



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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July 2nd, 2020

The Honorable Novelle E. Francis, Jr.
President
33rd Legislature of the United States Virgin Islands

Re: Consolidated Major Coastal Zone Permit No. CZJ-04-14 (W), CZJ-03-14(L) and B Modification issued to The Summer's End Group, LLC

Good day Senate President Novelle E. Francis, Jr., other members of the 33rd Legislature of the US Virgin Islands, legislative staff, and members of the viewing and listening public, my name is Marlon Hibbert and I am the Director for the Department of Planning and Natural Resources, Division of Coastal Zone Management (CZM). With me today is Attorney Vonetta Norman CZM Legal Counsel. Today we are presenting testimony on the following CZM permit:

Consolidated Major Coastal Zone Management Permit No. CZJ-04-14(W), CZJ-03-14(L) issued to the Summer's End Group, LLC Seaward of Plot Nos. 10-17, 10-18, 10-19, 10-41 Rem, 13A, 13B and 13 Rem. Estate Carolina, St. John, Virgin Islands

Major Coastal Zone Management Permit No. CZJ-04-14(W) allows for the construction of a 145-slip marina, a designated mooring field of up to 75 moorings, a pump-out-station and a fuel station at and Seaward of Plot Nos. 10-17, 10-18, 10-19, 10-41 Rem., 13A, 13B and 13 Rem. Estate Carolina, St. John, Virgin Islands.

In addition to the construction activities listed above the permit also allows for the use and occupancy of the structures described in Section 2 (a) of this permit including 27.5 acres of submerged land areas surrounding the structures described in Section 2 (a) of the permit.

On April 4, 2014, The Summer's End Group, LLC., submitted a Major Coastal Zone Management (CZM) Water Permit application No. CZT-4-14 (W). Simultaneously the Summers End Group also filed a Major 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, this included 156 parking spaces, a new 56 seat restaurant, a Customs and Border Patrol Protection Office, a marina office, a Fish and Farmers Market, marina engineering and security facilities, crew shower and locker facilities, residential apartments, fueling facilities and other commercial, residential and office spaces dependent on demand. These projects would be accomplished in two phases.

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.

On October 14, 2014, the St. John Coastal Zone Management Committee voted in favor of the permit, subsequently a Board of Land Use Appeal was filed in November 2014 by concerned citizen action groups.

In the ruling made by the Board of Land Use Appeals (BLUA) regarding the issuance of the land and water permits, although the determinations by the St. John CZM Committee were upheld, the BLUA placed a condition that development activities of the land permit could not commence without the water permit receiving all necessary territorial and federal approvals and that the separate permits should be consolidated.

In December of 2019, the CZM complied with the (BLUA) order and consolidated the major permits CZJ -03-14(L) and CZJ-04-14(W).

We were invited to testify on the modification of the permit, but neither the CZM Division or St John CZM Committee had any involvement in the request for or decision to modify the permits.

Under Title 12 VIC 911(g),” the Governor may modify or revoke any coastal zone permit that includes development or occupancy of trust lands or submerged lands or filled lands approved pursuant to this section upon a written determination that such is in the public interest and that is necessary to prevent environmental damage to coastal zone resources and to protect the public health, safety and general welfare. Such determination shall be delivered both to the permittee and to the legislature, together with a statement of the reason thereof....”.

The CZM is unable to provide any facts or additional documentation regarding the modification.

This concludes our testimony on behalf of the Division and we are available to answer questions as best as we can. Thank you.