



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

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**Coastal Zone Permit Application
Water Quality Review and Certification**

1. **CZM PERMIT APPLICATION No:** CZT-03-12(L&W)
DPNR, DEP WATER QUALITY CERTIFICATE No: WQT-15-002(L&W)
2. **Date of Final Application:** June 25, 2014
Date of Final Review: October 16, 2014
3. **SHORT TITLE OF WORK:**
This project consists of two (2) phases. Phase 1 will include construction of the marina docks and moorings along with the enhancement of existing commercial business sites. This includes off-street parking, a restaurant, Customs and Border Protection office, a marina office, marina engineering, marina security, crew shower and locker facilities, apartments to support marina management, fish and farmers market and proper solid and liquid waste, stormwater and fueling facilities. Specifically, the proposed marina project is located in Coral Bay on the eastern end of St. John, U.S. Virgin Islands. The marina consists of a total of 145 slips in two zones, Zone 1 or North Club, with 96 slips of varying dimensions, and Zone 2 or South Club, consisting of 49 slips of varying dimensions, 12 moorings and minor revetment repair and red mangrove planting along the shoreline immediately adjacent to the marina. The project also includes the reorganization and management of mooring in Coral Harbor. While, Phase 2 which will be implemented strictly by market demand, proposes an upland development consisting of four new buildings, offering additional retail, restaurant, office, and commercial space and six short-term rentals.
4. **APPLICANT:** The Summer's End Group, LLC
5000 Estate Enighed, Suite #63
St. John, VI 00830
5. **SUB-WATERSHED:** Coral Bay HUC - 21020001020020
6. **WATER QUALITY CERTIFICATION:**
Approved: There is currently reasonable assurance that the proposed project can be executed without violations of the Water Quality Standards cited in Title 12, Chapter 7, Section 186 of the Virgin Islands Code. The permittee shall comply with all Territorial Rules and Regulations, Federal Statutes, Orders, and permits issued by Territorial and/or Federal departments or agencies.
7. **COMMENTS OR SPECIAL RESTRICTIONS:**
 - A. Work shall be performed in a manner that will not adversely impact existing water quality. Existing water quality conditions will be determined in the baseline water quality monitoring survey, conducted by the applicant, and submitted to DPNR – Division of Environmental Protection (DPNR-DEP) for review prior to the commencement of the project. In no case shall work be performed in a manner that causes any exceedence of the Virgin Islands Water Quality Standards found in Title 12, Chapter 7, Section 186 of the Virgin Islands Rules and Regulations.

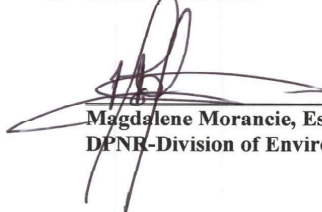
- B. The DEP reserves the right to temporarily suspend any activity which may cause any adverse environmental impact or results in any noncompliance with Title 12 of the Virgin Islands Rules and Regulations.
- C. The DEP reserves the right to require additional sampling/monitoring as promulgated in Title 12 of the Virgin Islands Code, Section 189.
- D. No oil or debris may be discharged from any source during the proposed project.
- E. This Water Quality Certificate **does not** cover any dredging operations and/or insertion of fill material since these activities were not proposed in the project's Environmental Assessment Report dated April 2014 (water) and June 2014 (land).
- F. Prior to the start of any in-water activities, turbidity curtains or other appropriate mitigation measures should be installed and properly maintained around the disposal barge to restrict the dispersal of turbid runoff generated by dewatering.
- G. The Water Quality Monitoring Plan (April 2014 – Appendix B) or subsequent approved amendments must be complied with in determining the water quality baseline for the area. Turbidity (measured in NTU) readings are to be taken in-situ and samples are to be collected **weekly** at six (6) sampling locations established around the harbor/project site and a minimum of two (2) control sites (one to the east and one to the west of the project area) for **two (2) months** prior to the start of construction. Additionally, five (5) sediment (double) traps are to be placed off-shore of the construction site, at a depth of one-meter above the sea floor, are to be **collected bi-weekly for one (1) month** prior to the start of construction. Baseline information will be used to assist in determining correlations between construction and ambient conditions. Additionally, wind speed and direction; wave height and direction; the individual(s) recording the data collected are required to document in indelible ink and keep in a bound log book with pre-numbered pages the recorder name, date, the start and stop time, the location (GPS coordinates). A rain gauge should be used to **collect daily rain data during the collection of baseline data and throughout the project.**
- H. Ten (10) permanently marked photoquadrats are to be established during baseline study within the area of potential impact. Organisms (seagrass, coral, all benthic invertebrates, etc.) present within will be identified and quantified as for percent cover (abundance) and health prior to beginning of construction. The photoquadrats will be monitored **monthly for two (2) months** prior to the start of construction. These photquadrats are also to be monitored **monthly throughout the duration of the project** (to include in-water work and upland construction). All photoquadrat data collected is to be submitted to DPNR, NFMS, the Summer's End Group, LLC, FWS and ACOE on a monthly basis.
- I. The Benthic Mitigation Plan (April 2014 EAR - Appendix C) or subsequent approved amendments must be complied with to ensure that the amount seagrass and all benthic invertebrates lost during this project is minimized. This includes transplanting these organisms located within the construction footprint to a site to be approved by DPNR and its federal partners; it has been noted that the northwestern corner of Coral Bay Harbor has been proposed. Transplanted species are to be monitored **monthly for a minimum of two (2) years; then quarterly for a minimum of three (3) years**, for a total of no less than five (5) years. The areas where marine debris has been removed will also be monitored within this **five (5) year** period to determine if recolonization has occurred. The progress and maintenance of this plan must be reported to DEP and DPNR's Division of Fish & Wildlife as scheduled. Further the Summer's End Group, LLC must submit to DPNR's relevant Divisions (CZM, DEP and DFW) copies of the monitoring results for transplanted species and marine debris areas.
- J. During the duration of the project, monitoring will be continued in accordance with the Water Quality Monitoring Plan (April 2014 EAR - Appendix B) or subsequent approved amendments. Six (6) samples will be collected around the area of in-water work and at two (2) control sites, at 1-meter depth below the surface,

and analyzed by YSI Meter on a **daily** basis. During upland construction, when in-water work is not occurring, sampling will take place after rainfalls of 0.25 inches or greater. The five (5) sediment (double) traps placed off-shore of the construction site, at a depth of one-meter above the sea floor, are to be collected **bi-weekly** for the duration of the project. Additionally, wind speed and direction; wave height and direction; and rainfall will also be recorded during each sampling event. The individual(s) recording the data collected are required to document in indelible ink and keep in a bound log book with pre-numbered pages the recorder name, date, the start and stop time, the location (GPS coordinates), and sea conditions. All data and information documented **must** be submitted to DEP.

- K. The Summer's End Group, LLC and its contractors must adhere to all established requirements related to sea turtles and acoustic minimization.
- L. For the duration of this project, **no barge shall remain in the same location for longer than three (3) consecutive days at a time.**
- M. An Environmental Monitor must be present at the site **during all near/in-water activities.** The **Environmental Monitor must notify the Summer's End Group, LLC and the DEP as soon as possible, but within 24 hours of exceedence**, if at any time during water quality does not comply with the Virgin Islands Water Quality Standards or sediment traps exceed baseline values. Methods to reduce the impact must be implemented, including temporarily terminating construction and allowing the water quality to return to normal conditions.
- N. The Summer's End Group, LLC **must obtain and maintain coverage** under the VI Construction General Permit prior to commencement and for the duration of earthwork. To obtain coverage a **Stormwater Pollution Prevention Plan and Notice of Intent must be submitted** to the DEP's Water Pollution Control Program. Additionally, they must work with DEP to determine if a Territorial Pollutant Discharge Elimination Systems Permit will be required for the proposed Waste Water Treatment Plant; if deemed necessary DEP must receive a **complete permit application a minimum of 180 days prior to the commencement of the discharge.**
- O. Any device that emits air pollution throughout the duration of the entire project may require Air Pollution Control Permit(s), i.e. generators. A Dust Control Plan may also be required by DEP-Air Pollution Control Program; this plan should describe the applicant's means of mitigating dust during construction and dewatering activities. Ms. Verline Marcellin, Environmental Program Manager of APC, can be contacted at (340) 773-1082 if further information is required on these issues.
- P. An **application to construct a Terminal Facility with a total capacity of 50,000 gallons (45K diesel, 5K gasoline) must be submitted.** Due to the proposed capacity, a facility response plan (FRP) will also be required. Please contact Mr. Syed Syedali, Environmental Program Manager, at (340) 773-1082 if further information is required on these issues.
- Q. An **UIC permit is required for the Class IV injection well i.e. the underground storage tank (UST) that will be used to store vessel wastes** (the marina will be providing pumpout service for vessels). There were no specifications or details such as capacity, construction, location, frequency of pumpout to city sewer, etc., provided on the UST. Please contact Mr. Syed Syedali, Environmental Program Manager, at (340) 773-1082 if further information is required on these issues.
- R. The Summer's End Group, LLC must adhere to all policies related to the Vessel Strike Avoidance & Reporting for Mariners.
- S. The Summer's End Group, LLC must adhere to all established requirements related to sea turtles and acoustic minimization.

- T. Unless specifically stated, the Applicant shall adhere to all provisions set forth in the submitted the Environmental Assessment Reports – June 2014 (land) and April 2014 (water); as well as, all related plans (or approved amendments) as submitted to the Department of Planning & Natural Resources.
- U. DPNR-DEP reserves the right to revise/amend this Water Quality Certificate.
- V. Spill containment materials as well as a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan must be kept on the premises at all times.
- W. The general working area should remain clean at all times. All waste materials generated during the execution of the project should be disposed of in properly labeled containers. At completion of work, all construction debris must be removed from the site.
- X. A series of silt fences must be installed at various points surrounding the de-watering area in order to prevent sediments from entering the marine environment. Also, in the event of inclement weather, the dredged/removed material must be contained and secured in order to prevent the re-suspension and run-off of the dredged/removed material into the water body.
- Y. The Applicant shall notify DPNR-DEP ten (10) business days before the commencement of the proposed project. In addition, a letter of project completion must be submitted to DPNR-DEP no later than ten (10) business days after the project has been completed.
- Z. Within eight (8) weeks after project completion, a final report will be due to DPNR-DEP which provides a critical review of observed water quality degradation and any biological impacts from the project, to include status of Mitigation Plan **for each phase of the project**. Additionally, within the first six (6) months after completion of **each phase of the project** a final photoquadrat and benthic analysis report of the project area and the transplant location **must** be filed with DPNR's Divisions of Coastal Zone Management, Fish & Wildlife and Environmental Protection.
- AA. The monitoring reports to include video (within 30 days after survey is conducted) for the various transplanted species **must** be filed with DPNR's Divisions of Coastal Zone Management, Fish & Wildlife and Environmental Protection in accordance with **Condition I. above**.

8. APPROVED BY:


Magdalene Morancie, Esq., Acting Director
DPNR-Division of Environmental Protection

10/16/2014
Date