



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

Coastal Zone Management Program

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October 1, 2014

**MEMORANDUM**

TO: St. John Coastal Zone Management Committee

FROM:   
Norman Williams  
Assistant Director, CZM

SUBJECT: **Final Staff Recommendation for Major (CZM) Permit Application No. CZJ-3-14(L)/The Summer's End Group, LLC, Coral Bay, St. John, Virgin Islands**

**I. PROJECT BACKGROUND/DESCRIPTION**

On April 4, 2014, The Summer's End Group, LLC., submitted a Major Coastal Zone Management (CZM) Land Permit Application (CZT-3-14 (L), to the Department of Planning and Natural Resources/Division of Coastal Zone Management (CZM). The Summer's End Group proposes to redevelop seven contiguous properties in Estate Carolina, Coral Bay, St. John, U.S. Virgin Islands for the construction of various supporting facilities for the Coral Bay Marina, the larger portion of this project, applied for in parallel under Major CZM Water Permit application No. CZT-4-14 (W).

On August 20, 2014, the St. John CZM Committee hosted a public hearing regarding the proposed development. Although there was two (2) applications submitted by SEG, the developers were allowed to make one presentation which addressed both the water and land application. There were many who testified against the development. However, it appears that most of the concerns and reasons for denial by testifiers were directed to the marina and that of the up land areas.

**II. ABSTRACT**

According to the Applicant, the redevelopment of the upland properties will occur in two phases. Phase I will enhance the existing commercial business sites at Coco Loba, Shoreline Inn and Island Blues and renovate the abandoned "Voyages" restaurant building. These Phase I improvements for the proposed marina complex will include

- 120 off street parking spaces,

- a new 56 seat restaurant,
- Customs and Border Protection office,
- a Marina Office,
- Marina Engineering,
- Marina Security,
- fish and farmers market,
- crew shower and locker facilities,
- apartments to support marina management,
- proper solid, hazardous and liquid waste management,
- proper stormwater management and
- proper fueling.

Phase II of the development will be implemented strictly on market demand. Proposed for this phase are four buildings of new construction offering

- additional retail,
- restaurant,
- office space,
- commercial space and
- six short-term rental units.

The project is located on Parcel Nos. 10-17, 10-18, 10-19, 10-41 Rem., 13A, 13B and 13 Rem. Estate Carolina, St. John, U. S. Virgin Islands.

### III. ZONING REQUIREMENTS

The zoning designations for the project are W-1 Waterfront Pleasure and B-3 Business - Scattered. Parcel Nos. 10-17, 10-18, 10-19, 13A, 13B and 13 Rem. are zoned W-1 and Parcel No. 10-41 Rem. is zoned B-3.

B-3, according to code, allows for retail, sales & service, rentals, banks, restaurants, dwelling-multiple, offices, grocers, professional and various other services and products. W-1 allows for, retail, charter and rentals of vessels, marine terminals (docking facilities & associated areas), sewage treatment plants, water sports equipment (sales & rental) and restaurants.

The marina and its related facilities are allowable uses permitted as a matter of right for the B-3 & W-1 zones under Title 29 VI Zoning, Building and Housing Laws and Regs.

#### Conclusion:

The proposed development activities is consistent with Title 29 VI Zoning, Building and Housing Laws and Regs.

### IV. PROJECT OBJECTIVES

According to the Applicant, the objective of this application is to obtain a Major Coastal Zone Management (CZM) Land permit for the construction of supporting facilities for the marina project that will accommodate both local and transient boats of all sizes in Coral Bay, St. John. The primary objective of this project, in its entirety, is to create a premier marina development to serve local needs and to attract private and charter yachts from around the world and create a social and commercial hub in Coral Bay.

Applicant states that, the St. John Marina will be responsible for creating much needed jobs and wages for Virgin Islanders, while bringing in millions of new dollars to the territory from recreational boaters and cruisers who previously avoided St. John because of the lack of friendly access.

This development will provide the ancillary services boaters at the marina require, including customs clearance, provisioning, restaurants, etc., and will provide a significant new product for the island of St. John to market to local, United States and international markets.

According to the applicant, other goals of this project include providing employment opportunities to both skilled and unskilled labor during and after construction, providing job training opportunities and supporting and enhancing local retail business opportunities.

## V. DESCRIPTION OF PROJECT

### **Summary of Proposed Activity**

The Summer's End Group, LLC. has stated that the redevelopment project will consist of primarily utilizing existing buildings for land based ancillary businesses to support the adjacent marina in Phase I and the addition of several new buildings in Phase II.

The development will also improve the adjacent portion of Route 107 by adding parking along the roadway and adding improved pedestrian circulation and walkways, including raised pedestrian crossings and concrete sidewalks.

A summary of the proposed redevelopment activities for each lot, includes the following:

#### *Phase I*

*Parcel 13 Remainder* consists of an existing set of buildings and improvements, known as the Coco Loba complex, which currently contains a grocery store, assorted retail stores and an outdoor restaurant & bar facility. The proposed renovations to this area are to improve the restaurant use and add upgraded utilities and a wastewater treatment plant. The eastern portion of this parcel consists of the interface with the waterfront/marina and will include a covered shade structure at the marina entrance and improvements to the pedestrian crossing of Route 107.

*Parcels 13A & 13B* consist of an existing abandoned restaurant with apartments on the second floor. The proposed conditions will improve and renovate this building, restore the apartments to usable condition, expand and improve the restaurant facilities and include an area dedicated to the offices for the marina operations.

*Parcel 10-41 Remainder* consists of a primarily open lot with one small retail store that was converted from a former residence. All structures on this parcel will be removed. The proposed conditions consist of installation of parking and walkway improvements to support the overall marina development, as well as being programmed for two buildings consisting of retail operations.

*Parcels 10-17&10-18* consist of an undeveloped lot that currently is unstable. The proposed conditions consist of two buildings that will contain a mixed use of retail, restaurants, and apartments in Phase II of the development.

Parcel 10-19 consists of two existing buildings. One is currently a restaurant and the other is a combination of apartments and offices. The proposed condition will maintain the restaurant use and will renovate the apartment/office building into a combined use of apartment, marina offices and short-term crew quarters for addressing crew needs while their boats are docked at the marina and marina security headquarters.

#### Phase II

Applicant states that the future development for this phase was preplanned for the purposes of this application and will be implemented strictly on market demand. Phase II will include four new buildings offering additional retail, restaurant, office space, commercial space and six short term rental units for Parcels 10-17, 10-18 and 10-41 Remainder.

#### Presence and Location of Critical Areas

According to the Virgin Islands State Historic Preservation Officer (VISHPO), no cultural resources have been recorded within the land parcels or the estate road. The proposed redevelopment area has been extensively altered from its natural state over the years.

#### Erosion Sediment Control Devices

As listed in the EAR, the erosion and sediment control devices to be utilized throughout the development of the upland portion of the St. John Marina include the following:

- Limited Areas of Disturbance- Summer's End has stated that work will proceed in a parcel-by-parcel progression in accordance with the detailed sequence of construction.
- Stabilized Construction Entrance- Temporary construction entrances will be stabilized with crushed stone or similar materials to aid in removing mud and dirt from vehicle tires prior to exiting the site.
- Silt Fence & Compost Silt Sock- - Silt fencing and compost silt socks will be used to filter sediment from small overland (sheet) flow areas and along the toe of slope of soil stockpiles. Rock filter outlets will be used in those areas where the silt fence may become ineffective.
- Temporary Topsoil Stockpiles- Temporary topsoil stockpiles will be used for protecting available topsoil and will be redistributed onsite where possible. Stockpiles shall be protected with temporary seeding/mulching and will be surrounded with silt fence or compost silt sock around the perimeter. Stockpiles shall be no greater than 35' high with maximum side slopes of 2:1.
- Sedimentation Basin- Temporary sediment basins will be constructed during the period of earth disturbance. Following the stabilization of the site, the sediment basins will be altered to function as permanent stormwater detention basin structures. A temporary outlet will be installed to aid with sediment storage and dewatering.
- Pipe Outlet Protection- Rip-rap apron protection will be provided at the outfall of all temporary and permanent outlet pipes.
- Temporary Seeding and Mulching- Disturbed areas shall receive a temporary seed mixture and mulch. In addition, soil stockpile areas and sediment basins/traps will be seeded and mulched with a temporary seed mixture to promote rapid vegetated stabilization.
- \* Permanent Seeding and Mulching-Immediately after final grading is completed, all disturbed areas will be permanently stabilized with a seed mixture and mulch.

Conclusion:

The applicant proposal to minimize and or mitigate soil erosion is adequate to achieve desired goal. The applicant will also relocate a portion of roadway within close proximity to the shoreline in an effort to allow for treatment off storm water run-off prior to entering the bay.

**Method of Stormwater Management**

Stormwater will be managed through the installation of a large retention/detention basin facility in the area between Parcel 13-A&B and Parcel 41 Remainder located along the ghut. A small forebay area is provided to settle out the larger solids and an area is provided below the outlet elevation to store stormwater runoff and provide a settling area for suspended solids. Additional storage is provided in an integrated underground storage area under the parking lot on Parcel 41 Remainder.

**Method of Sewage Disposal/Pump-Out Facilities**

As stated in the EAR, domestic wastewater treatment will be provided by individual tertiary wastewater treatment facilities on each lot. Each parcel will have an individual treatment system (Cromaglass or equivalent). According to the applicant, such decentralized system facilitates planned staged construction, has smaller overall WWTP footprints, requires less supporting components and is simpler to operate and maintain.

The estimated wastewater flow to the individual treatment units are between 1300 to 4500 GPD. Effluent from the plants will be utilized for irrigation, and for flushing toilets. Grey water cisterns will also be constructed to store a four day volume of effluent. On-site drainfields will be utilized as secondary disposal methods. And as a last resort, treated effluent will be pumped and hauled by a licensed hauler to the treatment plant in Cruz Bay.

Conclusion:

Both stormwater management along with the proposed methods for wastewater treatment and disposal have been adequately addressed. If the methods described in the application are fully adhered to, and maintenance of the systems are performed frequently, there will be very little potential for the surrounding areas to adversely impacted.

**VI. IMPACT ON THE NATURAL ENVIRONMENT**

**Climate and Weather**

The Virgin Islands lie in the "Easterlies" or "Trade Winds" which traverse the southern part of the "Bermuda High" pressure area, thus the predominant winds are usually from the east-northeast and east (IRF, 1977). These trade winds vary seasonally and are broadly divided into four seasonal modes: December-February, March-May, June-August and September-November.

*December - February* - During the winter the trade winds reach a maximum and blow with great regularity from the east-northeast. Wind speeds range from eleven to twenty-one knots about sixty percent of the time in January.

According to the applicant, the project site is protected from waves created by storm systems due to its location in inner Coral Harbor. There is limited fetch to allow these winds to develop waves.

*March - May* - During the spring, the trade winds are reduced in speed and blow mainly from the east

Applicant states that these winds will have minor impact by waves attenuated into the harbor.

*June - August* - Trade winds reach a secondary maximum during this period and blow predominantly from the east to east-southeast. Trade winds during this period are interrupted by occasional hurricanes that can generate wave conditions that can impact the project area.

*September - November* - During the fall, winds blow mainly from the east or southeast and speeds reach an annual minimum. Only seven percent of the winds exceed twenty knots in October. The low wind speeds result from a decrease in the Equatorial Trough. During this period, especially during late August through mid-October, the normal trade wind regime is often broken down by easterly waves, tropical storms and hurricanes that can generate wave conditions that can impact the project area.

### **Storm and Hurricanes**

Hurricanes occur most frequently between August and mid-October with their peak activity occurring in September. They have resulted in the erosion of the shoreline in the project area and many of the sunken and derelict vessels within Coral Harbor are the results of the passage of major hurricanes.

### **Climate**

The average annual rainfall on St. John is approximately 45 inches, ranging from 35 inches toward the eastern end of the island to more than 55 inches at the higher elevation to the west. Rainfall usually occurs in brief, intense showers. The Coral Bay area receives between 39 and 40 inches of rainfall annually.

### **Landform, Geology, Soils and Historic Land Use**

#### **Geology of St. John**

St. John can be characterized by a highly irregular coastline, numerous bays, steep, slopes and small drainage areas. For the most part the topography is very mountainous and coastal plains are almost completely absent. Bordeaux Mountain is the highest peak on St. John at an elevation of 1,297 feet above sea level.

#### **Geology of Coral Harbor**

The EAR states that Coral Harbor is a well-protected embayment occupying the northwest end of Coral Bay, which is a large embayment occupying the northeast end of St. John. The embayment has one of the largest watersheds in the U.S. Virgin Islands Territory encompassing 12 km<sup>2</sup>, with steep slopes averaging 18%. Coral Harbor occupies an area of approximately 2 km<sup>2</sup> draining a watershed of approximately 6 km<sup>2</sup>.

Studies have shown that the bay has been highly impacted by anthropogenic influences with a significant increase in sedimentation since development of the watershed began in the 1950s. The sediments within the inner harbor have been found to very fine, terrestrial in origin and with a high organic component. The source of organic matter is difficult to assess, but could be the vegetation surrounding the harbor, or potentially waste from the large numbers of boats typically anchored in the harbor (Brooks et. al, 2007).

The upland areas of the project area have all been highly altered. The area has been graded, filled and portions are developed. There is a channelized drainage through the property. Only the southernmost portion of this drainage supports natural vegetation.

To protect the roadway, the southern half of the project area's shoreline has been previously armored with boulder riprap. Further to the south, gabion baskets have been placed along the shoreline indicating that the southern portions of the property are subject to shoreline erosion. Dense mangroves protect the shoreline to the north, but the area between the riprap and the mangroves consists of an erosion shoreline. There is a very narrow sandy beach behind which are eroded soils. Many of the seaside maho trees along the shoreline exhibit erosion along their roots.

### **Earthquake Probability**

The U.S. Virgin Islands lie in one of the most earthquake prone areas of the world, and are susceptible to ground shaking, earthquake-induced ground failures, surface fault ruptures and tsunamis (tidal waves) (Hays, 1984).

There are indications that strike slip movement is occurring, with St. Croix shifting northeast relative to Puerto Rico (Puerto Rico Water Authority 1970). The year 2012 marks the 145th anniversary of the last major earthquake in the islands. This quake, which occurred on November 18, 1867 had an identified intensity of VIII on the Modified Mercalli Scale.

### **Existing Drainage Patterns**

The site consists of Parcels 13 Remainder (Western and Eastern Portions), 13A, 13B, 10-17 & 10-18 combined, 10-19 and 10-41 Remainder located along Route 107. The site primarily drains directly to Coral Harbor with a portion of the site draining to a ghut between parcels 13A & 13B and Remainder 41. This ghut drains to a culvert that flows under route 107 and into Coral Harbor. The site has been analyzed for pre-development flows and includes the upstream areas that drain through the site from Bordeaux Mountain.

The site currently contains buildings, paved roads and parking areas, gravel and dirt parking areas and associated accessory uses to the retail, commercial and residential uses. A large portion of the site is unstabilized dirt/gravel areas with limited vegetative coverage.

### **Proposed Alterations to Drainage Patterns**

According to the EAR, the upland facilities will ultimately drain in part to the proposed Stormwater Management Best Management Practice 1 (SWM-BMP1) located along the ghut. Portions of the site will continue to drain directly to Coral Harbor, although the site will be significantly more stable and protected than it is currently under the pre-development conditions.

### **Relationship of the Project to the Coastal Floodplain**

The typical wave and wave patterns usually have minimal effect on Coral Harbor due to its constructed nature. The site is subject to wind generated waves attenuated into the harbor from the east and southeast. The Harbor and site are well protected by Harbor Point and to a lesser degree by Pen Point. The shoreline area and the offshore area

have been determined to be in VE elevation 14 ft areas of the coastal flood zone with velocity hazards (wave action). The upland portions of the site are in Zone AE10 where flood elevations for the 100-year storm event have been determined to be 10 ft, see Figure 6.02.2-1.

### **Existing Stormwater Disposal Structures**

Existing stormwater structures are minimal on the development parcels. The infrastructure consists of an existing inlet on Parcels 17 & 18 and the existing 36" culvert under Route 107. The existing structures will remain, and will be integrated into the site design. The ghut currently discharges into the 36" culvert under Route 107. When stormwater runoff surcharges that pipe culvert, stormwater runoff flows uncontrolled over the roadway and into Coral Harbor.

### **Proposed Stormwater Control Facilities**

According to the Applicant, the proposed stormwater management facilities consist of a series of trench drains and piping flowing into Stormwater Management Best Management Practice 1 (SWM-BMP1). A new outlet structure will be provided and connected into the existing 36" culvert under Route 107 to control the outflow from SWM-BMP1. The emergency overflow for the basin is incorporated into the roadway as in existing conditions. During large storm events, surcharged flows may continue to flow over the roadway. However, in the post-development condition, these flows will be mitigated and reduced as indicated previously. The frequency of the road being overtopped should be decreased in the post-development condition.

### **Conclusion:**

Like most if not all new development, predevelopment site conditions will be impacted. The applicant has proposed a number of features to address/mitigate the anticipated impacts. Staff believes that the proposed methods to address alterations to the existing drainage patterns are consistent with Tit. 12 V.I.C. § 906 and 903.

### **Location of Any Critical Area(s) and Possible Trouble Spot(s)**

Possible trouble spots for the land-based operations, identified by the Applicant, include the construction and operations along the shoreline, the fuel storage areas located in the rear of Parcel 13 Remainder, the 3,000 gallon sanitary waste storage from marina operations located under the proposed deck at Building 5, the construction within and around the ghut between parcels 13A & 13B and Parcel 14 Remainder and all on-site waste treatment facilities.

### **Fresh Water Resources**

The application states that there are no freshwater ponds located on the property and no reliable potable water source exists at the proposed project site. The existing businesses rely on roof catchment and cistern storage and water purchased from private haulers. Peak water demands projected for this project are estimated not to exceed 12,000 gpd.



Potable water supply to meet this demand will be through rainwater collection from rooftops and cisterns. During periods of low rainfall and high demand, potable water will be supplemented by purchase from WAPA in Cruz Bay and Caneel Bay Resort. Caneel Bay Resort has committed to provide up to 90% of the projected water demands of this project, if needed. Cisterns for the buildings are sized to allow for large quantities of water to be stored onsite to reduce the frequency of truck deliveries and allow scheduling of the deliveries to minimize impact on the community.

The project site is located adjacent to the bay therefore the potential for fresh potable groundwater resources are limited.

### **Wetlands**

The U.S. Army Corps of Engineers defines wetlands as "those areas that are periodically inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes and similar areas." (U.S. Army Corps of Engineers, 1986).

There are no terrestrial wetlands at the project site.

### Conclusion:

The applicant states that there are no wetlands located at the project site. However, there are wetlands adjacent to the site of the proposed development. The proposed drainage, erosion control features and sewage treatment facility will not adversely impact the adjacent se wetlands.

### **Rare and Endangered Species**

No listed or nominate species were observed on the project area subject to this permit application.

The project will have no impact on terrestrial rare or endangered species.

### Conclusion:

The proposed development will not impact rare and/or endangered species.

### **Air Quality**

All of St. John is designated Class II by the Environmental Protection Agency in compliance with National Ambient Air Quality Standards. In Class II air quality regions, the following air pollutants are regulated: open burning, visible air contaminants, particulate matter emissions, volatile petroleum products, sulfur compounds, and internal combustion engine exhaust (Virgin Islands Code Rules and Regulations).

The use of heavy equipment during the construction of this project and related facilities will have a short-term and minimal air quality impact. Once construction is complete, air quality will be impacted by occasional use of backup generators. The project is expected to have two backup generators utilized for emergency potable water pumping

and maintenance of business activities. Operating permits for these will be obtained from the Department of Planning and Natural Resources, Division of Environmental Protection.

Conclusion:

Impacts to air quality are expected to be minimal and to be short-term during construction. Once construction is completed and the development is operational any adverse impacts relative to air quality should be short-term.

**VII. IMPACT ON THE HUMAN ENVIRONMENT**

**Land and Water Use Plans**

The waterfront area connecting the marina to the uplands is primarily zoned W-1, Waterfront - Pleasure, with one parcel zoned B-3, Business. Adjacent parcels are zoned B-3 or R-1, Residential. The proposed marina development is allowed under the current zoning designation.

Under the Coastal Zone Management Act (CZMA) of 1972, the U.S. Virgin Islands DPNR designated Coral Bay as one of 18 Areas of Particular Concern (APC) in 1979.

The Coral Bay APC Management Plan was developed as a planning document to better understand the resources and concerns in the area. According to the Applicant, the St. John Marina addressed the proposed goals of this plan during the planning process, particularly with respect to reducing the sediment load from stormwater runoff to Coral Bay and establishment of a regulated mooring field to minimize impacts to seagrasses from improper moorings in the bay.

**Visual Impacts**

Applicant states that the St. John Marina, with its new state-of-the-art docks and upland buildings in their classic West Indian architecture vernacular, will evoke those feelings of wonder and through experience of the marina's services, create memories that could last a lifetime. This positive visual impact is a primary consideration for the developers of The St. John Marina as this aesthetic is essential to success within target markets.

Landscaped with palm trees, fringing mangroves, bougainvillea and other native flora, this impressive marina and associated upland complex will add to and improve the lifestyle of not only visitors, but residents of Coral Bay by providing much needed services. The beautiful design and construction will create a destination that will be a great source of pride. This is a stark contrast to what is currently exhibited in Coral Bay.

Conclusion:

The land based component of the proposed development will not significantly change the visual character of the Coral Bay. It is noted that the current zoning designation allows for the uses which are proposed. In addition, in an effort to minimize impacts to

the visual character, the applicant has proposed to install palm trees, bougainvillea, and other native plants.

## **Impacts of Public Services and Utilities**

### Potable Water

Applicant states that the peak water demands projected for this project are estimated at 12,000 gpd. Potable water supply to meet this demand will be through cisterns & supplemented by water purchased from WAPA in Cruz Bay and Caneel Bay Resort. Caneel Bay Resort has committed to provide up to 90% of the projected water demands of this project, if needed.

An exploratory well may be drilled to determine if there is a sustainable source of fresh potable groundwater at the project site. If this is the case, this EAR will be amended accordingly to address this source of water.

### Solid Waste

According to the Applicant, during and after construction, all solid waste generated from the project will be stored on 20' roll off bins and trucked to the Bovoni landfill by a licensed hauler.

### Roads, Traffic and Parking

Planned parking spaces include off street parking for 116 vehicles, 5 ADA compliant parking spaces and 5 loading/unloading spaces. Construction parking will be contained on in the material staging areas, which shall be parcels 10-17, 10-18 and 10-41.

A recent traffic study concluded that there will be a minor increase in traffic in the area due to this project but the increase is not expected to overburden the existing road system.

Construction traffic will result in a temporary increase in vehicles from workers, equipment and supply delivery.

### Electricity

According to the Applicant, discussions with WAPA has assured that the 1.5 MW estimated for the site can be accommodated through the existing 5MW being supplied to Coral Bay. Additional infrastructure required by the proposed project, such as transformers, underground lines, etc., will be funded by the developer. Two of the transformers will be located on the marina docks to reduce cabling requirements

### Conclusion:

There will be unavoidable impacts on roads, traffic and parking during and after the proposed development is constructed. During construction, parking lots dedicated to the project's employees will be required. This can be mitigated by requiring the employees at an off-site designated area and then being bussed to the site.

Regarding public water services, there are no municipal lines in the area. The applicant has proposed traditional means of providing domestic water through cisterns. Because droughts are common in the islands, the applicant has indicated that they have alternative means to provide domestic water. They have an agreement with Caneel Bay resort and have indicated that the resort can supply up to 90% of the projected water demands. The other 10% will be met through purchase from WAPA and delivery by local haulers.

The development will require 1.5 MW and the applicant indicates that WAPA currently supply a total of 5MW to the Coral Bay area.

Currently solid waste that is generated on the island is transported to the Bovoni Landfill on St. Thomas. All solid waste generated during construction will be stored in bins and subsequently taken to the Bovoni Landfill by license haulers.

As the potential impacts to public services are unavoidable, staff believes that the impacts are not such that will cause undue hardship to the entities responsible for providing the services. In addition, the agencies were notified of the proposed development and none objected or expressed any concerns.

### **Schools**

The project is not expected to impact the school system.

### **Fire & Police Protection**

The nearest fire station is located six-tenths of a mile from the project site. Police emergencies are expected to be handled by nearest unit dispatched through the Cruz Bay station. The marina will also have a detailed security plan as well as on site security guard(s) on duty at all times. The development will also be equipped with a comprehensive fire suppression system. These include:

- A boat mounted stationary fire pump capable of producing 350 gallons per minute of seawater and additional fire hose sections totaling 1,000 feet.
- The boat will have a tow post that will allow the boat to be used to pull yachts that are a fire hazard from the dock
- At dockside there will be a gasoline powered golf cart with a stationary 350 gallon per minute fire pump
- At intersections of not more than 100' feet apart, the dock will be equipped with standpipes.
- A valve connection will be provided for a fire truck to hook directly to the upland cistern water supply

### **Public Health**

According to the Applicant, the impacts to the existing health care facilities are expected to be minor and negligible at best.

### Conclusion:

The applicant has taken reasonable measures to minimize impacts to fire and police protection.

### **Social Impacts**

The St. John Marina hopes to have a positive social impact on both visitors and the local community, according to the EAR report. Decades of unsatisfied demand by the St. John community and recreational boaters will be fulfilled in Coral Harbor through the development of The St. John Marina, which will provide much needed dockage, fuel, provisioning and pump out services to boaters.

The St. John Marina will be located on a combination of land leased from a long-time St. John family and purchased property. This highly visible St. John project will be a

substantially locally owned marina, in and of itself constitutes a significant and positive social impact. In addition, further business opportunities in the marine sector will occur once there is a marina to provide the needed support services.

The provision of marina facilities in the place of haphazard anchoring and mooring patterns will yield a positive social impact on the St. John and Coral Bay communities. According to the Applicant, several areas that this project will further contribute positive social impacts to the community at large are through organizations and foundations such as:

- *Guy Benjamin School (GBS),*
- *Island Green Builders Association (IGBA) & Island Green Living Association (IGLA,,)*
- *Kids and the Sea (KATS),*
- *Coral Bay Community Council,*
- *Friends of the Park,*
- *St. John Community Foundation,*
- *The Life Skills and Career Development,*
- *Citizens Advisory Committee (CAC),*
- *Yacht Clubs,*
- *USVI Department of Tourism (USVI-DOT),*
- *St. John Animal Care Center (ACC),*
- *Using Sport for Social Change (USFSC),*

Various community involvement opportunities anticipated are through:

- The fish and Farmers market
- Internship programs
- Field trip opportunities
- Adult education
- Adopt-a Site initiatives

### Conclusion:

There will be some discomfort to residents in the immediate area of the development due to the noise associated with construction work of this nature. There will also be disruptions in the existing traffic patterns in the Coral Bay area. However, as stated above, these disruptions are typical with new developments of this nature. It is noted that the impacts are short term and the area usually returns to its normal pattern once the development is completed.

The positive social impacts to residents of St. John will come in the form of new job opportunities thereby causing an increase in economic activity. The applicant has also provided a list of organizations and foundations which will benefit socially from the existence of the new development. The list included schools, Non Profit Groups (NGO), yacht clubs and other government agencies such as Dept. of Tourism.

Staff has considered all the long term benefits of the project and staff believes that the built out development will have an overall positive social impact to all the residents of St. John.

### **Economic Impacts**

According to a recent model based study, results project that even at moderate occupancy, The St. John Marina's impact is estimated to contribute \$8,786,500 to the

economy of St. John and the USVI. For the most part, these are new dollars that were not a part of the local economy prior to the development of The St. John Marina. As examples, on a typical day trip, a powerboat in the 42-ft to 48-ft category will spend an average of \$671 and a sailboat of 36 ft or greater would spend an average of \$197, in part on fuel, marina services, provisioning, marine supplies, recreation and entertainment. Virtually all areas of the local economy are impacted secondarily through taxi fares, car rentals, restaurants and tourist services providers.

#### *Jobs*

Research indicates that a minimum of 90 jobs will be created.

#### *Internship/Mentoring*

The St. John Marina will provide the opportunity for professional jobs in the marine industry and establish internships and mentorships in marine related professions.

#### *Fish & Farmer's Market*

A fish & farmer's market is proposed. This market is intended to support local farmers and fishermen.

#### *Real Estate Valuation and Marketability*

The St. John Marina will have a significant, positive impact on real estate values and marketability. Qualified brokers estimated that, conservatively, the construction of the marina has the potential to increase real property values 10 to 20 percent within 3 to 5 years.

The St. John Marina will also give Coral Bay and St. John the opportunity to expand its tourism potential.

#### **Accidental Spills**

According to the Applicant, potential sources of liquid spills at the marina include wastewater from vessel holding tanks, oily water from bilge pumps, and fuel. Oil changes and other boat maintenance activities will be prohibited.

Aboveground storage tanks with integrated secondary containment with capacity for approximately 45,000 gallons of diesel and 5,000 gallons of gasoline will be located on the western portion of Parcel 13 Remainder as shown on the site plans. These tanks will be surrounded by concrete retaining walls and will each contain inventory monitoring, spills, and a leak detection system.

Fuel lines conveyed over water will be contained in an additional conduit and will be equipped with emergency shutoff valves at various points.

#### **Hurricane Preparedness**

According to the Applicant, the St. Johns Marina will manage the risk of Hurricanes through comprehensive insurance and through a hurricane contingency plan (HCP). In addition to the HCP, innovative engineering and construction methodology developed over the past few years gives the added benefit of being able to resist moderate hurricane influences as well as seismic activity.

The dock structures in the marina are designed with grated decking installed as discrete panels which provides less resistance to wave forces and will remain attached to dock structure during severe weather conditions. Reverse flow valves will be a part of both

fuel and liquid waste systems. In the event of a hurricane, this allows for fuel lines and liquid waste disposal lines to be emptied, thus reducing any danger of spillage.

**Potential Adverse Effects, Which Cannot be Avoided**

The applicant agrees that construction noise during church services would be unacceptable but would not want to be restricted to 5 days per week which will prolongs the construction time. The applicant proposes working 6 days per week, with a 7:00 AM - 5:00 PM work schedule for the weekdays and 7:30 AM – 3:00 PM on Saturday.

Other potential impacts from the project may arise primarily from temporary disturbance and sedimentation on and into adjacent waters during construction

There is expected to be some unavoidable increase in noise and traffic during construction. However, most of the construction effort will be at the marina through the use of a vibratory hammer and will occur from the waterside. This method of construction emits much less noise than an impact pile driver.

The development of the site will result in the loss of seven large trees, all are common local species.

**VIII. MITIGATION PLANS**

This upland redevelopment project is being constructed on previously developed upland parcels with little to no remaining natural unaltered environment. Trees and natural vegetation will be preserved where possible.

This project will also have advanced onsite wastewater treatment facilities that will be utilizing the effluent for irrigation. This practice does have the potential of introducing additional nutrients into an already nutrient rich environment and could lead to additional algae growth. To mitigate for this potential, during periods when irrigation is not feasible, the treated effluent will be stored onsite and utilized for toilet flushing and other non-potable uses or hauled offsite for treatment and disposal.

Given the minimal impact this redevelopment project will have on the environment, no additional mitigation activities are proposed for the upland impacts. Compensatory mitigation plans have been developed for the marine impact and are presented in the Major Water CZM permit application.

**IX. ALTERNATIVES TO PROPOSED ACTION**

Applicant has expressed that this redevelopment project is entirely dependent on the adjacent marina project that is the subject of a separate Major Water CZM permit application. A very rigorous alternatives analysis is contained in that application.

No-action alternative - If this project is not constructed, the adjacent marina will not be viable as the required land-side support would not exist.

Decrease the size of the project - The project area subject to this permit application is the minimum project area needed to support the existing and new businesses required

to support the marina. Decreasing the project size will result in inadequate availability of support services for the marina. This would decrease the opportunity for new businesses and restaurants in Coral Bay.

Alternative locations - An alternatives analysis considering various other locations on St. John is detailed in the Major Water CZM permit application for marina and concluded that there are no other alternative locations for The St. John Marina. This upland project is entirely dependent on the marina being located at this location in Coral Harbor so alternative locations are not deemed viable.

#### X. LONG AND SHORT TERM USE OF MAN'S ENVIRONMENT

According to the Applicant, the Coral Bay area is currently heavily used for boat mooring and there is no full-service marina located at the eastern end of the U.S. Virgin Islands or on the island of St. John. The creation of such a facility with fueling, provisioning and pumpout capabilities will serve to bring back marine businesses that have moved into the British Virgin Islands.

The area immediately surrounding The St. John Marina is primarily commercial use. The development of the project would not result in a change of land use. Commitment to the type of use proposed was made in 1972 when the area was zoned W-1. The land was removed from its natural state by construction of the culverts and its use as a refuse location. The proposed development is consistent with the goals and policies of the VI Coastal Zone Management Act and with the stated policies of the government of the Virgin Islands.

This project will generate employment and increase tax revenue and will also provide additional recreational opportunities for both residents and visitors. The associated marina project will result in a managed mooring system within Coral Harbor and will help limit future impacts to the marine environment and will help facilitate the management the resources.

#### GENERAL FINDINGS

Staff finds that:

- a). The Proposed development and use by the Summer's End Group LLC, WITH CONDITIONS, is consistent with the Virgin Islands Coastal Zone Management Program including the basic goals, policies and standards provided in Title 12, V.I.C. Chapter 21.
- b). The proposed development and use by the Summer's End Group LLC, as finally proposed, WITH CONDITIONS, incorporates to the maximum extent feasible, mitigation measures to substantially lessen or eliminate any and all adverse impacts of the development, which will result in minimal damage to the existing environment.
- c). The granting of the permit applied for will clearly serve the public good, will be in the public interest and will not adversely affect the public health, safety, and general welfare or cause significant adverse environmental effects.



## **RECOMMENDATION**

Staff finds that the proposed development by Summer's End Group, LLC, that includes demolition of existing structures, renovations to existing and construction of new buildings, upgrades to existing utilities and construction of a new waste treatment facility located at Parcels No. 10-17, 10-18, 10-19, 10-41 Rem., 13A, 13B and 13 Rem. Estate Carolina, St. John, U. S. Virgin Islands, WITH CONDITIONS, is consistent with the basic goals, policies and standards provided in sections 903 and 906 of the CZM Act, and that the development as finally proposed AND WITH THE FOLLOWING CONDITIONS incorporates to the maximum extent feasible mitigation measures to substantially lessen or eliminate any and all adverse environmental impacts of the development:

1. All applicable Territorial and Federal permits or other necessary approvals must be obtained, prior to commencement of development activities.
2. The Permittee shall notify the Division of Coastal Zone Management (CZM) two (2) days prior to the commencement of development activities.
3. All erosion and sedimentation measures shall be installed prior to the start of construction and fully maintained during all construction activities on the site until completion of this project.
4. This permit does not allow the removal of mangroves. If trimming of mangroves are required the Permittee must obtain a permit from Department of Planning and Natural Resources/Division of Fish and Wildlife.
5. This permit does not allow any work within territorial waters.
6. Debris located along the shoreline of the project site must be removed during and upon completion of the project.
7. Construction activities associated with this permit is limited to the hours between 7:00 am to 5:00 pm daily except that on Sundays, construction activities are not permitted.
8. Prior to start of work, Permittee shall submit to CZM a performance bond in the amount of 20 percent, up to \$5M, of the estimated construction cost of the development.
9. To reduce vehicular traffic and to further reduce the area required for employee parking during construction, the Permittee shall provide offsite shuttle services for construction.

## **APPROPRIATE MOTION**

Should the Committee concur with the staff recommendation, the appropriate motion is:

"I MOVE that the St. John Committee of the Virgin Islands Coastal Zone Management Commission make the following findings, based on the information provided in the application file, the public hearing and the final staff report on Major Coastal Zone Management Permit Application No CZJ-3-14 (L):

The proposed development and use as proposed by the Summer's End Group, LLC, WITH CONDITIONS, is consistent with the goals, policies and standards of the Virgin Islands Coastal Zone Management Act; including the basic goals, policies and standards provided in Title 12, V.I.C. Chapter 21 Section 903 & 906

The development, by the Summer's End Group, LLC, as finally proposed, WITH CONDITIONS incorporates to the maximum extent feasible, mitigation measures to substantially lessen or eliminate any and all adverse impacts of the development;

I FURTHER MOVE that the St. John Committee of the Virgin Islands Coastal Zone Management Commission ADOPT the Final Staff Report for Major CZM Permit Application No. CZJ-3-14L, Summer's End Group, LLC, to support the Committee's findings; and

I FURTHER MOVE that the St. John Committee of the Virgin Islands Coastal Zone Management Commission **APPROVE** Major CZM Permit Application No. CZJ-3-14(L), for demolition of existing structures, renovations to existing and construction of new buildings, upgrades to existing utilities and construction of a new waste treatment facility located at Parcels No. 10-17, 10-18, 10-19, 10-41 Rem., 13A, 13B and 13 Rem. Estate Carolina, St. John, U. S. Virgin Islands, with the following conditions:

1. All applicable Territorial and Federal permits or other necessary approvals must be obtained, prior to commencement of development activities.
2. The Permittee shall notify the Division of Coastal Zone Management (CZM) two (2) days prior to the commencement of development activities.
3. All erosion and sedimentation measures shall be installed prior to the start of construction and fully maintained during all construction activities on the site until completion of this project.
4. This permit does not allow the removal of mangroves. If trimming of mangroves are required the Permittee must obtain a permit from Department of Planning and Natural Resources/Division of Fish and Wildlife.
5. This permit does not allow any work within territorial waters.
6. Debris located along the shoreline of the project site must be removed during and upon completion of the project.
7. Construction activities associated with this permit is limited to the hours between 7:00 am to 5:00 pm daily except that on Sundays, construction activities are not permitted.
8. Prior to start of work, Permittee shall submit to CZM a performance bond in the amount of 20 percent, up to \$5M, of the estimated construction cost of the development.
9. To reduce vehicular traffic and to further reduce the area required for employee parking during construction, the Permittee shall provide offsite shuttle services for construction

cc: *Anthony Richards, STT.STJ Permits Coordinator*  
*file*