
From: Lisamarie Carrubba - NOAA Federal <lisamarie.carrubba@noaa.gov>
Sent: Monday, July 28, 2014 6:16 PM
To: Anthony Richards; Jean-Pierre Oriol
Cc: Anabel Padilla; Lia Ortiz; Pace Wilber; Jocelyn Karazsia - NOAA Federal; Edgar.W.Garcia@usace.army.mil
Subject: CZJ-3-14(L) and CZJ-4-14(W), Summer's End Group LLC, Marina and Associated Facilities in Coral Bay, St. John

This is in response to your letter dated June 25, 2014, regarding the proposed application by the Summer's End Group LLC for a major land and water permit for the construction of a marina and associated facilities in Coral Bay, St. John. Summer's End Group is proposing the construction of a marina, called the St. John Marina, divided into zones to cater to different size classes of vessels with Zone 1, North Club, having 96 slips and Zone 2, South Club having 49 slips, and 12 moorings. The applicant is also proposing an upland development associated with the marina using existing buildings and through the construction of new buildings in a two-phase approach. The upland development will house restaurants, a Customs and Border Protection office, marina office, marina security office, crew shower and locker facilities, and apartments to support marina management, as well as parking spaces for the development. Phase 2 of the upland development will include 4 new buildings offering office, retail, and restaurant space, and 6 short-term rental units and will be constructed strictly based on market demand. The project also includes a fueling facility, pump-out facility, sewage treatment facility for the upland development, and public dinghy dock. The applicant also proposes the installation and management, in cooperation with the Virgin Islands Department of Planning and Natural Resources (DPNR), of a 75 buoy mooring field in Coral Bay in order to organize existing vessels that regularly anchor in the bay. The marina project will impact approximately 8 acres of seagrass.

Based on a review of the information that accompanied your letter, we do not have an objection to the proposed upland facilities. The sewage treatment facility will be tertiary, the area is previously disturbed, a road already separates the majority of the proposed upland portion of the project from the water, and adequate sediment and erosion control and stormwater management measures have been designed for during construction and operation of the project. The use of treated effluent for irrigation should be strictly managed and coupled with nearshore and effluent stream sampling to determine whether this use leads to the introduction of contaminants to nearshore waters along the shoreline. It may also be necessary to sample the gully that runs through the site to determine whether this is the source of contamination rather than the project. Monitoring should include human fecal coliform bacteria and nitrogen compounds. Similarly, if pesticides will be used as part of any upland landscaping, nearshore water quality monitoring should include testing for these compounds to ensure they are not reaching the bay.

On the other hand, as we expressed after reviewing the previous version of the marina, which consisted only of a marina for smaller vessels, similar to the currently proposed North Club, we continue to have concerns regarding the potential project impacts to seagrass beds and water quality in the bay. In response to the past permit application for a smaller marina, we had recommended that the applicant explore avoidance and minimization of project impacts to seagrass, including through alternatives such as the construction of a marina at an alternate location. Instead, when Summer's End acquired the property, they proposed a larger project that includes the currently proposed marina for small vessels and vessels up to 120 feet in the South Club and up to 80 feet in the North Club based on notes in our project file. While they have redesigned the project to incorporate grated decking and extend into deeper water away from shore in order to avoid the need to dredge, the project has gotten larger rather than smaller, resulting in greater impacts to benthic habitat that is used by sea turtles as well as creating the potential for greater water quality impacts in the bay, which contains habitat

for ESA-listed and proposed corals in addition to sea turtles. For this reason, we continue to have concerns regarding this project. As part of the federal permit process, a Section 7 consultation under the Endangered Species Act (ESA) will be required. As part of this consultation, the following information will be required to address all temporary and permanent impacts, including direct and indirect effects, to ESA resources:

1. an adequate alternatives analysis, including on and off-site alternatives and alternatives to a marina
2. incorporation of the NMFS/USACE dock construction guidelines in the design of the project
3. adequate mitigation and monitoring plan to address all temporary and permanent impacts to ESA resources
4. details of pile driving [Environmental Assessment Report (EAR) states that a vibratory hammer will be used where possible but this is not enough information] and quantification of potential acoustic impacts to sea turtles, including distance of impact estimates for the driving of an estimates 1,333 pile and measures to reduce potential impacts to sea turtles from acoustic impacts
5. details of the proposed mooring plan, type of moorings, and the operation of the mooring field to ensure this will not result in additional impacts to seagrass due to the installation of improper mooring anchors, such as can be seen in areas such as American Yacht Harbor in St. Thomas
6. details of the fuel barge operation for refilling the upland fuel storage tanks for the marina, including where the barge will dock and its draft
7. information regarding the number and size of vessels and expected time at dock versus time boating based on other marina projects along with an estimate of potential boat strike impacts to sea turtles
8. information regarding the number of moorings within the proposed marina footprint that will have to be relocated, including the proposed relocation site and type of mooring and anchor method, as well as bottom type where the moorings will be relocated
9. details of shoreline revetment construction
10. copy of the construction management plan for in-water construction, including sediment and turbidity control measures and maintenance and monitoring of these controls and information regarding the proposed spud and barge and work vessel anchor locations
11. information as to whether the shoreline gazebo will impact additional seagrass beds as it extends over the water
12. information regarding whether all docks will be constructed of grated decking. In several areas of the EAR the use of precast dock segments is noted. It is not clear whether these are the pile caps or portions of the dock that will be alternated with the grated decking
13. hurricane plans for marina operation during severe storms, including monitoring and clean up activities after the storm
14. more current water quality data for the project area since the data in the EAR are from 2009-2012 and there have been several stormwater and sediment and erosion management measures implemented since that time as part of the Coral Bay Watershed Management Plan to address sediment loading to the bay during storms
15. we have requested a sea turtle survey for this project in the past based on a review of our records, but did not see this information in the EAR or its appendices

Note that, once the ESA Section 7 consultation has begun, we may require additional information to that listed above in order to complete our determination.

Finally, the project may require an essential fish habitat (EFH) consultation with NMFS Habitat Conservation Division (HCD) as part of the federal permit process. By letter dated June 2, 2006, NMFS HCD provided comments to the USACE in response to a previous major land and water application for a small boat marina only in the same location. At the time, NMFS HCD had significant concerns regarding the proposed marina and associated impacts to the dense seagrass beds in the area, as well as potential impacts to water quality. Therefore, I recommend that you contact Ms. Lia Ortiz with NMFS HCD regarding EFH consultation requirements. Ms. Ortiz may be reached at 340-718-1236 or via email at lia.ortiz@noaa.gov.

Thank you for the opportunity to provide comments on this permit application,

Lee

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