to Public Works and the federal  
5                   requirements for such a highway, improve drainage,  
6                   channels inside of the road, directing the water to  
7                   appropriate places so it doesn't cross the road  
8                   improperly, repairing the potholes that are out there.

9                   There will be taxi drop-off areas to the side of the  
10                  road so people can be safely dropped off. There will  
11                  be pedestrian, as you heard from Rick, pedestrian  
12                  access with sidewalks and crosswalks to facilitate the  
13                  use of the upland areas.

14                 THE CHAIR: Mr. Miner.

15                 MR. MINER: Yes.

16                 THE CHAIR: Technically, your time is up  
17                  but we are going to afford you ten more minutes to  
18                  wrap up the group and then we'll have a five-minute  
19                  recess for the stenographer. Then we will begin  
20                  testimony. Thank you. Sorry about the interruption.

21                 MR. MINER: Okay. That's all right. The  
22                  new buildings we're going to be putting in, once  
23                  again, they will have the required parking and  
24                  circulation and driveway areas. There will be  
25                  suitable cisterns and potable water provided through

1 the collection of rainwater and having large enough  
2 cisterns so that we could keep them filled, and until  
3 then in an appropriate manner, does not require 10 or  
4 15 trucks a day. It requires a manageable amount of  
5 vehicles to fill it.

6 There has been an agreement with Caneel  
7 Bay that they will provide us with back-up water, what  
8 doesn't fall from the sky, and additionally, we have  
9 WAPA facility to get it from. So there is suitable  
10 water. Once again, we're doing the reuse of the  
11 sewage effluent and providing state-of-the-art  
12 technology for the sewage treatment.

13 Finally, I just want to go briefly to my  
14 fortè, which is storm water management. I have spent  
15 a lot of time studying this area previously. This  
16 area was identified as part of my previous activities  
17 as something that could benefit from the  
18 implementation of storm water improvement to the gut  
19 between Voyages and the 41-Remainder property. This  
20 is the area that I put the basin in. I have a  
21 four-bay -- we are treating not only the water from  
22 our property, but we are providing water treatment for  
23 the entire Bordeaux Mountain watershed. This is all a  
24 part of our mitigation plan, and with that, I'll be  
25 turning it over to Amy to talk to you about the marine

1 environment.

2 MS. DEMSEY: Okay. Because we want to get  
3 everyone to speak, I'm going to fly through this. I  
4 have a tendency to talk too fast anyway, so please  
5 bear with me.

6 First of all, everyone in here knows Coral  
7 Bay is a very important marine eco-system. It's a  
8 very important sanctuary. It's an area of particular  
9 concerns. It's a nursery ground for fish -- an  
10 essential fish habitat for turtles. It's a forage  
11 habitat. Because of this, we've done very detailed  
12 mapping. We used GPS. We looked at the outlying  
13 areas, mapped the nearest endangered species, and then  
14 if you look closely, you will find that actually,  
15 despite the fact there's a lot of turbidity, we still  
16 have coral species that can live in high turbidity  
17 areas, and we have Samoans in the shallows in here,  
18 and we designed to avoid those.

19 Next slide, please. One of the things  
20 that we're looking at doing, because when you have  
21 this bay, it has a lot of impact, it has impact from  
22 the sediment coming down. It has impact from man's  
23 uses of it in the marina, and the bay as it is now is  
24 over its carrying capacity. You find *Densi* (phon)  
25 grass at 30 feet just outside this bay. You go out in

1 this bay, the Thalassian are sort of pittering out 11  
2 to 14 feet and basically disappears and it comes very,  
3 very sparse. So what we have to look at doing is ways  
4 to improving what's there now and ways to minimizing  
5 the impacts going forward.

6 Okay, just keep on rolling the slide.

7 This is what the Thalassian should look like. This is  
8 what it looks like now. You move a boat to get it out  
9 of there, get your anchor moved, this grows back. I  
10 have seen changes in more than eight years I have been  
11 looking at this. This is what happens when you get  
12 turbidity, the sea grass does not grow well. What you  
13 have right now, multiple impacts. You have sediment  
14 coming in. You have an extreme number of boats moored  
15 in here. There is a designated mooring area.

16 Next page. Even when people put in the  
17 correct anchors, when they put in the correct  
18 moorings, they still leave their lines dragging and  
19 the lines dragging on the bottom cause damage. You  
20 end up with holes in the sea grass. You end up with  
21 big areas. They are worn out because of the anchors  
22 dragging. So this is one of the things that we're  
23 going to be trying to do. There's a lot of things  
24 we're going to be looking at. One is putting in a  
25 managed mooring field. This way, we could put

1 moorings that have all floating docks. We could make  
2 sure they're installed correctly; make sure things  
3 don't drag on the bottom. We're going to be putting  
4 out markers, marking the nearby reefs. We're going to  
5 be putting out markers to mark the nearby reefs and  
6 mark the important coral things. We're going to be  
7 doing additional sediment catchments in the basins up  
8 above. We've been working very hard with dealing with  
9 Fish and Wildlife. We've been talking to National  
10 Fisheries and coming up with mitigation ideas.

11 We've calculated the indirect impacts, the  
12 impacts during construction, the things that we have  
13 the potential of impacting, and have tried to mitigate  
14 those as much as possible. We've described it all in  
15 detail in the Environmental Assessment Report, and I'd  
16 like to turn it over to Mr. O'Connor to wrap this up,  
17 and we could give you guys a chance to speak.

18 MR. O'CONNOR: Thank you. I would like to  
19 say thanks to the committee for allowing us to present  
20 and the extra time that we so needed. I would like to  
21 say thanks to the audience, and we look forward to  
22 presenting any other information that you might need  
23 in order to satisfy your mind, as this is a good  
24 project. It's good for St. John. It's good for the  
25 Virgin Islands. Thank you.

1 THE CHAIR: Thank you. Our  
2 stenographer doesn't need a break, we will press on  
3 and continue. We have 43 testifiers. So what we are  
4 going to do is each person is going to be allotted  
5 three minutes to testify so that we could accommodate  
6 everyone here tonight. So the first person is  
7 Percival Clouden. We're leaving 20 minutes for  
8 Commissioners to question the developers, and also,  
9 you have seven days following this hearing for written  
10 comments, so you could still send in your comments  
11 with any concerns so you will be heard. It's a fair  
12 process. With that being said, first testifier will  
13 be Mr. Percival E. Clouden.

14 MR. CLOUDEN: Good evening, all, to the  
15 CZM Committee and all present. I am Percival Clouden,  
16 the CEO of the Economic Development Authority and, of  
17 course, we support economic development and we support  
18 projects such as these. These projects provide new  
19 capital injection to the territory, to St. John, to  
20 Coral Bay, in particular. We also provide new  
21 employment which results in new payroll dollars and  
22 new monies in circulation into the economy. Of  
23 course, our government needs all the funding it can  
24 get. So this is one avenue through which the  
25 government coffers can gain.

1           Three, we see marine industry working for  
2 development, in particular. This is consistent with  
3 the Governor's Marine Economic Development Council  
4 which met this morning, as recent as this morning, in  
5 an effort to grow our marine industry, thereby  
6 creating new businesses, ancillary businesses that  
7 will be necessary to support the marine industry and  
8 marinas, in particular. As the project grows, you  
9 find the employment requirement grows and the economic  
10 impact is greater. We, in the territory, we need  
11 economic activity. We have been stagnant for quite  
12 some time and it is projects like these that help our  
13 communities create new employment, create new careers  
14 and jobs for our youth. We have approximately 1,000  
15 students graduating on an annual basis. They need to  
16 see -- they need to have, or see the light to a better  
17 future. Employment reduces crime, for example, and  
18 that's critically important in the territory, a  
19 reduction in our crime. So we have to use these  
20 project developments to engage our youth to make our  
21 communities better. This project will bring  
22 opportunity to Coral Bay. Thank you.

23           THE CHAIR:           The next testifier will  
24 be Ms. Monique S. Hodge, representing our tourism.

25           MS. MONIQUE SIBILLY-HODGE: Thank you.

1 Good evening to all. I am Monique Sibilly-Hodge, the  
2 Acting Commissioner for the Department of Tourism. I  
3 appreciate the opportunity to provide brief comments  
4 on the St. John Marina project. The continued  
5 enhancement of our tourism product is crucial to  
6 keeping pace with the ever-changing industry. The  
7 leisure market remains one of the most resilient  
8 segments of travel and it is highly sought after in  
9 areas of travel and tourism development. We know that  
10 St. John currently ranks high as a demand destination  
11 of this segment of the market. We also recognize that  
12 having the ability to provide the amenities and  
13 facilities desired by this segment are important to  
14 maintaining and growing market share.

15 Equally important are projects which are  
16 environmentally sound and socially responsible.  
17 Development which provides wide-ranging economic  
18 opportunities while offering our people and our  
19 environment are of particular interest to the  
20 Department of Tourism. We encourage development when  
21 both economic growth and issues of conservation,  
22 preservation, can mutually co-exist to the benefit of  
23 the territory. Thank you.

24 MR. KELLY: Thank you, Ms. Hodge.  
25 Moving along, the next testifier is Ms. Lucia R.



1 Francis.

2 MS. FRANCIS: Good evening, everyone,  
3 committee members, I thank you for having this  
4 hearing. Since I only have three minutes I will go to  
5 the point. I want to congratulate this group,  
6 Summer's End, for this design of the St. John Marina.  
7 It is a marina that brings beauty to the area. It  
8 actually enhances that area and it is not intrusive in  
9 that sense. It builds our community up. Benefits  
10 that I like from the project, the pump-out station.  
11 Having been the director of Environmental Enforcement  
12 at DPNR is one of my biggest headaches in terms of  
13 getting our boaters to be responsible with the  
14 pump-out. Now the facility will be there, I am hoping  
15 that the quality of the harbor will also change after  
16 this marina goes in for a period of time. I know it's  
17 going to take some time to regain itself, but as shown  
18 on the film, there is hope for regaining the beauty of  
19 Coral Harbor.

20 Also, the partnership of the derelict  
21 vessels, it has been a headache for DPNR and CZM with  
22 sunken vessels that have been sunk since Marilyn and  
23 continue to sink since then, and they are still there.  
24 No one has taken the responsibility, owners of those  
25 vessels, of removing those boats. So I'm thanking the

1 group that they are looking to make sure that they can  
2 clean up the harbor of those derelict vessels.

3 The organizing of this area. I believe if  
4 we organize this area better than what it is now we  
5 will get more vessels in there, it will support the  
6 boats that legally have moorings in that area and also  
7 will help DPNR enforcement to relocate the boat in  
8 Johnson Bay which is not a mooring here.

9 The new jobs that are coming in, the  
10 mentorship program, internship program, the  
11 scholarship program, it's just a blessing for our  
12 community. The fuel dock for boaters, we wouldn't  
13 have to go that far to get fuel. It would be  
14 available to them.

15 The fishermen at farmers market will have  
16 a place, a steady building that we can be proud of.  
17 There's so much benefits to the fishing community and  
18 also our community in general. I give my hat off to  
19 this project and I am encouraging and hoping that you  
20 all hold true to what you're telling us and that you  
21 will be faithful in what you plan to do. Thank you.

22 THE CHAIR: Thank you. Next  
23 testifier, Ann Prince-Hendricks.

24 MS. PRINCE-HENDRICKS: Good evening,  
25 everyone. My name is Ann Prince-Hendricks and I'm a

1 sixth generation St. Johnian. Three of my four  
2 grandparents were born and raised on St. John and I  
3 was born in Coral Bay. I grew up in Coral Bay, worked  
4 in St. Thomas for 34 years and married to Antonio  
5 Hendricks, who is a boat captain. I spent many years  
6 enjoying boating with my husband and I look forward to  
7 continuing this activity in Coral Bay if and when the  
8 facilities become available.

9 When I was growing up in Coral Bay the  
10 population consisted of many natives who chose to  
11 relocate in search of job opportunities. Although  
12 most of my family resides elsewhere, there are people  
13 in Coral Bay who need work or who are working toward a  
14 greater strategy to fulfill their dreams. The impact  
15 of a marina in Coral Bay can address so many issues  
16 that affect our community, and I'm going to highlight  
17 a couple.

18 One is cleanliness. Coral Bay appears to  
19 be a town where anything goes. Many of us can  
20 remember when our town was orderly and not spoiled.  
21 Something must be done to curtail the deterioration to  
22 the harbor. The general area smells of sewage. The  
23 explanation why we have poor air quality is based on  
24 dry weather and the composition of the mangroves.  
25 However, other areas where the same type of

1 deterioration exists do not have this problem.

2 Furthermore, the entire waterfront area is  
3 in decline, whether it's derelict boats or vehicles.  
4 We need an infusion of responsible businesses and  
5 concerned citizens to turn around the downward spiral.

6 The economic impact is insurmountable and  
7 the possibilities are endless. Rather than opposing  
8 development, we should recognize the benefit this  
9 should bring to young people that need employment to  
10 facilitate their college education and all the other  
11 persons seeking employment.

12 Three, needed facilities for pleasure  
13 boaters. Currently there are no facilities to  
14 accommodate pleasure boaters on St. John. Some St.  
15 John residence bought a boat from the marina in  
16 St. Thomas and would love to enjoy the water on St.  
17 John. Due to the lack of certain facilities, many  
18 boaters, along with their friends and relatives,  
19 choose to travel to Tortola to utilize their  
20 facilities. This practice has takes away from U.S.  
21 Virgin Islands.

22 Four, improved transportation and other  
23 basic services. As businesses are added in our area,  
24 we expect to see an improvement on vehicular  
25 transportation to and from Coral Bay, particularly on

1 weekends when bus service is suspended. Better  
2 service and more competition for basic products can  
3 only enhance the quality of life in Coral Bay. There  
4 is a great void in this area, and an opportunity for a  
5 variety of businesses to correct this situation. I  
6 think this marina is a win/win situation. Thank you.

7 THE CHAIR: Thank you. Next testifier  
8 will be Gabriel Nathaniel.

9 MR. NATHANIEL: Good evening, Panel. I am  
10 Gabriel Nathaniel. I live on Old Kings Road from  
11 since the '50s, since 1950. I feel this marina is a  
12 good development. It's a good project for the Coral  
13 Bay area. How many areas are we going to let go bare  
14 before we do something? Look at Old Kings Road where  
15 I live. Look at Coral Bay Harbor. We certainly can  
16 see in both areas things we don't like. We can  
17 experience bacteria in the water, leading to disease.  
18 We can experience fiberglass in the area from parked  
19 boats being worked on. I feel with this marina, it  
20 will bring order to the harbor and have an impact in  
21 other areas as well. Thank you.

22 THE CHAIR: Thank you, Sir. Next  
23 testifier is Mr. Gerald Hills.

24 MR. HILLS: Good evening, everybody. I  
25 have a request because I'm going to distribute

1 something that the Coral Bay Community Council worked  
2 on with CZM staff, and I may take a minute longer than  
3 three.

4 THE CHAIR: One minute.

5 MR. HILLS: Let me start. My name is  
6 Jerry Hills. I have been a St. John resident for 14  
7 years and served on the St. John Committee for seven  
8 years from 2005 to 2012. I am presenting to the CZM  
9 staff and Commissioners, a number of letters from the  
10 community at the request of CZM. Due to their  
11 short-staffing and anticipating the high volume of  
12 e-mail letters, the Coral Bay Community Council set up  
13 a special e-mail address for written comments on this  
14 proposal. Volunteers gathered all of the comments,  
15 pros and cons and printed them out to assist CZM. I  
16 want to stress that these are not form letters, nor  
17 are they mass produced. Each is the individual  
18 opinion of the author written freely and sent to a  
19 gathering point. There are over 160 letters present,  
20 totaling more than 300 pages, and there are more in  
21 progress. Of these 160 letters, every single one is  
22 against, and there is zero for the project. This is  
23 from St. John residents. I am presenting three sets  
24 to CZM, one for the staff and one for each of the  
25 voting Commissioners, and request that the

1 Commissioners read all of these thoughtful and  
2 informative letters.

3 I am also presenting three copies of the  
4 technical analysis of the proposal. This is 33 pages  
5 long. It was written by David Sullivan of Coral Bay.  
6 This is the best and most comprehensive analysis of  
7 any CZM proposal that I have ever seen and, again, I  
8 request the staff and the voting Commissioners each  
9 read it thoroughly.

10 I want to speak briefly on my opinion of  
11 the project. In my opinion, this is by far the worse  
12 proposal that I have seen in 14 years on St. John. It  
13 is worse than the disaster that occurred at Pond Bay  
14 Club. I heard many of the exact same justifications  
15 during the Pond Bay Club hearings: Jobs, economic  
16 benefits, blah, blah, blah. In fact, every proposed  
17 project that comes before CZM tosses up the exact same  
18 claim. Some are good, some are bad, some are tedious.

19 This proposal is deficient technically in  
20 many areas. The footprint is way too large, proposing  
21 to take over much of the bay. The harbor of the bay  
22 is extreme, and the so-called mitigation plan is  
23 extremely embarrassing. The noise, havoc and  
24 disruption during multiple years of building are  
25 untenable. For example, sounds reverberating up the

1 hillside from the constant drive. Pounding of driving  
2 1333 pilings into the harbor would effectively end all  
3 tourism in Coral Bay for years. The community is  
4 against this and I am against it. Thank you.

5 THE CHAIR: As stated earlier, there are  
6 seven days following the hearing to submit written  
7 comments, as Mr. Hills knows being a seven-year  
8 member. Thank you.

9 Next testifier is Andy Greaux.

10 MR. GREAUX: Good evening. I'm going to  
11 try to keep this brief. I am in favor of Summer's End  
12 because of the benefits it offers, some front office,  
13 fuel, pump sewers, laundromat, grocery store, creating  
14 jobs. Bob O'Connor basically covered everything.  
15 Rick Barksdale, he covered the rest, clean-up of the  
16 bay, sunken vessels, illegal moorings. My only  
17 question is the breakwater and the yearly clean-up of  
18 the Sargosa, the seaweed that washes ashore every year  
19 that's left to stink and rot. We would like to hear  
20 something about that, what's going to be done about  
21 that. Thank you.

22 THE CHAIR: Thank you. Next testifier  
23 is Dana Neil.

24 MS. NEIL: Hello, good evening. This  
25 project represents the future and I'm for it. As a



1 long-term resident of St. John and a person involved  
2 in multiple businesses, I rely heavily on tourism to  
3 help not only keep me afloat, but more importantly to  
4 grow small businesses. We need tourism to continue to  
5 prosper and I want people to want to come to St. John,  
6 both sides. This project represents prosperity and  
7 hope, and I believe that Coral Bay could use a bit of  
8 a facelift. This project would attract the caliber of  
9 tourist that St. John could only benefit from. To  
10 quote a favorite movie of mine, if you build it, they  
11 will come. Yachts equal money, money equals  
12 prosperity, and the entire island of St. John could  
13 use that. All businesses could benefit, not just  
14 those in Coral Bay.

15 As a licensed boat captain, having another  
16 Customs port is really exciting. I know it's a small  
17 detail, but it's pretty big to me. Change may be  
18 scary to some, but this project represents hope and  
19 growth and prosperity and I'm proud to be a part of  
20 that in the future, what it could mean.

21 THE CHAIR: Thank you. Jason Budson?

22 MR. BUDSON: Good evening. My name is  
23 Jason Budson and I'm president of the Environmental  
24 Virgin Islands Conservation Society. Thank you for  
25 the opportunity to comment on the environment

1 submitted by Summer's End, LLC, for development of  
2 upland areas in St. John, Coral Bay, St. John.

3 Before the Virgin Islands Conservation  
4 Society offers our comments, we would like to make a  
5 procedural note for the record. Pursuant to the  
6 Virgin Islands Coastal Management Act, Section 903,  
7 Section (b), I will read: There are created within  
8 the Coastal Zone Management Commission three  
9 Commission committees, and one such committee has  
10 consistent members who reside on St. John. Each  
11 committee shall exercise full authority on the  
12 Commission over the insurance of coastal zone permits  
13 within the division of the Commission to represent  
14 residents in the island community. Such committee  
15 shall elect a chairman from the members. A quorum of  
16 each Coastal Zone Management Committee shall consists  
17 of three members of the community. The majority of  
18 those present shall decide all matters before the  
19 committee.

20 Tonight the Virgin Islands Conservation  
21 Committee comments on the Major Water Land Assessment  
22 Report as follows: After careful review, we fully  
23 endorse the comments and recommendations on the  
24 St. John Water and Land EAR offered by the Coral Bay  
25 Committee Council, Inc., August 4th, 2014, revised on

1 August 7th, attached herein. We find the EAR to be  
2 inadequate of their assessments and community  
3 potential and environmental impact of the project of  
4 the scale relative to the size of the aquatic feature  
5 most directly impacted. It appears the marina site  
6 occupies 35 percent of the Coral Bay Harbor. The  
7 large area occupied on docks, over 1300 pilings and  
8 the high density moorings within the harbor results in  
9 potentially high, general impacts to the individual.  
10 These, in particular, water quality and density  
11 quality to the submerged land use. The search for the  
12 word "community," finds it's used only once in such  
13 EAR as referenced in the tropical storm impacting the  
14 USVI. No reference to any potential projects impact  
15 on Coral Bay.

16 On the surface, the EAR, Section No. 9:  
17 The proposed action appears to be more thorough than  
18 many EARs submitted to CZM. It includes an  
19 alternative site analysis, matrix of potential St.  
20 John marina sites, and the sustained building in water  
21 EAR Table 901. What appears to be missing is the  
22 discussion of an alternative marina design in the  
23 appropriate scale of the facility in the harbor. It  
24 appears once the site was selected, the project  
25 alternatives, being either or all, are the proper

1 alternatives or nothing.

2 THE CHAIR: Time.

3 MR. BUDSON: The Virgin Islands

4 Conservation Society cannot support the CZM approval  
5 of major land and water permits in the absence of an  
6 EAR that fully addresses concerns by the Coral Bay  
7 Community Council, and discussion of the Moravian  
8 Church -- the discussion of the Moravian Church  
9 alternative marina plan and a more important  
10 discussion of the long-term social and economic  
11 impacts, including community impacts of the project of  
12 this relative magnitude in Coral Bay Harbor. So,  
13 therefore, I would like to submit the full response to  
14 you with your permission.

15 THE CHAIR: Thank you. Next up is  
16 Sharon Copeland.

17 MS. COPELAND: Good evening. I'm Sharon  
18 Copeland with the Coral Bay Community Council. I'm  
19 going to whiz through a few things very briefly. I'm  
20 going to leave a lot of the discussion of things to  
21 many people who are going to follow with their own  
22 observations.

23 First, I share every single one of the  
24 values, and I think probably every one here that were  
25 expressed by the several people who were reporting on

1 the marina who, unfortunately, must have left, such as  
2 Mr. Clouden and Tourism and some of the other people,  
3 that they are wonderful values, and we should do that,  
4 but this marina project cannot provide those values  
5 for us, and particularly not in the next five years  
6 because it cannot be built in the next five years, and  
7 there are many things we can do between now and then  
8 that will provide those things.

9           Number one, Coral Bay Community Council  
10 has just received a \$90,000 grant from NOAA to remove  
11 the debris in the Coral Bay harbor. This is being  
12 done in conjunction with the Coral Bay Yacht Club and  
13 the boaters, and we're going to be contributing about  
14 40,000 of volunteer time to do that. So, marine  
15 debris, that's being taken care of with an active  
16 federal grant and community work right now.

17           Going on to other things. In terms of the  
18 mooring area and water use planning, I have documents  
19 that I'm going to leave here for you all which I'm  
20 just going to briefly just mention people. First of  
21 all, is a letter to Commissioner Oriol earlier this  
22 week which relates what has been going on for the last  
23 two years in trying to get the water use planning  
24 started in Coral Bay and I ask the Commissioners to  
25 read this ten-page letter. It is extremely

1 illuminating and we'll be putting it up on our website  
2 for everyone else to read, too.

3 Next, here is the picture. Since the  
4 Applicant was unable to provide us with a full color  
5 picture, we had a volunteer draw a drawing of what the  
6 harbor would look like if it's full of boats instead  
7 of just a rendering of an empty harbor. So we  
8 provided you with what the harbor would look like.  
9 There's a copy of this in your packet.

10 Next, the Army Corps process. I wish I  
11 had known you were set up, I would try to do it. But  
12 three minutes, it wouldn't have happened. The Army  
13 Corps process for sensitive environmental areas which  
14 is essentially all Caribbean waters, involves a number  
15 of different federal agencies, and based on other  
16 Virgin Islands projects that had gone through similar  
17 kinds of review, it will take six years minimum to get  
18 through the process before the first construction can  
19 begin. Why so long? Partly because developers push  
20 the envelope, as I believe this developer is doing,  
21 for what is reasonable, and don't try to size the  
22 scale basic environmental protection requirements  
23 under the V.I. Code and federal laws into the plan,  
24 and this is one of the most egregious examples of  
25 doing that we will ever see.

1                   Now, the St. Croix Amalargo Bay Marina  
2 development, that dock got a CZM --

3                   THE CHAIR:       Time.

4                   MS. COPELAND: All right. It will  
5 amount -- the Amalargo project is still in the Army  
6 Corps' process six years later. It does not have a  
7 permit. It's still in Section 7. The St. Thomas  
8 Thatch Cay project got CZM approval in May 2008. It  
9 has died over this time, and if you look at Thatch Cay  
10 dot com, they're not even talking about a dock  
11 anymore.

12                   Next, in St. Thomas, Compass Point dock  
13 expansion, they got their CZM approval in  
14 October 2007. They got their Army Corps permit in  
15 2013, six years later, and this is simply to do an  
16 expansion of existing docks. I could say more but I  
17 don't have the time.

18                   THE CHAIR:       Thank you. Next up is Dana  
19 Barton. David Silverman is in the audience?

20                   MR. SILVERMAN: Good evening, everyone.  
21 My name is David Silverman, and prior to moving to the  
22 Virgin Islands, I spent ten years as a member of the  
23 Coastal Zone Management Commission in New York. I  
24 personally reviewed hundreds of coastal zone permit  
25 applications, including one for a rather extensive

1 marina.

2           There are precisely two things this  
3 Committee must do in order to approve this permit.  
4 First, they must find the permit is consistent with  
5 the 11 goals and 27 policies of the CZM Act.

6           Second, they must find that the project  
7 mitigates all of its adverse environmental impacts to  
8 the greatest extent possible. This is the law. And  
9 if they cannot reach those two conclusions, then "the  
10 permit shall be denied." Close quotes. This is the  
11 law.

12           Now, consistency does not mean that the  
13 project is compliant with one policy or another.  
14 Consistency means compliance to the maximum extent  
15 practicable to all of the goals and policies of the  
16 Act. I must tell you that the application by the  
17 Summer's End Group is the most egregious example of  
18 coastal non-consistency that I personally have ever  
19 seen. This application is not consistent with CZM  
20 Goals 1, 3, 4, 5, and 8. It is not consistent with  
21 CZM Development Policies 1, 5, 6, 8 and 9. It is not  
22 consistent with CZM Environmental Policies 1, 2, 4 and  
23 9. And finally, this application is not consistent  
24 with CZM Amenity Policies, 2, 4, 5 and 6. Each and  
25 every one of these consistency conclusions is



1 documented in detail in the 33 pages of written  
2 testimony which I have submitted to this Committee.

3 Now, in the interest of time, I'm just  
4 going to speak very briefly about mitigation. I hope  
5 that I hit my marker if I'm just given less than one  
6 minute to conclude. Thank you.

7 So the second requirement for the  
8 Applicant is to identify and mitigate every potential  
9 environmental impact, and the standards for having  
10 that mitigation is explicit in the Code. It says it  
11 must be sufficient to substantially lessen or  
12 eliminate impact. So to use just one example of  
13 grossly inadequate mitigation, the Applicant states  
14 that shading caused by marina structures and boats  
15 will result in the loss of 122,000 square feet of  
16 marine metals, about 3 acres. This habitat is  
17 critical for the environment and for federally-listed  
18 endangered species. Their mitigation consists of  
19 moving 2500 square feet of sea grass to the muddy  
20 north end of the harbor. 2500 square feet is perhaps  
21 maybe a half, again as large as the size of this room.  
22 It's less than half the size of the shadow passed by  
23 just one mega yacht, and their proposed marina has  
24 slips for 50. By proposing such grossly inadequate  
25 restoration, this application makes a mockery of the

1 entire concept of mitigation.

2 To summarize, it was the developer's  
3 choice to site their marina on the sparsely-developed  
4 windward shoreline of Coral Bay. It was the  
5 developer's choice to site their marina on top of lush  
6 marine metals. It was the developer's choice to  
7 extend the 15-foot pier almost 1,000 feet into the  
8 center of the harbor in order to accommodate 210-foot  
9 mega yachts, and it was the developer's choice to  
10 offer virtually no mitigation for the 3 to 7 acres of  
11 habitat which their project will ultimately destroy.

12 Fortunately, this CZM Committee has no  
13 choice but to review the application according to the  
14 standards of the law. And the law is crystal clear,  
15 based on the choices of this developer, the permit  
16 must be denied. Thank you.

17 THE CHAIR: Ms. Ms. Barton, is she in  
18 the house yet? Moving on, Philip Stoner?

19 MR. STRENGER: Strenger.

20 THE CHAIR: Strenger.

21 MR. STRENGER: Thank you for the  
22 opportunity to speak. I will try to be brief. I  
23 believe this is a horrible idea being pushed  
24 aggressively by one of the developers with no  
25 discernible record of prior accomplishments. Thus, I

1 am very strongly against the Summer's End Marina and  
2 Yacht Club in Coral Bay. Coral Bay should remain  
3 Coral Bay. I believe the Applicant promotes this  
4 inappropriate monstrosity unwittingly on a path to  
5 exceeding the disasters in Grand Bay, Serenus and  
6 Pond Bay? The reason for wanting this marina is  
7 profit, and if it goes forward, it will cost the  
8 investors a lot of money, money that will be gone like  
9 the outgoing tide. There is no profit in bankruptcy.  
10 The site is just totally wrong. It's wide open to the  
11 Caribbean, no protection from the storms. It's the  
12 most vulnerable of any marina I have seen, and I have  
13 visited a hundred of them.

14 Looking out in the middle of the harbor is  
15 like placing a bulls eye on it. It's also in the most  
16 remote part of the territory, a major negative for  
17 visiting boaters needing supplies and services.  
18 Everything brought in is more expensive than anywhere  
19 else. In V.I. law, the harbor is a designated mooring  
20 area for locally registered boats. It is primarily  
21 occupied by such boats legally moored. The marina  
22 would displace most of the people, violating the  
23 intent of the law.

24 To smooth the path of in taking over the  
25 entire harbor, Mr. Barksdale has disparaged every

1 aspect of the current use of the harbor to establish  
2 himself as a savior without, to my knowledge, seeking  
3 or listening to local knowledge or advice. Better  
4 yet, the Summer's End principles has no marina  
5 experience. Would you let someone who had never been  
6 in a plane fly your 747? Does anyone know if there is  
7 a credible commitment from a recognized insurance  
8 company to ensure the product as planned with the  
9 completion by? Could you visualize Coral Bay  
10 permanently decorated will with several hundred new  
11 pilings if the project runs out of money halfway  
12 through completion? What would that do to the local  
13 economy?

14 On the subject of construction, do we even  
15 know if the pilings can be driven into the harbor  
16 floor? Is there a valid construction estimate from an  
17 experienced company? Is there a proper business plan  
18 to enable potential investors and this Board for  
19 making objective, knowledgeable decisions about the  
20 project? Like most of the marinas, and many mature  
21 ones, Scrub Island in the BVI is going bankrupt. It's  
22 the subsequent owners who buy cheap out of bankruptcy  
23 who usually make their money.

24 Finally, Coral Bay could probably use a  
25 small 15 to 20 slip marina near shore with floating

1 docks that could be removed in advance of any storms.  
2 Mr. O'Connor could run the gas stop, he has  
3 experience, and the gas station on the shore, Coral  
4 Bay could use that. It could be a hundred percent  
5 locally-owned and make a profit for its investors.  
6 Please deny this application and let's start thinking  
7 about the alternative.

8 One last point. If a permit is granted,  
9 despite all this, it should not be assignable, and  
10 Summer's End should be required to provide quality  
11 voice canceling head phones to everybody in Coral Bay.  
12 Thank you.

13 THE CHAIR: Mr. Paul Tsakeres.

14 MR. TSAKERES: Thanks, everybody. People  
15 throw around quiet about Coral Bay like it's a quaint  
16 term, but it's more than that. Quietude as a resource  
17 today is important as any other, even more so, and in  
18 Coral Bay, it's almost spiritual. When I left  
19 Nantucket ten years ago, they uprooted a working class  
20 neighborhood for a marina on lower Washington Street  
21 Basin, and ten years later, more than 50 percent of  
22 the community is sorry that it's there. It disrupted  
23 neighborhoods, it disrupted people's lives, and the  
24 mighty dollar often has its influence. So I just  
25 suggest that maybe we go to ten years in the future in

1 our minds, go back, and be cognizant of what  
2 potentially could be a disaster for the neighborhood.  
3 Nobody argues that economic development is important.  
4 A lot of Coral Bay community would like to see a  
5 reasonable marina and it begs the question, what stops  
6 this kind of development for Cruz Bay? Thank you.

7 THE CHAIR: Next, Joan Wilson?

8 MS. WILSON: Good evening to all. My name  
9 is Joan Wilson and I live on St. John. Many speakers  
10 tonight will address design, environmental and social  
11 concerns. Therefore, I have chosen an issue which I  
12 put out in which I have personal expertise. Prior to  
13 my retirement, I was a certified public purchasing  
14 officer. I spent my 28-year career drafting requests  
15 for proposals, evaluating proposals, awarding and  
16 monitoring contracts for the State of Missouri. Every  
17 evaluation includes a consideration of experience. So  
18 I decided to research the experience of the Summer's  
19 End Group.

20 First, on social media sites I discovered  
21 the following: Summer's End Group does not have a  
22 website, which is typical for a successful business.  
23 Summer's End Group does have a Facebook page which is  
24 less than one month old. Ms. Summers paints a profile  
25 on Link In which asserts that 15, for 15 years,

1 Summer's End Group has managed teams, backed up with  
2 successfully completed multi-million dollar designs,  
3 developed and built projects in areas such as Houston,  
4 Tucson, Baton Rouge, and Miami. On You Tube, I viewed  
5 a six-year old interview with Chaliese Smith in which  
6 she discusses her interior decorating business. That  
7 goes beyond Chaliese Summers.

8 Second, I researched newspapers in the  
9 four major markets identified by Ms. Summers'  
10 lengthy profile. I found a small mention of Ms.  
11 Smith in a 2007 Houston Chronical about a home show  
12 in which Ms. Chaliese Smith, now Summers End,  
13 participated, and a 2006 newsletter about a seminar  
14 at which she did an interior design presentation.  
15 But for the Summer's End Group, I found absolutely  
16 nothing. No multi-million dollar projects, no  
17 articles in trade magazines, no pictures of ribbon  
18 cuttings.

19 Third, I researched the State and  
20 Government Corporations and Business Registration  
21 database in Texas, Arizona, Louisiana and Florida.  
22 I found no business by the name of Summer's End  
23 Group and designs by Chaliese Smith or Barksdale.  
24 Then I called the USVI Department of Licensing --  
25 Department of Licensing and Consumer Affairs and

1 learned that Summer's End Group has been in business  
2 for three years and the yacht club at Summer's End  
3 only for two years.

4 THE CHAIR: Time.

5 MS. WILSON: I've got my conclusion.

6 THE CHAIR: Finish up.

7 MS. WILSON: If this lack of background  
8 information was presented to an evaluation team,  
9 developers would automatically score zero-points. I  
10 don't know if the CZM routinely considers the  
11 experience and expertise from a potential developer,  
12 however, I implore the CZM to require the Summer's End  
13 Group to provide verifiable proof of their 15 years of  
14 successfully completed projects. Thank you for this  
15 opportunity to present my research.

16 THE CHAIR: Ms. Silverman, next.

17 MS. SILVERMAN: Good evening, everybody.  
18 On behalf of the many members of the community who  
19 aren't able to be here tonight, I wish to express our  
20 disappointment that the public hearing on the  
21 application for CZM permits by the Summer's End Group  
22 is scheduled in such a way that the community is  
23 unable to hear all of the comments from all of the  
24 members in our community who will be seriously  
25 impacted by this proposed development.



1           First, by scheduling the public hearing in  
2 August when so many people are off-island, a large  
3 number of people were unable to attend the hearing in  
4 person.

5           Second, due to the limited time that we  
6 have to speak, many people feel that they are unable  
7 to express all their concerns about the application.  
8 I understand the need for time limits, but at some  
9 point it seems to me they can extend to keep the  
10 hearing open and reconvene at a later time rather than  
11 to limit people so that they cannot be heard. I will  
12 be submitting to the Committee a list of over 200  
13 names of individuals who each have a direct connection  
14 to Coral Bay and who has each expressly asked to have  
15 their objection to the Summer's End marina recorded in  
16 the official record of the proceedings. These people  
17 are all unable to attend the public hearing because  
18 they are not on-island at this time. Thank you, and  
19 good night.

20           THE CHAIR: Next testifier, Mr. Lawrence  
21 Wilson?

22           MR. WILSON: Good evening. I'm a  
23 territorial official and a concerned citizen. I would  
24 like to verbally address the affect on our social  
25 environment, a matter covered by CZM law. Coral Bay

1 is at the heart of the National Park. There is only  
2 one place in Coral Bay where the public can get out of  
3 personal vehicles or taxi tours and view the sea from  
4 the waterfront, that being the frontage being claimed  
5 by this developer. It will be tragic for the scenic  
6 resource to be obstructed by a restricted access,  
7 private marina, designed primarily for large yachts.  
8 The seaside view from this location takes in much of  
9 the beauty and the history of the area. No longer  
10 will this vista be available. Just as much, the view  
11 from the development on the hillsides will be  
12 diminished as well, changing from the quiet harbor  
13 scene to the large commercial marina. Many homeowners  
14 are upset with this. Those who own vacation  
15 properties will lose clientele to the value of Coral  
16 Bay after the development. The spoiling of scenic  
17 resources will be made worse from dusk to dawn as  
18 security lighting reduce the starry overhead of the  
19 beautiful seascapes from the waterfront and up the  
20 mountainsides. This would diminish the value, and the  
21 worse, devalue the quality of life for hundreds of us  
22 whose homes are on the overlook slopes.

23 The noise generated by this project is a  
24 two-fold concern, the construction phase and the  
25 subsequent operation phase. I will hear the

1 construction noise continually from my home. The 1300  
2 piers being driven into the seabed making a nuisance,  
3 the material deliveries will increase, increase heavy  
4 trucking noise on Centerline as trucks wind the side  
5 of the Carolina valley, horns blaring and jacks  
6 breaking with every curve. To be sure, trip advisers  
7 will line up with bad reviews about nearby  
8 construction. This will affect the rental owners'  
9 balance sheets in a disastrous way and the community  
10 economy as a consequence. The value of the structure  
11 will include the noise of the facility that will  
12 continue for the life of the operation. The soul of  
13 Coral Bay was passed to us by Guy Benjamin. It seems  
14 a sacrifice, though, to have to give up our serenity,  
15 our quiet, our calm and nostalgia for the busy,  
16 hustling pace that must come along with progress.

17           These cultural and social resources must  
18 be balanced against the benefits to a few. DPNR,  
19 NOAA, the Corps of Engineers, have already evaluated  
20 the balance establishing the conditions which were not  
21 met. Rather than attempting to recognize or satisfy  
22 these conditions, they've approved these land leases  
23 and investment to Summer's End Group which ignores  
24 these conditions, expects to increase the scope of  
25 disturbance and insult the community's social,

1 cultural, economic and environmental values that would  
2 stand in their way. I respectfully implore you to  
3 turn away this proposal and allow sensible proposals  
4 to come forward to provide reasonable construction for  
5 the Coral Bay area. Thank you for your service to St.  
6 John.

7 THE CHAIR: Next up is William McComb.

8 MR. MCCOMB: Good evening. My name is  
9 William McComb. I am an environmental consultant  
10 working on a marina project in the eastern portion of  
11 Coral Bay. It is surprising that the St. John Marina  
12 was allowed to separate the project to suit two  
13 separate permits. Both EARs continuously state that  
14 each is dependent on the other. In Section 9.0 of the  
15 EAR, the opening sentence states that this project is  
16 entirely dependent on the adjacent marina project.  
17 The dependency of the marina on the upland project is  
18 clear, and the land base development will provide the  
19 marina with potable water, solid waste disposal, fuel  
20 storage, pump-out storage, electricity, emergency  
21 generator service, marina office, restroom facilities  
22 for the marina user, two showers and storage lockers  
23 and off-street parking. The marina cannot operate  
24 without these services. What happens if they sat on  
25 the land portion and don't get the Corps of Engineers

1 permit? Do they walk away from an impartially  
2 completed project like what happened in Pond Bay? Their  
3 economic impact was based on a feasibility model --  
4 excuse me -- their economic impact and size based on a  
5 feasibility model using data from 2006 to 2008, which  
6 is pre-recession, but the model was not included in  
7 the Appendix. How can we study it? It is entirely  
8 possible that the project as proposed is not  
9 financially feasible, based on the changes and due to  
10 the worldwide financial situation. CZM should have  
11 further responses before approving either permit.

12 What is this in the abstracts? Where is the  
13 commitment letter from Customs and Border Protection  
14 stating they will participate? Customs and Border  
15 Protection right now will maintain its facility in  
16 Cruz Bay, and is now working on developing a facility  
17 at Red Hook. It is highly unlikely that this will  
18 happen. This is pie in the sky. The EAR mentioned it  
19 is a 145 slips and will provide 75 moorings. There is  
20 no mention who would pay for the relocation of the  
21 existing moorings, both permitted and non-permitted,  
22 nor the economic impacts of displaced mooring users.

23 Nowhere does the abstract mention that the  
24 impacts of the St. John Marina will have the potential  
25 for any other shoreline land owners to develop the

1 water in front of their property. St. John Marina  
2 states that the primary objective is to create a  
3 premier marina development to attract private and  
4 charter yachts and establish a properly-constructed  
5 mooring field. Again, marina size seems to be based  
6 on outdated information. It might not be financially  
7 feasible.

8 They state that the St. John Marina is  
9 ideally located. This is not necessarily true. There  
10 are other areas where in Coral Bay it might be better  
11 suited and protected. There is nothing to support  
12 that a project this size is needed in Coral Bay. It  
13 is stated that mitigation measures to sea grass is  
14 minor, and they will have the sea grass transplanted  
15 to the northwest corner of Coral Bay where sediment  
16 has deposited over the years.

17 Since stormwater will continue to flow  
18 through this area, it is highly unlikely that the  
19 ponds would be washed away and covered with sediment.  
20 And they're presenting, they mention that they would  
21 undertake this improvement; however, they have not  
22 presented any plans that Summer's End states that they  
23 will pay for the design and implementation. What will  
24 happen, what about the other owners who will have to  
25 agree to this project? Thank you.

1 THE CHAIR: Next up, Samuel Rhymer?

2 MR. RHYMER: Good evening. In the  
3 interest of time, I'm here representing 300 years of  
4 Moravian Church, I'll relinquish my time to Bill  
5 McComb so he could complete his thing.

6 MR. MCCOMB: Thank you. The EAR mentions  
7 that there are many moorings that will be relocated  
8 with the design. There is mention of a construction  
9 management plan to be followed with construction over  
10 sensitive areas as to minimize site disturbance, but  
11 it is not provided. It is stated that rainfall at the  
12 east end of St. John is approximately 35 inches per  
13 year, with the driest period from January to March,  
14 which is a peak season for marine and outland  
15 facilities. Nowhere did they describe how much water  
16 will be needed from WAPA or Caneel Bay during this  
17 period. They do not present any documentation from  
18 WAPA or Caneel Bay.

19 It is stated that the maximum water for  
20 the land will be 12,000 gallons a day and 4500 gallons  
21 per day for the marina. They provided no calculations  
22 for either of these numbers. It is mentioned that  
23 about 115 boats moored in Coral Bay but they only  
24 store just 75. What about the other 48 existing  
25 moorings? When these moorings will -- when will these

1 moorings be installed and what happens to the existing  
2 moored boats until the new moorings are in place? It  
3 is stated that Caneel Bay can provide up to 90 percent  
4 of the marina potable water requirement. Is this  
5 16,500 gallons, 4500 gallons? What happens in-season  
6 versus off-season?

7           Wastewater, this is very crucial. They  
8 say that the wastewater from the boats come off and  
9 will be pumped to 3,000 gallon storage tanks on the  
10 upland project and expected to be hauled. With a  
11 145-slip marina and 87 moorings that could potentially  
12 use the system, is this a reasonable assumption? They  
13 gave no calculations on how they came up with this  
14 number.

15           Also, they talk about getting rid of --  
16 the EAR states that the total upland development will  
17 generate 10,830 gallons of sewage, and disposal of the  
18 effluent will be by irrigation and toilet flushing.  
19 Assuming the toilet flushing would account for  
20 25 percent of the effluent, this means that the  
21 irrigation system will have to dispose of 8,125  
22 gallons per day. They have not provided any detail  
23 landscape planning showing where the areas will be  
24 located, nor how large these areas will be. Based on  
25 the location and existing rainfall, it is reasonable



1 to expect that the irrigation will be 3 to 4 inches  
2 per week, or equivalent to 39 inches per year. To  
3 dispose of three-quarter inches of water of irrigation  
4 per week, this 8,125 gallons per day would need  
5 approximately 2.6 acres of land, or 80 percent of the  
6 total project area. With the buildings, roads,  
7 parking sidewalks, et cetera, there is no way that all  
8 of this sediment can be used as irrigation without  
9 going directly into Coral Bay. The land development  
10 needs to be downsized to balance sewage generation to  
11 available land for irrigation.

12 It is particularly stated that they're  
13 going to use native vegetation that doesn't require a  
14 lot of water. Irrigation and project size was often  
15 overlooked by the agency and can lead to the pollution  
16 of ground water, surface water, ocean, and with very  
17 little after-the-fact mitigation measures available,  
18 short of shutting down the facility.

19 THE CHAIR: Next up is Mr. John Woods.

20 MR. WOODS: Mr. Chairman, I, too, am a  
21 representative of Moravian Church and I will donate my  
22 time to Mr. McComb.

23 THE CHAIR: Go ahead, Sir.

24 MR. MCCOMB: On the recreational uses  
25 there is no mention of potential loss of recreational

1 use of the owners of the moorings that will be  
2 renewed, nor by the public that now uses the area with  
3 the proposed marina for recreational purposes.

4           They talk about traffic. The traffic  
5 study assessed the work in front of the marina.  
6 However, they did not assess any of the impact on  
7 Route 10, which is a major artery between Coral Bay  
8 and Cruz Bay. This could be a major impact and should  
9 be addressed. There is no mention of the impacts on  
10 Route 10 by the construction equipment and long-term  
11 trucking required for the marina and upland  
12 development.

13           Overall, adverse affects can be reduced by  
14 reducing the size of the marina. SHIPPO did give a  
15 letter in 2005 for the upland project and it has  
16 not -- there is no recent documentation.

17           Mitigation. One of the key mitigation  
18 plans is to improve storm water fall into Coral Bay by  
19 controlling storm water in the northwest corner.  
20 Again, there is no plan developed, no sign-off by the  
21 adjacent land owners, and when will this happen? This  
22 actually puts into some question on one of the  
23 proposed submerged aquatic vegetation mitigation  
24 measures of moving the sea grass to this area. Will  
25 this be viable? A Letter of Intent between Summer's

1 End and DPNR states that the project identified would  
2 enter into an agreement within 90 days of the LOI for  
3 the 75 moorings, which was dated March 19th, 2014.

4 Where is the agreement? The body failed to submit an  
5 agreement. They describe in detail several criteria  
6 that will be used in evaluating the location for the  
7 marina on St. John.

8 The matrix that was developed shows Coral  
9 Bay was the preferred location; however, they do not  
10 address any alternative sites in Coral Bay. If they  
11 had used a criteria for Coral Bay, it would have  
12 indicated that a site on the east end of Coral Bay  
13 would have been a preferred site. This area is  
14 already serviced, bar community is better protected  
15 (ck) in Coral Bay, and service the marina, both the  
16 land and water aspect without extensive upland  
17 development.

18 In addition, they did not look at the  
19 alternative of a small project. They had provided no  
20 report that indicates a small marina. A land based  
21 facility would not be feasible and there should be a  
22 preferred alternative. It will have less impact than  
23 existing resources.

24 In conclusion, neither the water nor the  
25 land permit application should be approved. It should

1 be reissued when it is adequately readdressed. A  
2 marina with associated facilities on the west side of  
3 Coral Bay could be created for the size, and  
4 supporting services need to be addressed more closely  
5 than what has been presented by the proposed St. John  
6 Marina. I will be providing CZM with an electronic  
7 copy of my testimony.

8 THE CHAIR: Next up, Mr. Ralf Boulon?

9 MR. BOULON: Good evening. My name is  
10 Ralf Boulon. I am a St. John resident and DPNR and  
11 National Park Service retiree. Does Coral Bay need a  
12 marina? I would say, yes, a realistic size and  
13 location. Does Coral Bay need a Summer's End-type  
14 marina? I would say absolutely not. Is Coral Bay  
15 resilient enough to withstand the construction impact?  
16 Very likely not. I will confine my comments primarily  
17 to the marine environment. It's where my training and  
18 experience lies.

19 To begin with, Coral Bay faces  
20 south/southeast, into the predominant trade winds. As  
21 such, wind driven surface currents flow into the bay  
22 with most outflow being back out with as bottom  
23 currents.

24 There is some tidal influence, but this is  
25 the predominant pattern. This makes for somewhat

1 restricted water circulation as well as eventual  
2 contact of surface waters with benthic habitats. Not  
3 the best situation but Coral Bay, in its natural  
4 state, is adapted to and in equilibrium with this  
5 system.

6 Enter the idea of a 145 slip marina with  
7 1,333 pilings, approximately 7.5 acres of overhead  
8 docks, walkways and a large assortment of vessels.  
9 Many of these vessels will likely be of larger size  
10 with deep draft, all with various types of  
11 anti-fouling paints on their bottoms, and with the  
12 potential for the discharge of a multitude of  
13 pollutants into the surrounding waters. Fueling and  
14 other marine services add additional potential for  
15 discharges. Of particular concern is that this  
16 structure of pilings and vessels will only further  
17 restrict water flow and circulation in the bay thus  
18 exacerbating potential impacts to the marine  
19 environment.

20 Boats generate a lot of waste. In spite  
21 of best intentions, stuff goes overboard. Be it  
22 deliberate septic discharge or dish washing water,  
23 minor maintenance or simply washing down the decks,  
24 pollutants go in the water. Multiply that by 145  
25 boats and it becomes significant. Bottom paints range

1 from relatively benign to extremely toxic (TBT  
2 containing paints are still available in the BVI - who  
3 is going to check all the boats/ and all of them  
4 function by gradually releasing small amounts of toxic  
5 components that inhibit marine fouling. Again,  
6 multiply that by 145 boats at one location and it can  
7 be significant. And above water, if only a portion of  
8 the vessels start their engines or run their  
9 generators, either diesel or gas/oil mix, the  
10 resulting exhaust becomes an air quality issue to  
11 environments downwind of the marina. Concentration of  
12 vessels leads to concentration of pollutants - no  
13 getting around it. Concentration of vessels leads to  
14 concentration of pollutants - no getting around it.  
15 And this can only lead to damage of the sensitive  
16 natural resources in Coral Bay.

17           Elimination of at least 2.8 acres of sea  
18 bottom by removing the sea grasses that trap and hold  
19 bottom sediments and help maintain water  
20 clarity/quality. This will also enable storm waves to  
21 suspend large amounts of exposed sediments that were  
22 formerly held in place by sea grass. And one cannot  
23 overlook the impacts to threatened green turtle  
24 populations and other species that forage on this sea  
25 grass. The proposal to mitigate this loss by

1 replanting sea grass elsewhere is not sound. If sea  
2 grass is not growing someplace there is a reason it is  
3 not growing there. Planting sea grass there will not  
4 work. This is not adequate nor sustainable  
5 mitigation.

6 The proposed location, for any marine  
7 development, is far less than ideal, being exposed to  
8 wave conditions from the south. Almost every time we  
9 have a major storm where do a number of boats end up  
10 on shore, some of them quite large? What does this say  
11 about wave conditions at this location And when the  
12 docks and presumably some boats, break loose during a  
13 storm, what collateral damage will they do to the  
14 marine environment and the downwind mangroves?

15 A much better place for a small marina,  
16 certainly more suitable for the character of Coral  
17 Bay, would be in the protected waters of the  
18 northeastern, inner cove of Coral Bay. Probably with  
19 Mediterranean style shoreline boardwalks with stern-to  
20 docking offset from any mangroves. This area has no  
21 sea grass that I know of and could provide the level  
22 of services needed by Coral Bay without turning it  
23 into a South Florida or Yacht Haven Grande type  
24 atmosphere.

25 And is this just the tip of the iceberg

1 with this group? What about the seven-phase full  
2 re-development plan for Coral Bay that was written  
3 2012? It all appears aimed at turning over the  
4 development and management of Coral Bay to an outside  
5 entity with no demonstrated ability to do so or real  
6 sensitivity or understanding of the people and  
7 environment that make Coral Bay the special place it  
8 is. To me, that is unconscionable and atrocious. I  
9 strongly urge the Committee to seriously consider the  
10 full ramifications of permitting such a thing to  
11 happen to Coral Bay.

12 MS. WILLIS: Good evening. My name is  
13 Lonni Willis. My husband, Albert Willis and I, have  
14 made St. John our home for the past 40 years, raising  
15 our children here and now with our son and  
16 daughter-in-law living here, raising our grandchild  
17 here. We've run St. John Car Rental, Incorporated for  
18 all these years as well and have gotten to know our  
19 neighbors, our customers, and building managers that  
20 we deal with daily.

21 We are adamantly opposed to Summer's End  
22 Group's proposal for the Coral Bay Marina. When we  
23 read their prospectus we couldn't believe the scope  
24 and size and utter disregard for the Coral Bay  
25 community that exists there now. There are so many



1 things wrong with it, it's almost hard to take it  
2 seriously, but here are some of the concerns I have  
3 about it.

4 The infrastructure necessary to run  
5 something like this does not exist, and that includes  
6 electricity, roads, water, sewage, gas, garbage, and  
7 the work force. WAPA cannot deliver affordable and  
8 reliable electricity to the residents now, what would  
9 our electricity situation be like if this were built?  
10 The one road we do have took over three years to fix  
11 after it washed out it's not fixed yet. Imagine heavy  
12 equipment pounding that road day in and day out to  
13 deliver concrete, construction materials, not to  
14 mention the provisions that will be needed if it were  
15 actually built.

16 Recently, I heard some complaints about  
17 the amount of water trucks having to deliver water to  
18 the Calabash community region. This project will take  
19 quite a bit more of water and trucks, possibly to the  
20 detriment of other communities on St. John.

21 Many of our work force comes from  
22 St. Thomas, or in one case of one of our employees,  
23 she had to move to St. Thomas to find an affordable  
24 rent. So many of our work force on St. John comes  
25 from the states during the season and many of them

1 find it hard to find a place to live. I have never  
2 had enough locals apply for jobs when I was running  
3 two restaurants and had over 50 employees, and my son  
4 has also had this experience. There were jobs to be  
5 had, but there were no people to show up to fill the  
6 jobs. It's a real problem. A large work force here  
7 on the island simply does not exist and the people  
8 they would employ would all be newcomers to the  
9 island.

10 Tourist like Coral Bay as it is and come  
11 back time and again. Improvements are always welcomed  
12 but should not be at the expense of our peaceful use  
13 of the entire area. The harbor swells will not  
14 ecologically support this and the sensitive quality of  
15 the bay will be destroyed by their pilings, that would  
16 not soon come again.

17 Construction on this type of scale will  
18 take so long it will destroy the local economy,  
19 including the rental business, retail shops,  
20 watersports industry and restaurants. My car rental  
21 business will be impacted, as our peak Coral Bay  
22 customers would not come back. The amount of sound  
23 pollution over this longer time will be prohibited.  
24 Building this amount of pilings would have to be  
25 historical. Archeological nature is what would be

1 buried under the seabed and the surrounding areas.

2 The harbor is not suited to be filled with  
3 boats in the marina during storms, and everyone would  
4 have to leave. A marina that is not safe to be in is  
5 no marina worth building.

6 THE CHAIR: Time.

7 MS. WILLIS: Over the 40 years, we've been  
8 here, we have seen many proposals that were accepted,  
9 turned back, either from lack of planning, fraud or  
10 stupidity. There is no reason this has to be one of  
11 these if it is nipped in the bud and not allowed to go  
12 any further. Thank you.

13 THE CHAIR: Dana, you have three minutes.

14  
15 MS. DANA: My name is Dana. I live in  
16 Coral Bay and moved here from Ohio and I have been  
17 here 23 years and all of it involving Coral Bay in the  
18 community. I want to assure that before I even knew  
19 about St. John, I had a vision, I guess you could say,  
20 of being a person in a small place. I don't think  
21 they were just talking about a donkey either. I think  
22 they're talking about a connection to the place, and  
23 not only the people but the land. That's just how I  
24 live. I live close to the land and the animals and I  
25 take care of -- I worship the Lord, that's one the

1 things we haven't talked about. This is God's  
2 creation that we're looking at. We're trying to  
3 preserve. Basically, what we're trying to do is  
4 decide what to do with this view that He set up for  
5 us.

6 So I just want to -- that's one thing  
7 about the culture here, that they do have a lot of  
8 appreciation for the Lord and the churches. You can  
9 hear it in the grocery store saying, praise be to God.  
10 You don't hear that in the states. God's word goes  
11 out and it always has an effect, and we need this  
12 community to respect each other and respect His  
13 creation. Not only that, ourselves, I remember a  
14 native lady had talked about how in the old days when  
15 they were traveling dirt roads, they would have to  
16 stop and they would have to hail every house. If the  
17 owner or the person in the house didn't hear them  
18 hailing, they're going to get in trouble when they get  
19 home. They're going to call the parents and say, hey,  
20 they didn't stop and hail me. Imagine doing that  
21 today, you have a long ride getting from Cruz Bay to  
22 Coral Bay, but it comes down to respect and tradition  
23 and holding onto that. That's all part of the island  
24 and this Coral Bay community has built up and not  
25 changed over the years. Let's keep it beautiful. I

1 just really --

2 A few more things. I have a business.  
3 I've had to move three times because people have said  
4 they wanted to do something different with that space.  
5 In the first place was Maho Beach, where Maho Beach is  
6 now. It was just bush there. I cleared that land and  
7 got that area cleared and we did the best we could on  
8 the side of the road. We had to be 15 feet back from  
9 the road. You know, a lot of water settling in the  
10 surrounding area. We had a lot of big problems,  
11 seeing mosquitoes, and one of our horses would start  
12 trotting. At 5:00 and the butt would start coming  
13 out. That's just the reality of that place, and when  
14 you look at Coral Bay Coco Lobo, there was no erosion.  
15 Where is the water going? It's going straight to the  
16 sea. It's going over the road straight into the sea.  
17 Without construction it's going back in the soil and  
18 that's where it needs to go. The soil is there and  
19 the land is there to take in the debris, and that  
20 comes down off the hills.

21 So I'd just like to say one last thing is  
22 that we have -- they're talking about a gated  
23 community. I have this long thing I want to read but  
24 I don't think I have enough time.

25 THE CHAIR: Time.

1                   MR. MINER:           One more about the shops.  
2           I have -- a neighbor of mine has a house on the beach,  
3           she has a house on Nantucket, she has a house -- she  
4           has a property in Brooklyn and Manhattan, and she  
5           bought me a donkey tee-shirt.

6                   THE CHAIR:           Next up is Philip  
7           Pickering, Grasshopper.

8                   MR. PICKERING:       Good evening, everybody.  
9           I just returned home and heard about the proposal  
10          being offered and I thought about it for a little bit.  
11          I walked around, drove to Coral Bay, looked at the  
12          proposed area, looked at the drawings, and I thought  
13          to myself, everybody I'm listening to, even on  
14          Facebook, is concerned about Coral Bay. My personal  
15          concern is about St. John. When I look at the  
16          proposal I think it's little out of scope for the  
17          little island of St. John. I tell you the reason why.

18                   The boats that we're talking about that  
19          will be coming to this area will most likely be  
20          filling up this harbor during the peak of the season.  
21          I doubt those boats will be coming here around this  
22          time of year because this is hurricane season and the  
23          storm and stuff frequent the area regularly during  
24          this time of the year. So we're talking about peak  
25          season. Peak season also means you're going to have a

1 lot more traffic on the road. All of the people  
2 coming on boats, they're not going to stay on the  
3 boat. They're going to coming ashore. It also means  
4 you will have more rentals and the rental service has  
5 to accommodate the people, have to have more space.  
6 Right now, the beaches, Trunk Bay, is at maximum  
7 capacity. Where are these people going to have fun?  
8 They take them over to Lameshur Bay. It's almost  
9 filled right now during the peak. My mindset is that  
10 Coral Bay needs a marina that -- I think the scope and  
11 size of the marina that is being projected is a little  
12 too big. A couple slips and stuff that could work out  
13 there and feasibility of employing some local people,  
14 fine, I have no problem with that, personally. But my  
15 scope is that it's just too big and it's going to  
16 affect the entire island in such a way the same thing  
17 people come here for. They are going to destroy.  
18 That's it.

19 THE CHAIR: Next up, Maria Hodge?

20 MS. TANKENSON-HODGE: Good evening. My  
21 name is Maria Tankenson-Hodge. I am an attorney in  
22 the Virgin Islands and I am here representing the  
23 Moravian Church and its lessee in connection with  
24 their own plans to develop a marina in the Coral Bay  
25 area, something they had been working on for a long

1 time. I have submitted to the Commission a letter  
2 dated August 5th, 2014, and I would like to ask that a  
3 copy of that be made as part of committee's record  
4 this evening, if possible. I'll read briefly from it  
5 but I would like to make just a couple of comments  
6 because I was able to hear some of what was said  
7 earlier this evening.

8 One of the proponents of the marina said  
9 they didn't want it to be called the Coral Bay Marina,  
10 they wanted it to be called the St. John Marina, and  
11 the implication was they wanted to make sure that we  
12 understood it was the marina for the entire island of  
13 St. John, not just for Coral Bay. I would like to  
14 suggest to the committee that it cannot properly be  
15 the St. John Marina unless it is meant to be the one  
16 and only marina for St. John. This is particularly  
17 disturbing for my client, the Moravian Church, which  
18 has been working so hard on its own plans for a marina  
19 in Coral Bay, because not only does this imply that  
20 they are not to be a marina in St. John, but they are  
21 not even mentioned by this Applicant in the EAR. If  
22 you read it from beginning to end, that the well-known  
23 plans of the Moravian Church to build a marina in  
24 Coral Bay are not even mentioned. We know that this  
25 developer is aware of the Moravian Church's plan



1 because they met and tried to encourage a  
2 collaboration in the planning of the marina in the  
3 area, and the efforts were effectively dismissed from  
4 it. You could see they are not mentioned in the EAR.

5 I also have with me a little graph that I  
6 would like to leave and make part of the record that  
7 kind of shows the comparison between the proposed  
8 Summer's End marina as read and the tentative proposal  
9 for the Moravian Church and it shows how this marina  
10 is presently designed that will effectively make the  
11 plans for the church's marina impossible.

12 One of the proponents of the project  
13 tonight had said that some people have said that the  
14 project was too big and people said it's not really  
15 about size. It's really that they were developing it  
16 to meet the needs that they sought. I would like to  
17 submit to the committee that this one proposal doesn't  
18 have to meet all of the marina needs of Coral Bay or  
19 St. John because we are aware of the fact that already  
20 before the CZM staff in pre-application presentations  
21 is a suggestion for a well thought out marina  
22 developed by the Moravian Church and the lessee. That  
23 is appropriate and important to be considered in the  
24 planning of that marina for this community. So, just  
25 final bit of quote --

1 THE CHAIR: Time.

2 MS. HODGE: -- from the letter, if I may.  
3 Just two sentences.

4 THE CHAIR: Continue.

5 MS. HODGE: So, Mr. Chair, this was  
6 something that the attorney for the project spoke --  
7 essentially addressed, but the law, literal land  
8 rights is that common law. A person who owns land in  
9 front of the waterfront has the right in common law to  
10 erect piers and docks on the submerged public land  
11 beyond the water line subject to government  
12 regulations and control, and with due regard to the  
13 rights of the public and the adjoining land owners.  
14 The proponent has responded to a letter that I sent by  
15 saying they're literal property owner also, which is  
16 true, but the point we're making with this letter, Mr.  
17 Chair, is that their plans should not be allowed to  
18 proceed with the size and scope that disregards the  
19 plans and needs of the Moravian Church. The cases we  
20 cited note that as a fundamental principal of the  
21 system of vitarian (ck) right, that each waterfront  
22 property owner have an equal right to make reasonable  
23 use of the water. So what we're suggesting to you in  
24 thinking about this review is that this particular  
25 proposed marina before you tonight is just too big.

1 It's too big and we would encourage you to think about  
2 denying it on this size and requiring a reduced scope.

3 THE CHAIR: Thank you. Next up is  
4 Mr. Jason Hayman?

5 MR. HAYMAN: Hello. Good evening. My  
6 name is Jason Hayman and I have been coming to and  
7 living in Coral Bay for 11 years. I have lived here  
8 full-time for almost five. I own a beachfront villa  
9 property and a charter boat company, both in Coral  
10 Bay. I am also a volunteer Board member and secretary  
11 for the Coral Bay Community Council. Personally, I am  
12 a marina supporter. A properly-sized, properly-placed  
13 could be good for my business and also Coral Bay,  
14 without making impact to the environment. Some of the  
15 proposed mega marinas is not that marina.

16 Both the V.I. Department of Tourism and  
17 the New York Times referred to us as an eco-tourism  
18 location. The people who live and work here are very  
19 proud of our community. We are proud that more than  
20 60 percent of St. John is part of the National Park.  
21 Our tourists come to St. John and Coral Bay to hike,  
22 snorkel and enjoy the beaches and quiet eco-tourism.  
23 This kind of mega marina would completely change the  
24 look, feel, environment and the economy. Their vision  
25 is to create another high-end marina with shops and

1 services already experienced in St. Thomas and many  
2 continue to struggle today. They're gambling with our  
3 way of life. They're gambling with what makes  
4 St. John and Coral Bay unique. They have unsupported  
5 claims that this proposed marina will make 8.7 million  
6 in revenue, 3.1 of that is projected new jobs. All of  
7 200-plus rental villas with more than 400 rooms,  
8 existing restaurant, shops and market, bringing over  
9 \$42 million annually. 2.2 million of that is from the  
10 eco-tourism alone, which they predict will almost  
11 double in revenue over the next few years because of  
12 eco-tourism.

13 This project endangers eco-tourism with a  
14 status of a mega yacht marina. They have yet to talk  
15 to a single -- I have yet to talk to a single resident  
16 or land owner in Coral Bay that wants the marina in  
17 the current form, nor are any of them willing to risk  
18 more than \$42 million to come into Coral Bay for  
19 eco-tourism currently.

20 In addition, I am a coast guard certified  
21 40-foot fishing and master. I have been in almost  
22 every marina in the area multiple times and none of  
23 them are exposed to the weather like this proposed  
24 marina is. It is the wrong location; it is the wrong  
25 size. Thank you very much.

1 THE CHAIR: Next up, Ms. Nancy Strump.

2 MS. STRUMP: Good evening. My name is  
3 Nancy Strump. I am a home owner and business owner in  
4 Coral Bay. I am almost the treasurer of the Island  
5 Green Living Association. I'm retired after 30 years  
6 as a CPA and Senior Finance Executive for many Fortune  
7 500 companies, spending time in Los Angeles, New York  
8 City and Singapore. I support an appropriate sized  
9 marina in Coral Bay. I do not support the proposed  
10 Summer's End marina. I don't want to duplicate any of  
11 the issues already presented or might be presented, I  
12 want to talk about trash, garbage and floatable  
13 debris. There has already been a study done about  
14 floating degree management in Coral Bay and I have  
15 reviewed the drastic results. Plastic, glass and wood  
16 are the three top debris that find its way onto our  
17 shorelines. We have no recycling in St. John for the  
18 plastic and for glass, and we need this.

19 First, this 12-month study included Coral  
20 Bay, Cruz Bay and Enighed Bay, and it was on small  
21 areas of the shorelines. In 12 months, we collected  
22 857 pounds of trash. So now let's talk about this  
23 proposed marina with 145 slips. How many boats will  
24 this translate into coming to this area per day, per  
25 week, per month, and what is the one thing that

1 boaters want to do when they get to a marina? They  
2 want to get rid of their trash and they're going to  
3 bring it to us. We already have a million tourists  
4 coming to St. John and they have trash in addition to  
5 the 4,000 residents. I think everyone here knows that  
6 EPA has dictated the closure of the landfills on  
7 St. Thomas and St. Croix. That's where our trash  
8 goes. Waste Management Administration is projecting a  
9 \$17.5 million deficit in 2015. They're looking for  
10 \$20 million to help figure out what to do about this  
11 landfill closure, and now we're going to add more  
12 trash to this problem in the whole Virgin Islands?  
13 It's just not the regular trash. What's going to  
14 happen with the construction trash, where is that  
15 going to go? We don't have room for it in the Virgin  
16 Islands.

17           When I review the draft proposal, I don't  
18 see a lot of mitigation or concern about what to do  
19 with the trash when you look at it from an entire  
20 Virgin Islands perspective, and this trash issue is  
21 big. We need to take a look at the impact that a  
22 large marina like this is going to have on St. John,  
23 on St. Thomas, on the whole Virgin Islands. Thank  
24 you. Please deny, please deny this application.

25           THE CHAIR: Next up is Steve McKibben.

1 MR. MCKIBBEN: Good evening. I am Steve  
2 McKibben. I'm a fairly recent resident of St. John  
3 and a more recent resident of Coral Bay. There has  
4 been a lot of impressive and well-researched facts and  
5 figures that had been presented here tonight, and I'm  
6 going to be real quick and just say that none of those  
7 is what attracted me to St. John, and then ultimately  
8 to Coral Bay. There is something undefinable about  
9 Coral Bay as it exists right now. It has a uniqueness  
10 that's part natural beauty, part quietness that we've  
11 heard referred to and, more importantly, the  
12 community, the people that choose to be here, that  
13 embrace everything about Coral Bay, the people that  
14 come here to visit year after year that come to choose  
15 this location because of these qualities. People that  
16 stay in Cruz Bay come over to Coral Bay for the day.  
17 I don't think they all get lost on Centerline Road. I  
18 think some of them come here on purpose because they  
19 get a little piece of that what exists in Coral Bay,  
20 nowhere else.

21 People from St. Thomas come over on a day  
22 trip and they find their way to Coral Bay because they  
23 get something in Coral Bay they don't get anywhere  
24 else. I'm just imploring the people that empowered to  
25 make this decision, when you do that, consider the

1 wisdom or the folly of replacing that unique,  
2 undefinable thing of Coral Bay that makes it so  
3 attractive when something people could get many other  
4 places in the world. Thank you.

5 THE CHAIR: Next up is Judy Buchholz.

6 MS. BUCHHOLZ: Thank you and good evening  
7 to everyone. My name is Judy Buchholz and my husband  
8 and I would ask that you deny the permit for the  
9 Summer's End Group. We are full-time -- my husband  
10 and I are full-time residents of St. John, having  
11 moved here after retirement in October of 2010. We  
12 have been in the unit that we are renting overlooking  
13 Pearl Harbor for three years. Before that, we been in  
14 an apartment in Cruz Bay but we decided that Coral Bay  
15 side is where we wanted to be. We are fully invested  
16 in St. John. We volunteer for the Virgin Islands  
17 National Park and the Friends of the Virgin Islands  
18 National Park. My husband sits on the Board of the  
19 St. John Historical Society. I am on the Board of the  
20 Virgin Islands Audubon Society. I also volunteer in  
21 the Wild Bird Rehabilitation Program here on St. John.  
22 We are proud and involved St. Johnians.

23 We are considerably worried about the  
24 environmental impact the marina project will have on  
25 St. John. The scope of this project far exceeds the



1 benefits of St. Johnians and tourists, as well as the  
2 environment. It's too big, too pretentious and not in  
3 keeping with the core values of Coral Bay and St. John  
4 as a whole. Had the following issues been addressed,  
5 fully thought out and contingency plans made, can  
6 Coral Bay handle the infrastructures needed for this  
7 size marina project? Can the roadway safely maintain  
8 the increased traffic? Can WAPA handle the increased  
9 electrical usage? Has a feasibility study been done,  
10 has the potential for a new upscale business? Has a  
11 feasibility study been done to determine if there  
12 really is enough mega yachts and other boats as well  
13 as tourists to make the project viable? Has a study  
14 been done to determine where these boats and tourists  
15 will come from? Does this vision fit with Lawrence  
16 Rockefeller's vision for St. John as a National Park?  
17 We think not. Thank you very much for your time.

18 THE CHAIR: Next up, Mr. Roger Harland?  
19 Gary Ray.

20 MR. RAY: Good evening, everybody. My  
21 name is Gary Ray and I have been a resident for many  
22 years in St. John. I taught at the University of the  
23 Virgin Islands for 13 years and I focus a great deal  
24 on studying the eco-systems. Tonight I came prepared  
25 to give testimony on the wastewater treatment that was

1 selected by the proposer. So I first have to preface  
2 my remarks to Joe. Do you still have the permit  
3 sequencing the batch reactor?

4 MR. MINER: No, we're not going to go  
5 using that. We will be using a device that is  
6 suitable, that is sustainable. This device that we're  
7 using, there is a chroma grass or similar.

8 MR. RAY: I read that in the original  
9 proposal but I didn't know what you've done with that.  
10 Two people from the audience told me tonight that  
11 wastewater will be going into a large tank facility  
12 but that seems to me like a marine part of the  
13 facility, is that part of the land base as well?

14 MR. MINER: The tank is for the  
15 pump-out --

16 THE CHAIR: Mr. Ray, you have to go  
17 through the chairman.

18 MR. MINER: I'm going to set aside most of  
19 this testimony because it has to do with those  
20 particular units that now are no longer part of the  
21 proposal. So I'll set that aside.

22 THE CHAIR: You could ask through the  
23 Chair.

24 MR. RAY: So I will just say this: That  
25 many of us have been very concerned in Coral Bay, as

1 well as throughout the Virgin Islands, that a legacy  
2 of residential wastewater treatment in our territory  
3 is such that nitrogen is being -- nitrogen process,  
4 the movement of nitrogen compounds, are moving into  
5 our harbors, particularly Coral Bay Harbor, and we all  
6 know this. What I was hoping was that the proposer  
7 would do is look very carefully at real  
8 state-of-the-art. In the original presentation, I  
9 heard those words, state-of-the-art, but there was no  
10 detail, and it would be good to hear exactly what  
11 units have been planned for development, and the  
12 reason is that we really need to reduce nitrogen  
13 compounds to near zero from the facility. And if we  
14 can do that, then, that's a good step toward  
15 sustainability. If we cannot do that, then we're only  
16 adding to the problem.

17 Another -- we're talking about mitigation,  
18 I know a lot better mitigation than you could create  
19 from a project like this. You can't score on marine  
20 mitigation, and one of them is to start to invest a  
21 little bit more seriously on mitigating nitrogen  
22 influx into that the bay. Any way we could do, any  
23 way we could do it, particularly with treatment, with  
24 water treatment, with new ways of water treatment.  
25 Then we'll set up a demonstration that we can accept

1 that state-of-the-art. Thank you.

2 THE CHAIR: Next up is Ms. Leona Smith?

3 MS. SMITH: Good evening. I'm actually  
4 reading this testimony on behalf of Ms. Madeline Marsh  
5 who is not here. She had a medical emergency.

6 Members of the Committee, St. John Coastal Zone  
7 Management, Mr. Brion Morrisette, Mr. Andrew Penn,  
8 Mr. Edmund Roberts, Department of Planning and Natural  
9 Resources, the greater Coral Bay and St. John  
10 Community, Mr. Robert O'Connor, Junior, Ms. Chaliese  
11 Summers, Mr. Rick Barksdale, Ladies and Gentlemen,  
12 good evening and welcome.

13 Today, it is a great pleasure and honor  
14 and privilege to stand before you and address you on  
15 this grand necessary and momentous occasion. Today,  
16 as history will recall, we are here and witnessing a  
17 transformation of our family's land into a marina with  
18 its amenities where this community and way of life  
19 will be transformed. It's a dream that young persons  
20 growing up as an individual, and today with your  
21 input, where the meeting of minds have prevailed.  
22 Today this dream have become a reality. It's a dream  
23 where by late husband, Calvin Marsh, shared to see  
24 this beautiful landmark be transformed into a marina.  
25 We've worked very hard over the years in the interest

1 and quality time put and spent together to see this  
2 beautiful project and art of class come to fruition.  
3 I know with this project, from commencement to  
4 completion, lives will be changed, jobs will be  
5 provided, bread and butter will be put on the tables  
6 of our many people. I thank all who have worked so  
7 hard to see this project up and going at the soonest  
8 possible time. I thank you all who have made this  
9 project possible and continue looking forward to  
10 working with you. Thank you, God bless you, Madeline  
11 Marsh.

12 THE CHAIR: Next up is Ms. Wilma  
13 Monsanto.

14 MS. MARSH-MONSANTO: Good evening to one  
15 and all. I am Wilma Marsh-Monsanto. I am here  
16 tonight really because I am a little bit disappointed  
17 in the Coastal Zone Committee. Number one, I have a  
18 question as to, is it factual that there are two  
19 marinas under consideration of this little harbor?  
20 You don't have an answer to that. I heard Attorney  
21 Hodge come and testify that you all just pretend that  
22 there is no nothing happening by that aspect by the  
23 Moravian Church. You need to be honest with we, the  
24 people, of St. John as to what you have planned, what  
25 has been presented to you. Is this plan already all

1 approved? Because, I don't know, I smell a rat, and  
2 it's just not fair to us, because when you look at the  
3 size of this marina, this is ridiculous, particularly  
4 if you are considering two marinas. This just can't  
5 work. It's grossly unreasonable. You said that  
6 individuals have a right to their shoreline properties  
7 and this thing here is not a true reflection, to be  
8 honest with you, of what is happening. My family,  
9 myself, own two and a half acres that come right out  
10 into the ocean here. My mother lives just in the  
11 corner here. She's 95 years of age. With all of this  
12 activity, there is no consideration for the residents  
13 of Coral Bay. This is going to be a major project.

14 Now, let me turn to some notes that I made  
15 here. One lady mentioned the families were forced to  
16 move. We had to move years ago because we didn't have  
17 any access of the higher elevation of the land.  
18 That's why most people left.

19 Now, we have the Moravian -- the Guy  
20 Benjamin School has been, you could say, practically  
21 demolished, just sitting there as a shell. It is not  
22 fair to the people of Coral Bay and you talk about  
23 families having to move. We are not being treated  
24 properly. There are children still of age to attend  
25 the elementary school. Then you also have here

1 that -- I really want to commend David Silverman,  
2 whoever he was, he did a beautiful presentation. I  
3 want to commend that gentleman and I hope you all take  
4 note of what he has said.

5 Is there any water storage facility that  
6 you know of that's going to be in the Coral Bay  
7 district? Because I remember one time a plan was  
8 presented to have a desal plant built on Fort Bird.  
9 Is that still on the way? Let the people know what's  
10 going on because you do need water storage. Where  
11 will this water be for this project you're proposing,  
12 where will the septic tank be situated? I think you  
13 have a lady here tonight who will come and tell you  
14 that they propose to put that septic tank in front of  
15 her door. Are you looking into the interest of the  
16 residents? I do have family that this is their  
17 project, but at the same time, I will not sit and see  
18 them devastated. Devastated by greedy individuals.  
19 This is not for them but they don't know it. They  
20 don't know it. This is for developers and talking  
21 about money for the government -- the Governor has  
22 some marine economic industry, the Governor's marine  
23 economic industry is what they're interested in. I  
24 want to know what involvement the Governor -- they  
25 said the Governor's -- they didn't say the

1 government's. They said the Governor's. What  
2 involvement does the Governor have in this or these  
3 marinas? We need to hear these things.

4 THE CHAIR: Time.

5 MS. MARSH-MONSANTO: What else? I must  
6 say that we're not against development.

7 THE CHAIR: Time.

8 MS. MARSH-MONSANTO: I'm not against  
9 development but, geez, man, just be honest. Be fair  
10 with us. We want to know the truth and that's all we  
11 ask of you. Thank you very much.

12 THE CHAIR: Ms. Erva Denham?

13 MS. DENHAM: Good evening to all  
14 here present. My name is Erva Denham. I have been  
15 serving as the Chair of the Planning and Environmental  
16 Quality Committee of the League of Women Voters of the  
17 Virgin Islands and I would like to take this  
18 opportunity, first of all, to thank CZM for having as  
19 usual, sent us copies of the EARS for this project for  
20 our review. The League of Women Voters, or The  
21 League, again, thanks you.

22 Tonight's hearing raises a very unusual  
23 problem which leads The League to ask whether or not  
24 tonight's hearing is being held in accordance with the  
25 provisions of the V.I. Code as it relates to CZM



1 committee meetings. Title 12, Section 904 states that  
2 the CZM Commission, in addition to the two non-voting  
3 ex-officio members, that is, the DPNR Commissioner and  
4 Director of Planning Office, will also include 15  
5 members, five each, residents of St. Thomas, St. Croix  
6 and St. John, who serve as the CZM committee members  
7 for various resident-respective islands. A full  
8 committee then consists of five persons and, quote, "a  
9 quorum of each Coastal Zone Management Committee shall  
10 consist of three of its members, a majority of those  
11 present shall decide on all matters before the  
12 Commission -- committee." Unquote. If The League is  
13 not mistaken, there are currently only three persons  
14 seated on the St. John CZM Committee and it appears  
15 that one of the three will have to recuse himself, if  
16 he has not done so already, when this hearing body,  
17 which The League believes, broke the quorum. It is  
18 The League's belief that because one of the members of  
19 the St. John CZM Committee is actually a party in the  
20 matter before this body, that he may not, therefore,  
21 be considered as a part of this hearing body because  
22 of his obvious conflict of interest. Since, according  
23 to promotional documents in St. John, U.S. Virgin  
24 Islands, he is listed as the head of the  
25 organizations, quote, "legal counsel and government

1 liaison to Summer's End." He should not be counted as  
2 present for CZM committee members to order to  
3 establish a quorum. His position here this evening is  
4 really on the other side of the table.

5 It is interesting to note that The League  
6 did not find this St. John Committee member's name  
7 listed among the players in the EARs for this project,  
8 but it is very clearly listed in the promotional  
9 materials. Because of this, The League believes that  
10 this hearing should not happen until the Governor has  
11 appointed and the Legislature has confirmed enough  
12 members to serve on the St. John Committee of the  
13 Coastal Zone Management Commission.

14 That being said, then we get to a few  
15 issues we found from the EARs. First, not contained  
16 in the EAR documents in the C.D. format were copies of  
17 deeds related to the land site EAR. While the parcel  
18 maps as shown on page 3-1, the land application  
19 states, quote, "Of the seven parcels that are the  
20 subject for this permit application, four of -- three  
21 are under contract for purchase by the Summer's End  
22 Group shown in Figure 2.05. The Public Works  
23 Department maps are attached as Appendix A. Perhaps  
24 actual copies of deeds and releases are contained in  
25 the main files for this application. What we do not

1 know from the EAR, from the land side of this  
2 application is what will, if any, the current land  
3 owners or lessees make of the A.B.

4 THE CHAIR: Time.

5 MS. DENHAM: May I please continue --

6 THE CHAIR: You have -- you need to wrap  
7 up.

8 MS. DENHAM: A number of things have  
9 already been addressed by other people but we had  
10 questions regarding how much water is actually going  
11 to be consumed. In some places as much as  
12 12,000 gallons per day is going to be stored in  
13 cisterns, but the number of cisterns and their  
14 capacities are not listed in the EAR. I am going to  
15 give copies of my full testimony which I hope will be  
16 made a part of this record because there are a few  
17 other points that, obviously, I'm not going to have  
18 the time to address, but one quick little word of  
19 caution. While The League recognizes there is  
20 definitely a need for a public ferry or other type  
21 dockage plus a good barge landing site to serve the  
22 needs of the people of Coral Bay and the eastern end  
23 in general, and perhaps for a smaller marina, this one  
24 looks to us like it's way too much. It also is not  
25 clear how this is going to affect the traditional uses

1 this area has had, and it has grossly been with  
2 fishermen how have they been affected.

3 In terms of the fish market, the terms of  
4 how it's going to operate are not clear in the EAR.  
5 So this also needs to be addressed.

6 As a cautionary note, remember, please,  
7 CZM granted some large permits quite a few years ago  
8 to Benner Bay. If you remember what Benner Bay was  
9 like in the early 1970s, early 80s, and know what it's  
10 like today, just be aware that the first big permit  
11 could potentially lead to the destruction of this  
12 particular area. What could happen is that  
13 modifications can come in where nobody has a chance to  
14 say anything or somebody with more money will buy out  
15 something that's already permitted and then defer the  
16 modification and completely change what the original  
17 plan was.

18 So, biggest question, was the survey, the  
19 population of St. John and most particularly of Coral  
20 Bay, done to assess whether or not the project such as  
21 this was actually needed or wanted? If not, it needs  
22 to be done. The needs of the people have to come  
23 first, not the needs of dollars. Thank you --

24 THE CHAIR: Next up, Mr. Alvin Newton?  
25 We'll take a five minute break.

1 [Brief recess.]

2 [Meeting resumed.]

3 THE CHAIR: All right. We're going to  
4 proceed. Thank you. I hope you enjoyed the break.  
5 We're pushing because we're trying to give everybody a  
6 chance to speak. The break was well-needed.

7 The next testifier will be Mr. Alvin  
8 Newton.

9 MR. NEWTON: Good evening. My name is  
10 Alvin Newton. Good evening, Commissioners, DPNR  
11 Staff, promoters and testifiers, general audience. I  
12 am the body of Coral Bay. I am 60-plus years and I  
13 have outlived everyone except a few in Coral Bay.  
14 I've seen Coral Bay Harbor change from a swimming  
15 area, a place to harvest seafood from, to a cesspool.  
16 I've seen Coral Bay gone from three schools to zero  
17 schools and I'm saying to people in this room, the  
18 people who were here before, if there was this many  
19 people for the hearing of the Guy Benjamin School it  
20 might not have closed. So where is your interest?  
21 It's not for the people of Coral Bay. It's  
22 hypocritical. People need to stop. I swam in Coral  
23 Bay Harbor as a kid. People pull up boats at the  
24 bottom of Coral Bay Harbor. You can't get in there.  
25 This wasn't done by the marina that's being proposed.

1 This was done by people who refused to dump their  
2 sewage because DPNR and EPA turned out to be  
3 incompetent organizations in handling this problem of  
4 the Virgin Islands and a core of a these people are  
5 now dictating how we run our environment. We have  
6 done that for all these years and done it well. How  
7 many jobs have these people give anybody in Coral Bay?  
8 Zero. We go up and we hire everybody that comes here  
9 illegal. You have not given one of these kids a job  
10 to clean your yard and tell me you are here for the  
11 people? Go home and listen to Michael Jackson song,  
12 Looking At The Man In The Mirror. Thank you for your  
13 time.

14 THE CHAIR: Next up is Nancy Liburd?  
15 Nancy Liburd is in the house? Moving on, Ms. Pam  
16 Gaffin?

17 MS. GAFFIN: Good evening. I will let you  
18 know I have been good for a couple years now.

19 St. John needs a marina, absolutely, but  
20 we need at least a good if not great, marina, a marina  
21 that will provide both locals and visitors with needed  
22 services, a marina that's well-built, safe, and will  
23 last for generations. A marina that has adequate  
24 water, fuel, sewage pump-out capacity and electricity.  
25 Unfortunately, Summer's End is not a great marina,

1 it's not even a good marina. In fact, the marina  
2 design is so poor it raises the question, is this  
3 marina actually meant to be built, or is it just  
4 another St. John development designed to get investors  
5 to put up large amounts of money and then the  
6 developers go bankrupt and disappear.

7 This M.O. has become standard operating  
8 procedure for St. John developments beginning with the  
9 Virgin Grande and including Serenusia, Grand Bay and  
10 Pond Bay multiple times. And yes, I do recognize your  
11 involvement in this project.

12 I have been unable to locate any evidence  
13 of the developers having experience building a marina,  
14 but one of them does have experience in declaring  
15 bankruptcy, twice in the past. Chaliese Summers, when  
16 she was Chaliese Wynn before she was Chaliese Smith  
17 for almost ten years, filed for bankruptcy in Baton  
18 Rouge in 1999 and in 2000. Then in 2003 there was a  
19 UCC filing against Ms. Chaliese for a blanket  
20 assignment of receivables, for equipment and furniture  
21 owned now or acquired later. I wonder if that  
22 includes a marina.

23 The last time CZM approved a major project  
24 on St. John was Pond Bay Club, a wonderful project  
25 backed by the Governor to bring wealth and opportunity

1 to St. John. The public was not so sure. What about  
2 sea turtle nesting, impact to the beach, lack of  
3 identifiable water supply in the entire project. CZM  
4 made conditions, mandatory beach monument, a  
5 performance bond was required and the public was told  
6 it would really work this time, don't worry. Well,  
7 Pond Bay soon went bankrupt and the beach monument  
8 stopped, and the bond defaulted and the benefit to  
9 St. Johnians, over \$17 million was owed and is still  
10 owed to local contractors. There were no jobs. We  
11 were left holding \$17 million worth of bills that were  
12 not paid. CZM, will you learn from your past mistakes  
13 and do better this time?

14           Once again, a major development is being  
15 proposed with absolutely no infrastructure capable of  
16 handling the increase in people, electric and water  
17 needs and sewage. The size of this project, 145  
18 slips, is the size of the Caneel Bay Resort and is  
19 larger than the hotel capacity of the Westin. Both of  
20 these hotels were required to have their own whole  
21 property generators, water plants and sewage treatment  
22 plant. Surely, a project of similar density would  
23 have to meet the same requirements. This will be a  
24 larger marina than both American Yacht Harbor and  
25 Yacht Haven Grande with both sewage, public water and



1 sewer lines. It will be very easy for CZM to check  
2 the records of the water and the sewage usage of these  
3 two marinas and compare them to the calculations that  
4 are shown in the proposed plans. For example, water,  
5 the calculation for how much water is going to be used  
6 in the marina is based on 30 gallons per day. That's  
7 30 gallons for a mega yacht. That is the calculation  
8 so that they will end up with about 4,000 gallons of  
9 water needs for the marina for one day. The average,  
10 according to American standards is 80 gallons per  
11 person per day, and a mega yacht could have 20 people  
12 on it, easily. So if we do the math, it could be  
13 38,000 gallons of water a day being needed for these  
14 yachts. They say that the water is going to come from  
15 Caneel. That would be 13 truckloads at least, every  
16 day. If you want to know about how this works out,  
17 talk to Calabash Boom. They, too, were allowed to  
18 build without a water source, as was Pond Bay built  
19 without a water source. And Calabash Boom is running  
20 trucks every single day.

21 THE CHAIR: Time.

22 MS. GAFFIN: One last thing. I didn't  
23 realize that it was possible to take over the rights  
24 to an entire bay just by asking. 8.5 acres plus being  
25 able to be in control of the whole bay, I would like

1 to sign up. I don't know if they're bidding, but I  
2 think that this needs to be a public bidding war, that  
3 if you're willing to give away an entire bay, somebody  
4 else needs to have a say-so on who gets it, and I  
5 would like to be on that list. Thank you very much.

6 THE CHAIR: Barry -- can't read the  
7 last name on this paper. Barry Evans? Okay, next up  
8 would be Ernest Matthias?

9 MR. MATTHIAS: Good evening. My name is  
10 Ernest Matthias. I'm the fifth generation in  
11 St. John. I live in St. John. I have my residence in  
12 John's Folly. I'm a Moravian, and my concern to  
13 having a marina, yes, but the issue is the marina  
14 right now is too big. Everybody is concerned about  
15 infrastructure. Also on the other marina, we have two  
16 marinas. Where is the channel going to be? As a band  
17 instructor 20 years, working at Maho Bay as a  
18 naturalist, it will do a lot of damage. Where I live  
19 now in John's Folly I have a lot of garbage coming  
20 every day, a lot of plastic. I could average about a  
21 hundred pounds a week of garbage. My concern is, yes,  
22 we need a marina, but for the local people. Are you  
23 going to give local people jobs, or are you just  
24 saying you have a marina and, yes, we're going to give  
25 local people jobs and then it turns out, no local

1 people get jobs. We have a lot of captains. We have  
2 a lot of bare boats, locals who run around here, in  
3 the BVI, local Virgin Islands, and we need to give  
4 them local jobs. Just don't say that we're going to  
5 give them jobs and we don't have jobs. It's very  
6 important. A lot of developers come in and they just  
7 build and they leave. Nothing giving back to the  
8 island. Thank you.

9 THE CHAIR: Wendy Davis.

10 MS. DAVIS: Good evening, everyone. Thank  
11 you for letting me speak. My name is Wendy Davis and  
12 I'm asking you all to deny this permit. Coral Bay, in  
13 my opinion, is very unique to St. John. It's far way  
14 from hustle and bustle of Cruz Bay full of many  
15 long-term residents and Virgin Islanders. Coral Bay  
16 still has a sense of community as so many areas in the  
17 Virgin Islands have unfortunately been lost to  
18 commercial development. I feel that this project is  
19 just another grand elusion just like the past large  
20 scale developments on St. John such as Serenus, Pond  
21 Bay and Grand Bay. Serenus and Grand Bay -- not  
22 Grand Bay -- Pond Bay both went bankrupt. According  
23 to a Bloomberg business report, May 1st of the year  
24 2008, Andrew Farkus, the owner of Yacht Haven Grande,  
25 and I believe he's also a partner in this particular

1 Summer's End Group marina, asked his creditors in 2008  
2 to restructure its debt of a 46-slip mega yacht  
3 marina, 46 slips. He wasn't making it. He has  
4 developed over 90 marinas all over the world from the  
5 Caribbean to Dubai, they were all doing great in 2008  
6 except for the one, in St. Thomas, Yacht Haven Grande.  
7 He got together with his bankers and his creditors and  
8 they restructured the debt to prevent it from filing  
9 bankruptcy. I am for economic development for the  
10 territory and I know that our territory is hurting  
11 right now. We need jobs, but I don't think that this  
12 particular project is the one that's going to fix our  
13 problems. I think that we're being, proceeding too  
14 hastily on this project because we are in economic  
15 dire straights right now.

16 Right now, there is really no  
17 infrastructure and those things have already been  
18 addressed tonight as far as waste management, WAPA.  
19 One thing that has been left out is emergency  
20 services. I am a paramedic on St. John. I am the  
21 only paramedic in the entire Department of Health that  
22 lives on St. John. I see all the time during high  
23 season when we get calls from an ambulance to go help  
24 people on one call, and then we get a next call to go  
25 to the same place and we can't get there because there

1 is only one ambulance. So now you're going to add,  
2 you know, possibly -- I don't know how many people --  
3 10,000 people during high season to an already  
4 failing, you know, infrastructure as far as emergency  
5 medical services go.

6 Tourists come to St. John in Coral Bay to  
7 get away from, you know, the fast pace and the stress  
8 life of America. They come here for peace and  
9 relaxation. St. John is that island, Coral Bay is  
10 that place. Thank you for your time and please do not  
11 approve the Summer's End Marina.

12 THE CHAIR: Deborah Maxim.

13 MS. MAXIM: Good evening. I haven't had  
14 a chance to view the plans in detail because I was  
15 off-island due to medical reasons and I only found out  
16 about this last week. However, I want to know if  
17 there is any plan in place to minimize the dust and  
18 debris on residential households. Would the company  
19 be prepared to pay to clean the cisterns and roofs  
20 because of this project when it is completed.

21 The other concern is that with a project  
22 of this size, there will be an increase in land value.  
23 Also an increase in property taxes. My other concern  
24 would be, if this plan is approved, what will be your  
25 schedule working days and hours. Plus, the second

1 phase of the project, I need some more information on  
2 the fishery and farmers market. The rest of my  
3 concerns would be in writing. Thank you.

4 THE CHAIR: Next up is Daryl Wade.

5 MR. WADE: Good evening. My name is  
6 Daryl Wade. I'm a St. John resident. I was raised  
7 here and my family has been here since the 1800s.  
8 Well, I guess my first question is to some presenters,  
9 is there any love for Coral Bay in any of the stuff  
10 that's been proposed? If I could describe Coral Bay,  
11 the key words would be love, tranquility, culture,  
12 character. But from what I've been hearing and from  
13 what I read in the proposal and from what I heard from  
14 speakers here, I've heard none of that. To hear  
15 somebody say that there is nothing in Coral Bay and  
16 you don't expect to get opposition from the people who  
17 truly have love for this place, how do you expect to  
18 sell this idea? I'm not here to fight. I am taking  
19 an economic stance and a stance for the environment,  
20 which I think is number one. I don't see that being  
21 number one in this proposal. I see nothing to retain  
22 or enhance the culture and character of this place.  
23 We're going to have another Yacht Haven. All of the  
24 stores I like are gone. Everything is gone. That  
25 place does not fit here. I am not an architect, but

1 one thing about designs, things have to fit. You  
2 don't build a tee-pee in a hurricane zone. You don't  
3 build an igloo on Trunk Bay. Don't do that. Some  
4 things don't fit. There's no love. There's no true  
5 connection to people here, and that's what you're  
6 going to get. If this stuff is approved you're going  
7 to still face opposition. It might not be from the  
8 people. The opposition could be a storm. One thing I  
9 cannot allow to happen is how it affects the people,  
10 the residence. Like Serenus, these are concrete  
11 monstrosities of zero character and we can't let that  
12 happen here. This stuff has to change. I don't know  
13 if you plan to put something big to get something  
14 small, but I know the vision is different. We don't  
15 have to have the same exact vision but there is a  
16 reason why you guys came here. The reason, there's  
17 got to be a reason why you state it this way. This is  
18 a place where there is love, tranquility, culture,  
19 character, and I don't see any of that. I don't see  
20 any of that. I wish you did a little more research on  
21 the economics of things, but from what I'm aware, how  
22 you guarantee that the local economy is going to  
23 thrive? From what I've always heard, and we could  
24 check the books, is that people go to the BVI because  
25 there are less fees, regulations and what-not, less

1 hoops you have to go through, but you don't get to  
2 stay there. If you're building a marina, we're going  
3 have pilings, there are things you have to go through,  
4 much less all the things that people have so  
5 articulated. How do you know what people want? Have  
6 you surveyed the people? Have you talked to the  
7 people? There's a lot of people in Coral Bay that are  
8 unhappy, to tell you the truth.

9 In summary, I think that the proposal  
10 lacks a genuine connection to this local community.  
11 The opposition is not without merit. I see you  
12 chuckling. I was respecting you when you speak, but  
13 when you said -- somebody else said something, how can  
14 we trust you with our place? How can we trust you  
15 with our place? I'm concerned. I'm highly concerned.  
16 You could put up fences, whatever, and trust me, it's  
17 going to be a worse place. It's going to be worse.  
18 Much less if this thing does not finish this  
19 construction, we're not going to have Atlantis Virgin  
20 Serenusa in the harbor that I grew up in.

21 So, anyway, I typed this on the phone. My  
22 overall thing with this is that I am personally -- I  
23 have a bad feeling on this. The people who had been  
24 doing their research to fight this with numbers and  
25 everything else, but I wanted them to speak



1 emotionally on this because this is St. John.

2 The last thing, I'm from St. John. I live  
3 on St. John. I work in St. Thomas. And CZM and DPNR,  
4 I want you to see this from the perspective -- when I  
5 work there, when I work in St. Thomas, it's very tough  
6 to make decisions from that side for Coral Bay and I  
7 deal with it every day. I'm fighting for Coral Bay  
8 because I want to spend some time out there before you  
9 make a decision that changes us. Thank you.

10 THE CHAIR: Kenneth Marsh?

11 MR. MARSH: Good evening. My name is  
12 Kenneth Marsh. I sit outside and I'm sitting inside  
13 now listening to all this garbage these people talking  
14 about Coral Bay Harbor. I'm 73 years. I was born and  
15 raised in Coral Bay Harbor. Coral Bay Harbor right  
16 now is dirty, stinks, and full of stool floating in  
17 the harbor. If that marina go in there, they got all  
18 those yacht people what back here talking don't want  
19 the marina because they don't want to go to a holding  
20 tank, and that's what we need. This marina is going  
21 to bring it to us. So, all what they telling you all  
22 but it don't need a marina, it need that marina in  
23 Coral Bay. Anyone of you could come Coral Bay  
24 tomorrow morning and walk from the corner from my  
25 house to Emmaus below the church and I am telling you,

1 don't know if you could breathe properly, understand?  
2 Hurricane Marilyn and Hugo, the paper was all in  
3 Auntie Dowe land, garden, against the fence. You  
4 understand me? So, these people talking garbage  
5 because they don't want the marina to come in because  
6 they want to mess up the harbor. I swam in the harbor  
7 from two years old, you understand? We used to swim  
8 from the one end of the harbor to the other. I wasn't  
9 even walking at the time. So this garbage they  
10 telling you, it's out the window, understand? And  
11 they're only going against the marina because it's my  
12 side of the family that have the marina, understand  
13 me? But that marina is needed in Coral Bay. It's  
14 needed bad. So you don't sit here and let them stop  
15 you from getting the marina. Make them go to a  
16 holding tank. From Farrelly, Evans, all of them that  
17 been in there, I been to them trying to get them to  
18 put a holding tank in Coral Bay, and I sit down and I  
19 breathe all of that stuff. This morning when it  
20 rained and the wind changed, I was laying on my bed  
21 with my wife, I said to her, smell the garbage coming  
22 up in the house, and they talking. I breathe that  
23 stuff. I am Coral Bay. Okay. Thank you.

24 THE COURT: Ms. Lorelei Monsanto?

25 MS. MONSANTO: Good evening to all. My

1 name is Lorelei Monsanto. I would like to speak on  
2 behalf of my cousin who just got up and spoke. My  
3 family -- I am the center of the Marsh family. And  
4 there is no difference between this side and which  
5 side owns what or who is doing what. The point of the  
6 matter here is that CZM and DPNR for years have not  
7 done what they are supposed to be doing in policing  
8 the situation. If DPNR was out there checking on the  
9 boaters, making sure they were doing what they were  
10 supposed to do, things may have been different. Not  
11 just coming out there with guns at one point or the  
12 other and commandeering a situation. We need  
13 policing. We need to work together. DPNR, you need  
14 to do your job. You need to do your job correctly.  
15 If you don't have a full board, tell the Governor you  
16 don't have a full board. Be men, be women, be people,  
17 be human, tell them what you need. The game playing  
18 is over. It is 2014. It's a critical part in  
19 everybody's life that live in the Virgin Islands.

20 I am not into politics anymore. I am over  
21 the politics. We have serious issues that need to be  
22 dealt with. You have a big thing on your plate. You  
23 have two marinas that you have to deal with, and after  
24 that, somebody else is going to come up with another  
25 water plant, another marina, another this and another

1 that. The individuals who live in that basin,  
2 including myself, we all have concerns. Yes, we know  
3 there should be growth, but the growth should be  
4 defined. It should be done correctly and it should be  
5 done with the approval of the residents who live  
6 there. We need you all who make decisions to make the  
7 tough decisions for the betterment of the community  
8 and not the benefit of one person making all of the  
9 money. Thank you.

10 THE CHAIR: Next up and the last testifier  
11 is Ms. Iris Kern. Three minutes.

12 DR. KERN: Good evening, members of the  
13 Coastal Zone Management, government officials, fellow  
14 testifiers and members of Coral Bay, St. John and the  
15 territorial community. I come before you tonight to  
16 speak passionately about the community, the  
17 topography, the people, the cultures which have been  
18 relocated and which I have come to appreciate like no  
19 other.

20 Coral Bay, St. John is a special, some say  
21 a magical place, blessed with natural resources, a  
22 strong and resilient people, a rich culture and  
23 history which has helped to shape the Virgin Islands.  
24 To lose any one of those qualities will alter  
25 irreparably life as we now know it. This would not,

1 in my opinion, be a change for the better.

2 We all understand that change and growth  
3 are inevitable. I was a participant in all of the  
4 meetings that were held by the American Institute of  
5 Architects during their visit last year and I, for  
6 one, heard them clearly when they recommended that  
7 while we recognize the inevitability of change, it is  
8 up to us to direct that change so that it produces the  
9 greatest good for the largest number. But this is not  
10 just a numbers game. The changes that are being  
11 recommended by the enormous development being proposed  
12 would alter a way of life which has gone on for  
13 generations, which include respect and appreciation of  
14 the environment, the respect for the diversity of  
15 people, of culture that values tradition, compassion  
16 and conviviality rather than greed and materialism.  
17 Live and let live is more important than  
18 competitiveness. This way of life is directly  
19 threatened by the development of a mega ship marina  
20 development, much less the development of two such  
21 marinas, one more ostentatious than the next. The  
22 recommendation of the AIA, after spending days,  
23 evenings and nights on Coral Bay speaking to locals,  
24 to transplants, to people of all educational  
25 backgrounds, raised economic statuses, people coming

1 from various political and economic philosophies,  
2 their recommendations are very clear, despite  
3 pressures they identify to have them say otherwise.

4 Page 36 of their report, if you don't have  
5 it, I have a copy of the report with me I will be  
6 happy to leave with you. Do I get extra time? I lost  
7 my page. Page 36 of the report speaks specifically to  
8 the question that we're addressing tonight, what kind  
9 of documents does Coral Bay want. The AIA team  
10 assumes that Coral Bay might want a small boating dock  
11 that can accommodate scuba and snorkelers at Hurricane  
12 Hole, to preserve it and to keep control of  
13 visitation. Small boat businesses should be the  
14 number one recommended approach to visiting the area  
15 as a part of an experience of tourism with a limit on  
16 the number of boats visiting as a part, if that's  
17 possible.

18 If Coral Bay decides to target some of the  
19 day cruise ship visitors that would normally visit the  
20 other side of the island, the docking facility can  
21 serve the purpose of bringing guests directly over  
22 from St. Thomas to Coral Bay, to the charter boat  
23 service or transfer from Cruz Bay scheduled ferry  
24 service.

25 The illustration that accompanies this

1 discussion demonstrates the recommendations for a  
2 small boat dock only. The experience of tourism  
3 represented by AIA will enhance the respect for local  
4 history, traditions and families with the deepest  
5 roots in the Coral Bay community in contrast to the  
6 development recommended this evening.

7 A marina such as that recommended would  
8 not only destroy the pristine harbor presently  
9 existing, but further the rift between grass root  
10 St. Johnians and the mega wealthy yachts that will  
11 fill that marina. Further, the recommendations of the  
12 AIA include a small cultural center to allow the  
13 display of local living culture. They will have  
14 exhibits, crafts, demonstrations, live performances.  
15 Rather than the short-term employment that might be  
16 gained through the building process, but which is  
17 likely negated by reference to building housing for  
18 employees, an implicit suggestion that these employees  
19 will not be from St. John.

20 The AIA report suggests a wide variety of  
21 small, ongoing businesses, such as restaurants, craft  
22 outlets, stocking facilities, scuba and snorkeling  
23 boat businesses, a farmer's market, a farm stand for  
24 produce, a local food stand with local food, an eco  
25 lodge, shuttle buses, taxis, guides. Exhibitors at

1 cultural centers who could sell their wares, including  
2 photographers and artists, books and magazines.

3 I hope I have been successful in  
4 articulating enough of the AIA plan for CZM and others  
5 to recognize the difference between what a sensitive,  
6 culturally-aware concept plan, such as environmental  
7 experience of tourism to enhance the ecology and the  
8 ambiance of Coral Bay in contrast to the plan  
9 suggested which will be culturally and economically  
10 divisive, ecologically destructive and esthetically  
11 ostentatious.

12 If you wish for members of that committee  
13 to come back to testify, I am in touch with more than  
14 one who will be willing to return and give you  
15 testimony as to their opposition to the development of  
16 a marina in Coral Bay. Thank you for giving me the  
17 opportunity to testify.

18 THE CHAIR: At this time, I open up the  
19 floor for Commissioner Roberts, myself and Attorney  
20 Morrisette to have questions for the presenters.  
21 Commissioner Roberts?

22 MR. ROBERTS: I could hear you quite  
23 clearly but you couldn't hear me. Thanks for hanging  
24 in there with us. Okay. I have a question. There  
25 was a lot of comments which I appreciated. I expected



1 to have both sides of the issue presented to us. This  
2 is good. I would like to ask the Applicant a few  
3 questions. Those questions may increase as we get  
4 answers. I am not sure.

5 I would like to start, first of all, with  
6 Chaliese. There was a comment about some of the  
7 activities that are planned in the attempt to clean  
8 the Bay. I'm wondering if Chaliese was aware of any  
9 plans -- I think there was a plan underway. They're  
10 already moving to remove the derelict vessels from the  
11 harbor. Is the Summer's End group aware of it?

12 MS. SUMMERS: I'm sorry, is your question  
13 that there is a plan for the Coral Bay Community  
14 Council to remove derelict vessels from the harbor?

15 MR. ROBERTS: Yes. Mr. Wagner, president  
16 of the Community Council said that they already have  
17 plans and they have volunteers to remove those  
18 derelict vessels and I was wondering if you all were  
19 aware of this because I believe that there was a plan  
20 for that.

21 MS. SUMMERS: Yes, Sir, I saw the  
22 announcement this week that they received a grant,  
23 Coral Bay Community Council, and I will ask Mr.  
24 Barksdale to continue.

25 MR. ROBERTS: Thank you. I believe there

1 was a comment from was one of the marine research  
2 experts, the person that did the marine survey, the  
3 benthic survey regarding the sea grass in Coral Bay.

4 MR. RAY: Mr. Roberts, if I may, I  
5 could go ahead and answer your first question --

6 MR. ROBERTS: Okay.

7 MR. RAY: If you like. I was part of  
8 the Marine Uses Planning Group that met regularly in  
9 Coral Bay, and never missed a meeting. There were  
10 only two people that attended every single meeting of  
11 the Marine Uses Planning meetings and I was one of  
12 them. I have a stack -- I brought my file with me, I  
13 have notes from every one of those meetings. The  
14 question that you had regarding the removal of the  
15 vessels, I was part of the group that actually  
16 strategized the grant application for the removal of  
17 those vessels. The removal of the derelict vessels  
18 from Coral Harbor has been on the top of our list from  
19 the get go, and we have participated in all of the  
20 meetings to see that that gets facilitated, and we are  
21 very eager in cooperating with -- seeing that that  
22 gets done sooner rather than later.

23 MR. ROBERTS: Thank you.

24 MR. RAY: Yes, Sir.

25 MR. ROBERTS: On the baseline project that

1 was done, there was some discussion regarding the sea  
2 grass bed and the threatened species in the Coral  
3 Harbor. I grew up in Coral Bay. I was on the other  
4 side of the bay from where the proposed marina is  
5 being located. As I recall as a child growing up,  
6 there was sea grass all the way into where -- at the  
7 foot of the plan, as we call it, the pickle of the  
8 church, and over the years there has been a lot of  
9 sediment. The Coral Bay Community Council has worked  
10 to put in ponds to retrieve this amount of sediment to  
11 protect the species there. However, from being in  
12 that area and being on the site I see a lot of  
13 information about the different species that they have  
14 identified there such as Black Tip Shark and that sort  
15 of thing. But there are a lot of species that are not  
16 there when I was a kid. All I had to do was put my  
17 feet down and connect to the bottom, and I would not  
18 go in that water today. The marina is dirty. Does  
19 anyone have any indication historically what the ocean  
20 floor is like?

21 MS. SUMMERS: I'm going to ask a marine  
22 biologist to address the sea grass question.

23 MS. DEMSEY: What's happening -- I didn't  
24 get much of a chance to address this tonight but what  
25 we tried to spell it out in the EAR is that over time

1 because of activities in the bay, be it the sediment  
2 coming down from the hillside or the use with all the  
3 boats is, we've had -- the turbidity has increased in  
4 the harbor, and what happens, it limits the amount of  
5 light getting through which changes the species  
6 composition. You lose some of the species. The  
7 sharks and things have always been there and they rely  
8 on that habitat. It's an equestrian system. When you  
9 have that kind of mangrove system it's a great  
10 habitat, but what we have to do is when we start  
11 putting that sediment in with the lights not getting  
12 through, so the marine organisms, especially those in  
13 the wild life, the submerged aquatic ventilation,  
14 can't live. So you do end up with species cake. You  
15 don't end up with the sea grass all the way to the  
16 shore like what you used to see when you were growing  
17 up. That's something we need to work on to basically  
18 reverse. You know, there's a lot of talk tonight  
19 about mitigation. Well, it's kind of -- I'm using --  
20 the only mitigation thing that anybody seems to catch  
21 on was the transplanting of the sea grass or plugging  
22 the sea grass which is really a minimization measure,  
23 not really mitigation. It's to minimize impact. And  
24 the whole idea to reform that area actually came from  
25 National Marine Fisheries. Because the second load is

1 increased in there, they're hoping to get sea grass  
2 reestablished. So that was one of the reasons we were  
3 looking at doing that. There were quite a few other  
4 mitigations of the corals like marking shallow areas,  
5 marking reef, marking some of the reefs in Johnson Bay  
6 to marine education, helping improve the moorings. So  
7 all of these things we can do to try to improve the  
8 quality of the bay and try to improve species  
9 diversities. As things become -- the environment  
10 degrades, the number of species decreases.

11 MR. ROBERTS: Thank you. So, the other  
12 comment is regarding also the odor. Have there been  
13 any studies done to find out what the source of the  
14 odor that you have in the area? What is the source of  
15 the odor?

16 MS. DEMSEY: The odor down there, though  
17 there have not been any studies that I'm aware of,  
18 I've smelled stuff down there myself and it smells  
19 like organic material, and there is a smell, but  
20 that's something that probably should be looked into.  
21 But the gas smell is a natural phenomena that gets  
22 washed into the bay, and it's going to happen every  
23 year because that's the way tides go and the gas in  
24 the breaks apart and comes in the shore.

25 MR. ROBERTS: It was there when I was five

1 years old and it didn't smell anything like that.

2 MS. DEMSEY: Because of the additional  
3 nutrients that are there.

4 MS. SUMMERS: Ms. Roberts and Rick  
5 Barksdale have been working closely with Waste  
6 Management related to the dumpsters in that same area  
7 where the odor is coming from and I'm going to ask him  
8 to speak briefly about the progress they are making  
9 with Waste Management.

10 MR. ROBERTS: I don't think it comes from  
11 there. I'm interested in the marine species because I  
12 would hate to see the majority of it impacted as a  
13 result of this project. I know for a fact that there  
14 were a large number of lobsters and so on. They are  
15 not endangered but I was wondering, as I heard the  
16 presentation, how many of the folks that commented  
17 about that would go into that water. We're talking  
18 about the impact, what the impact will be?

19 THE CHAIR: Commissioner Roberts, can  
20 you repeat that question? We're not hearing you too  
21 clearly.

22 MR. ROBERTS: I said that in the past,  
23 there were a large population of lobsters in that bay,  
24 from Fort Bird all the way along the shoreline. Let's  
25 just say that the marina will impact the resources in

1 the bay in a negative way, but I wonder if any of  
2 those species are still there other than, for example,  
3 like the lobsters, and how many people would go in  
4 that water now. If this marina is approved and it's  
5 completed, is there any indication -- I know the hope,  
6 but is there any indication that people will be able  
7 to go up against the land use and land water.

8 MS. DEMSEY: I have spent a tremendous  
9 amount of time in that water. I guess to dive some of  
10 the loveliest places sometimes, but I actually saw a  
11 couple of lobsters there, not in any abundance. There  
12 were conch still around, not in a tremendous amount of  
13 abundance, but there were also sea cucumbers which is  
14 usually an indication of a fairly, you know, healthy  
15 environment. It's not what it could be, but it has  
16 the potential. I started surveying this back with the  
17 original marina many years ago and there were a lot of  
18 boat and cars especially in the shallows because  
19 people had not yet begun using a better mooring  
20 system, and where boats have moved, where boats had  
21 put in better moorings, you've seen sea grass  
22 recovering. The problem is it's not enough. It needs  
23 to be done better. So one of the things we're talking  
24 about doing in this project is replanting mangroves  
25 along the entire front of the waterfront which, of

1 course, you plant mangroves, you get the roots in the  
2 water and that also acts as habitat and as much  
3 habitat as we can create, we could stop some of the  
4 runoff. There are a lot of things we could do to make  
5 things better. We just have to make the effort to do  
6 them.

7 MR. ROBERTS: I have a few more questions.

8 THE CHAIR: I would like to have a  
9 question for Mr. Joe Miner. I want to piggyback on  
10 Mr. Roberts' concerns about your sewage plan. I would  
11 like you to expand on the plan that you have for  
12 poles, and the question came up, did you consider the  
13 latest technology available today, and his time was up  
14 and he didn't get to wrap it up so. I would like you  
15 to address that. That's one of my major concerns.

16 MR. MINER: Yes. The intent is to provide  
17 basically fully-treated water that's coming out of  
18 there. The intent is that we're going to be providing  
19 a treatment that would create water that is beyond  
20 that which you see right now in you all treatment  
21 plants. This is not a septic tank or a septic system  
22 that people have referred to. It's a fully treated  
23 system with a biological aspect to it, and definitely  
24 disinfection aspect to it. The exact nature of that  
25 system, the exact manufacturer of the system is not



1 yet determined. The requirements that we'll be  
2 following will be the EPA requirements for discharge  
3 to surface water. We will not be discharging to  
4 surface water. We'll be irrigating and putting on  
5 land. There's additional studies and additional  
6 information we will be including in responses to this  
7 hearing justifying the irrigation and the use and how  
8 much water goes out there. I do have some  
9 calculations that were not included that need to be  
10 included in this response.

11 THE CHAIR: My other concern is that I  
12 looked at the plans and I see the location of the  
13 plants. I had some concerns as to where they're going  
14 to specifically be located. Is it going to be beyond  
15 the Voyages building?

16 MR. MINER: The landscaping plant, or the  
17 treatment plants?

18 THE CHAIR: Yes, Sir.

19 MR. MINER: They will -- each property  
20 will have its own treatment facility for the buildings  
21 that are there. For example, Coco Lobo currently has  
22 a septic system behind it back by the bathroom  
23 building behind it. That will be replaced with a  
24 treatment plant as opposed to just a septic in a  
25 septic field. The Voyages building right behind there

1 will have one for the Voyages building and the use in  
2 the Voyages building. The farmer's market and the  
3 proposed larger building, various uses in it, that  
4 will have its own treatment plant for the two of those  
5 on that property. That's actually schematically  
6 located right off the estate road in the sea grass  
7 areas. These will all be -- it will consist of mostly  
8 underground and patches sticking up in various areas.  
9 The same thing with the Island Blues and Shoreline  
10 Inn, we're looking at putting something in the rear  
11 end area on the Shoreline Inn that will handle the  
12 facility for both of those buildings. Currently,  
13 there's a fenced area back there that's sheltered from  
14 the bay, and then the last one there will be one put  
15 off to the side of the 1017 parcel. We had looked  
16 originally doing one full plant for the entire  
17 property and pumping the water out of it and getting  
18 it over to one area, and that turned out to be too  
19 much. Trying to get one plant in there instead of  
20 splitting it up, this way, each property has its own  
21 treatment plant that it could deal with. Each  
22 property has its own facility that may be supported by  
23 its own activity.

24 THE CHAIR: The other question, has the  
25 group secured the variances for the other lots for

1 future development? There were various issues.

2 MR. MINER: I'm going to refer you to  
3 the lease on that.

4 THE CHAIR: Secure variances on some of  
5 lots.

6 MS. SUMMERS: I think you may be referring  
7 to 1017 and 1018, and those have been consolidated,  
8 yes.

9 THE CHAIR: And were the variances was  
10 granted?

11 MS. SUMMERS: Yes.

12 THE CHAIR: Thank you.

13 MR. ROBERTS: I have a question about the  
14 treatment plant, does that include the island group?

15 MR. MINER: Is it suitable for me to sit  
16 here or for me to move?

17 MR. ROBERTS: I think you mentioned that  
18 the treatment plant would be between that building and  
19 the ocean, because the road is on the other side.

20 MR. MINER: Yes, it will be between that  
21 building and the ocean, the shoreline and the ocean.  
22 Currently there is a pair of cisterns back there and a  
23 fenced area behind there.

24 MR. ROBERTS: Is that building more than  
25 50 feet from the high water mark?

1 MR. MINER: I'm sorry, I didn't  
2 understand.

3 MR. ROBERTS: Is the building more than  
4 50 feet from the high water mark?

5 MR. MINER: No. It's a current  
6 building, not a new building.

7 MR. ROBERTS: I know the building. I know  
8 you're putting in a treatment plant.

9 MR. MINER: The building is 35, 30 feet  
10 from the shoreline. The area that you're looking at  
11 there is basically between -- 25, 20 feet from  
12 shoreline is where the treatment plant is situated.

13 THE CHAIR: Thank you.

14 MR. MINER: And that can be maneuvered  
15 around to other locations on that dock. Currently the  
16 Island Blues treatment is located much closer than  
17 that. It's sitting on the side right next to the bay,  
18 and that will be removed and eliminated and replaced  
19 with a better facility.

20 THE CHAIR: Thank you.

21 MR. ROBERTS: I would like to ask, I guess  
22 this is probably for Ms. Summers. In the plan, there  
23 is a proposal or an agreement with DPNR regarding  
24 management of the moorings which includes the  
25 establishment of new moorings, and I believe managing

1 or administering the moorings. I don't know if this  
2 is a proper question, but who will enforce the rules  
3 for the moorings?

4 MS. SUMMERS: I'd be happy to answer that,  
5 Mr. Roberts. We received a Letter of Intent from DPNR  
6 to partner with them for co-management of the harbor  
7 and the Summer's End Group will be responsible for  
8 installing proper moorings and maintaining those  
9 moorings and the daily operations. DPNR would be  
10 responsible for all of the enforcement. We will keep  
11 a slip in the marina for DPNR to have a vessel at the  
12 marina, but we are currently working with DPNR to  
13 establish the overall legal agreement as to exactly  
14 who would do what, but it's not finalized at this  
15 time.

16 MR. ROBERTS: You said -- I heard you say  
17 to manage the moorings?

18 MS. SUMMERS: Yes, Sir.

19 MR. ROBERTS: What is involved in that?

20 MS. SUMMERS: I'm going to ask our  
21 management staff, Jeff Boyd, to step in and answer  
22 that.

23 MR. BOYD: Basically, we have been in  
24 collection and assignment and make sure that the right  
25 vessel is on the right mooring, make sure it was there

1 for the right period of time. Collection, make sure  
2 also that sewage, boats are on the mooring for a long,  
3 long period of time. It hasn't been to have that type  
4 of monitoring and that type of arrangement.

5 MR. ROBERTS: Well, if there's an  
6 inconsistency of that, you would notify DPNR?

7 MS. SUMMERS: That is correct, we are not  
8 responsible. We would not be handling any of the  
9 enforcement. All of that would be through DPNR.

10 THE CHAIR: I would like to ask a  
11 question to Mr. Barksdale or Ms. Summer's. Based on  
12 the testimony tonight, you see that people are  
13 absolutely against it, people are for it, limitation  
14 and size constraints. Have you guys considered -- and  
15 I hope you are listening to the public in trying to  
16 accommodate everyone who ask to speak -- about their  
17 concerns concerning the size of this project. That is  
18 something that I hope you guys -- I hope it's  
19 something you guys are taking into consideration  
20 moving forward.

21 MS. SUMMERS: Yes. I appreciate that and  
22 we've heard all of the comments tonight. These are  
23 not the only comments we've heard. We've received  
24 comments for five years from entire community of  
25 St. John, specifically from the community in Coral

1 Bay, also from the Department of DPNR and the U.S.  
2 Army Corps of Engineers. Also from the existing  
3 markets that are surrounding St. John, whether they're  
4 in the BVI or whether they're coming through the CZM.  
5 We would love to come to St. John and spend some time.  
6 We all love St. John and they do as well. What we've  
7 done in the proposed marina is we've taken all of the  
8 information that we received and we've created a  
9 comprehensive plan that addresses as best we can  
10 everyone's main concerns. Mr. O'Connor attended  
11 several of the meetings, Coral Bay Community Council,  
12 planning for the harbor, marine uses and planning  
13 sessions. I have attended them for a year. I was on  
14 the committee for the dinghy docks and mooring and  
15 Rick was on the committee for the marina section of  
16 that. A hundred percent of the people in my group, in  
17 my committee group, wanted the dingy dock, public  
18 access, pump-out and management of the harbor. We, as  
19 best we can, addressed that in cooperation with DPNR  
20 to serve what those people wanted. Everyone that  
21 spoke here tonight were not at those meetings. So,  
22 yes, their voices weren't heard but we were there, we  
23 were present, seeking input from the Coral Bay and  
24 definitely the AIA meeting, which I will ask Rick to  
25 address it at this time. The input and the comments

1 we received means a lot to us. We considered it and  
2 we implemented it in our plan as best as we can to  
3 answer the need and the concerns of the community.

4 MR. BARKSDALE: I would like to ask a  
5 question about a statement that was made earlier.  
6 Like I said, as Chaliese was saying, we were intently  
7 concerned about what the Coral Bay community had to  
8 say, what they wanted and what they needed. In the  
9 meetings that I attended, which was all of them, there  
10 were those issues, derelict vessels, decreasing health  
11 of the harbor, moorings, people just leaving their  
12 vessels unattended, pump-out. All of those issues  
13 were of extreme concern to us and they were first and  
14 foremost. That's on the top of the list as far as  
15 developing a model that meets those needs. Those  
16 aren't the only needs. There are other people that  
17 enjoy, like the tourists, they come here every day  
18 through Cruz Bay. They have needs, wants and desires.  
19 So I guess it falls under the category, you can't  
20 please all of the people all of the time, but you can  
21 do your very best to try to please as many people as  
22 you can, as much as you can. So we've made our best  
23 effort in looking -- one of the comments that I heard,  
24 and I think it's viable, and it's made by people that  
25 were opposed to the project. And that is what happens



1 if it doesn't work. That's also a very, almost  
2 all-consuming concern for us. We have to have a  
3 project that is economically viable, that is  
4 sustainable, that has a longevity to it that will  
5 continue to provide these services so that we can do  
6 the type of mitigation, minimization, and those types  
7 of things to help increase the health of the harbor.  
8 It's not going do any good for us to stumble around  
9 for three, four, five years and not be able to sustain  
10 it. So, the way this project is designed, it  
11 addresses all of those areas so that we can do the  
12 very best that we can as long as we can.

13 THE CHAIR: Any more follow-up  
14 questions?

15 MR. BARKSDALE: Are you aware that they  
16 have submitted a plan? Because the committee is not  
17 aware of any other plan. Are you aware of other  
18 groups submitting a marina plan in Coral Bay in the  
19 same area?

20 MR. RAY: I'm unaware that there are any  
21 plans that an application has been made. Of course, I  
22 am aware of plans that are being talked about or  
23 discussed. But they've been discussed, as it was  
24 previously mentioned, even by the people that were  
25 representing the organization that is, quote,

1 "proposing it," that they have been talking about  
2 doing it for years and years and years, but talk is  
3 talk and action is action.

4 THE CHAIR: Other question, as far as the  
5 threats to storms and hurricanes, what is your  
6 assurance or your feelings about the design to  
7 withstand an average hurricane?

8 MR. RAY: That's, obviously, a major  
9 concern for us because of a variety of reasons. First  
10 and foremost, obviously, the environment, and as I  
11 said, several, but, obviously, we have a financial  
12 interest in it. I mean, if something happens, we have  
13 to be as best prepared as humanly possible. What I  
14 would like to do is I'd like to ask Mr. Jeff Boyd, who  
15 is very familiar with more the technical aspects since  
16 he has designed, built and operates marinas all  
17 throughout, and has done so all throughout the  
18 Caribbean, to address that question. Jeff, please?

19 MR. BOYD: It's impossible to build a  
20 marina that is hurricane perfect. It just can't be  
21 done. The bottom line is the marina would most likely  
22 stand, the piles will still be there, but if  
23 somebody's barge gets loose and comes charging at you  
24 at 20 knots, it's going to take out something and  
25 there is not a whole lot anybody can do to stop that.

1 So what we do is, we build a facility that withstand  
2 Mother Nature on its own. We can't build anything  
3 that will withstand humans, and if somebody leaves a  
4 barge unattended or a yacht unattended, not anchored,  
5 or whatever the case may be, we always run that risk.  
6 But once again, the investment that we would be  
7 making, the insurance premium that it will cost us  
8 building the facility in such a manner that it will  
9 withstand the hurricane itself.

10 THE CHAIR: One last question for you.  
11 What assurance -- this is the million dollar  
12 question -- it's not personal, I hope I'm not  
13 insulting you, but it has to be asked. What is the  
14 assurance you have of financial ability to finish the  
15 project?

16 MR. RAY: We have not only invested in a  
17 plan that is viable from a physical aspect like you  
18 asked about the hurricane, we've also done the same  
19 due diligence and the same amount of work to ensure  
20 that we are financially capable and will get the job  
21 done. And we will if this permit is approved.

22 THE CHAIR: Thank you. My one  
23 recommendation would be to be transparent with your  
24 community, with your island, and I think that's what I  
25 heard tonight. People would like to be reassured,

1 assured, and just keep it open that they know what's  
2 going on.

3 MR. RAY: Yes. Mr. Penn. What I  
4 would like to add to that is that it's -- it's also a  
5 challenge. It's our responsibility. We do not shy  
6 away from it at all, but when there is so much  
7 misinformation put out there, the lies, the threats,  
8 intimidation that has gone on. In fact, there was an  
9 intimidating post on our own Facebook page that was  
10 threatening us. So it's those types of things that  
11 make it a challenge, but we have -- if you look on our  
12 Facebook site you will see the facts and the  
13 information, and we have repeated again and again,  
14 encouraged again and again, our application was down  
15 at library, down at the DPNR office, and rather than  
16 certain people going to do that to get the facts, they  
17 really don't want the facts. What they want to do is  
18 they want to clog and quagmire of innuendo. But we  
19 will continue to do that, to put out the factual  
20 information and make it available to the public and be  
21 accessible to the public.

22 I live here. I shop in the same grocery  
23 stores. I get my gas at the same place as anybody  
24 else and I never shy away from anyone.

25 MS. SUMMERS: We have done presentations

1 with the Moravian Church in Coral Bay to really let  
2 them know what it is that we're doing and, again, to  
3 receive input. Also, this Sunday the Baptist Church  
4 had agreed to do it, which was extremely nice, but it  
5 has been difficult to get out to everyone in the  
6 community. That's why we did create an advisory  
7 panel. We had Mr. O'Connor working on it, Alvin  
8 Christian was kind enough to work on it, Leona Smith,  
9 and a marine biologist answer questions in the  
10 community as they come up because they are so  
11 important, and we do we live here and want what's best  
12 for St. John.

13 THE CHAIR: Mr. Roberts, your turn?

14 MR. ROBERTS: I have one more question.  
15 In regards to the -- if someone could comment, I'm  
16 going to ask the question about the watershed because  
17 there was a statement that the Bordeaux watershed of  
18 drainage was going to come down there, that's not  
19 all -- the watershed does not come in that direction  
20 at all. But what I would like to ask, based on some  
21 of the work that has been done to meet the  
22 requirements of NOAA to help build a retention pond,  
23 it's along some of the drainage on the other side of  
24 the bay. The drainage that comes up through this  
25 property, I think there are two of them? There are

1 two drainage, right?

2 MR. MINER: There is one drainage that  
3 goes between the Voyages building and the 41-Remainder  
4 property.

5 MR. ROBERTS: Is there going to be any  
6 attempt to do any retention of fill that drainage?

7 MR. MINER: Yes. That's what I was  
8 referring to when I mentioned that this is one of the  
9 areas that I had looked at with Coral Bay Community  
10 Council as an area that was ripe for putting in some  
11 devices as part of the other work. The other work is  
12 done, the Kings Hill Road work, all the other work is  
13 done. Such a job to help manage the silt. This is  
14 one area that's not able to be addressed. With the  
15 development of this property and willingness of the  
16 developers to embrace that plan and put this in, we  
17 have in that gut area, the storm water management  
18 basin takes the gut into the top of it. So the water  
19 from that gut that flows into our facility has a  
20 barrier for silt and sediment provided. Based on case  
21 studies and various different sources from other  
22 jurisdictions and other Best Practice manuals, devices  
23 of this sort can remove up to 85 percent of the total  
24 suspended solids, can remove up to 40 percent of -- I  
25 want to get this right -- total phosphorus and 25 or

1 30 percent of the total nitrogen that we were talking  
2 about. Those are the case studies, those are the  
3 things that a sediment basin, a basin in the fore bay,  
4 a basin that controls the water going out of it that  
5 has proper vegetation installed, all of which are part  
6 of this proposal, are included in the equations and  
7 the calculations that I submitted with the TPDES  
8 report and the EAR.

9 So, yes, we are providing that entire gut  
10 going through our basin and being managed and  
11 controlled how it exits through the current. There is  
12 one existing pipe that goes under Route 107, and we  
13 are maintaining those flows at or below existing  
14 levels in order to control quality and quantity of the  
15 water.

16 The water we are talking about goes  
17 basically from our property out in a V, up the  
18 mountain, and it kind of creates a diamond shape that  
19 goes back up to the top of the mountain. It's  
20 criss-crossed by substantial road, which helps direct  
21 some of the water down to the area. I'm very familiar  
22 with that area. I've walked up and down that gut as  
23 part of previous proposals. So while it's not the  
24 entire mountain, I guess -- you misunderstood when I  
25 said the Bordeaux mountain watershed, I'm talking

1 about the watershed going to that gut.

2 MR. ROBERTS: I know that wouldn't  
3 affect you at all. Thank you very much. I can't  
4 think of anything else. The presenters did a very  
5 good job. So I'm looking at those other comments.

6 THE CHAIR: I just want to say that  
7 there are seven days from this hearing for any  
8 comments and all of your comments will be read, will  
9 be considered. You have that right. And that's why  
10 we're here tonight in this process patiently, to give  
11 everybody a chance to participate. With that being  
12 said, I would like to make a motion to adjourn this  
13 hearing.

14 MR. MORRISETTE: I second that.

15 MR. ROBERTS: I make a motion that this  
16 hearing be adjourned.

17 MR. MORRISETTE: I second it.

18 THE CHAIR: All in favor?

19 [Chorus of ayes.]

20 THE CHAIR: This meeting is  
21 adjourned.

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REPORTER'S CERTIFICATE

Certified to be a true and accurate  
representation of the proceedings.

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Desiree D. Hill, RMR