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The Honorable President Novelle Francis
Legislature of the Virgin Islands
Capitol Building, Charlotte Amalie
P.O. Box 1690
St Thomas, VI 00804

August 8, 2019

re: **CZM Major Water Permit CZJ-04-14(W) for the Summers End Group LLC**

Dear President Francis,

I am writing to you about a CZM Major Water Permit including a Submerged Land Lease which has been forwarded to the Legislature for ratification. This permit, for the Summers End Group LLC, was approved by the St John CZM Committee in October 2014 and was signed by Governor Bryan in April 2019. The permit number is CZJ-04-14(W).

As I am sure you know this project has become a highly controversial topic in Coral Bay and in fact, throughout St John. The applicant proposes to build a 28 acre marina, larger than Yacht Haven Grande, in a harbor one tenth the size of Charlotte Amalie Harbor. It is a huge project that would totally transform the character of Coral Bay.

Over the past five years I have been personally involved in assisting the residents of Coral Bay in understanding the scale and character of the project, and its potential impacts – both positive as well as negative – on the people of Coral Bay. I am now on the St John Coastal Zone Management Committee and I continue to assist all St John residents in understanding the requirements of coastal development projects.

The hurricanes of 2017 were a brutal lesson in the force of nature, and everyone in Coral Bay and throughout St John understands that we need to plan for resilience in our reconstruction of the island. This marina would have failed catastrophically in both hurricanes Irma as well as Maria. According to its engineering drawings it is designed for maximum 96 mile per hour winds, with a safety factor of 50%. The over 200 mile per hour winds of Hurricane Irma would have gone right past the design limit, and the safety margin, and destroyed this 28 acre structure while littering the harbor and shoreline with toxic debris.

I hope you are also aware of the multiple lawsuits that are currently progressing through the Virgin Islands Superior Court relating to this project. There are two appeals of the permits – one filed by the Moravian Conference and one by the Virgin Islands Conservation Society – seeking rulings from the court on the validity of the permits and the procedures by which they were granted. These cases have been fully briefed and are waiting for a decision from Judge Dunston.

Additionally there are two lawsuits involving one land owner within the footprint of the project, and a second land owner has threatened legal action if the land permit is approved. Both of these land owners have contacted me, as their "local" CZM representative, and asked what I can do to protect their private property rights from encroachment by the Summers End Group. There is little I can do other than appeal to you.

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I feel that it is critical that the residents of St John have an opportunity to become involved in the decision making process around this permit. I have heard in the past week from several Senators that the CZM Major Water Permit may come before the Legislature for ratification as early as next week. I find it incredible that a topic of this great concern, one that directly impacts the homes and lives of all residents of Coral Bay, could be brought before the Legislature for final action with no public notice.

There are individuals who will want to have their legal counsel present at any hearing on this matter. I expect that the Summers End Group will be present with all of their advisors. The public deserves the same opportunity to be heard. Ample public notice is one of the cornerstones of due process. Please take my request on this topic very seriously – please do not hold a hearing on this permit until all affected parties have been notified and given sufficient time to prepare for this hearing.

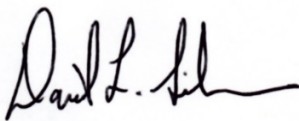
I also respectfully request that any hearing on the Summers End Group marina project and associated permits be held on the island of St John, and at a time that allows working people to attend. I realize that it is inconvenient for the Legislature to meet in Cruz Bay but I see no other way this can be done which does not disenfranchise St John residents from the decision making process.

Alternatively it seems that it would be prudent to allow the judicial process to run its course and provide an opportunity for all outstanding legal issues to be resolved prior to action by the Legislature. There should be no urgency in rushing to a decision on this permit. It has been pending since 2014, and the delay in final decision has not disadvantaged the applicants since they cannot do anything with the CZM permit until the related United States Army Corps of Engineers permit is approved.

The Army Corps permit is still a minimum of two years from decision, due to the extensive additional environmental studies required by NOAA and NMFS. So holding off on legislative action until the courts have ruled on the merits of the permit and land owner disputes would not present any delay to the applicants.

To summarize, I hope you will fully consider the impacts of this permit on the people of Coral Bay. I hope you will provide ample notice prior to any meeting. I hope when you do meet it can be on St John. And I hope you consider the merits in waiting until all outstanding legal matters have been decided by the courts, prior to action by the legislature.

Respectfully yours,



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