

LAWMAKERS VET MAJOR COASTAL ZONE MANAGEMENT PERMIT TO ALLOW FOR A CONSTRUCTION OF A SLIP MARINA, PUMP-OUT STATION, FUEL STATION &

Date : October 28, 2019

ST. JOHN- Members of the 33rd Legislature led by Senate President Novelle E. Francis, Jr., convened in Committee of the Whole at the Cleone H. Creque Legislative Conference Room on Monday, to receive testimony on the Major Coastal Zone Management Permit No. CZJ-04-14 (W) Summer's End Group, LLC. The permit allows for the construction of a slip marina, designated field of up to 75 moorings, a pump-out station and a fuel station at and Seaward Plot Nos. 10-17, 10-18, 10- 19, 10-41 Rem., 13A, 13B and 13Rem. Estate Carolina, St. John, U.S. Virgin Islands.

In accordance with Virgin Islands law, the permit for Summer's End Group was sent by Governor Albert Bryan, Jr. to the Legislature of the Virgin Islands for ratification. Since no votes are taken during the Committee of the Whole, the Legislature will vote on the permit during the next Legislative Session. "The purpose of the meeting is for senators to have an in-depth review of the Coastal Zone Management Permit No. CZJ-04-14(W). This includes learning of the intent of the permit, its pros and cons," said Sen. Francis.

The permit is a 20 year lease for the use and occupancy of 27.5 acres of submerged land areas surrounding the structures with an annual rental fee totaling \$194,026.46 with advanced payments to the Permittee and \$64,027.08 for the annual rental fee paid to the occupancy of submerged lands; according to Marlon Hibbert, Director of the Department of Planning and Natural Resources. Furthermore, Hibbert noted that residents who attended a public hearing held by the St. John CZM Committee opposed the permit. However, the Board of Land Appeals approved the permit and although it was later appealed, the permit was sent to the Territorial Court for further review.

In response to Sen. Marvin Blyden's inquiry regarding the number of challenges and litigations with the permit, Boyd Sprehn, Attorney at the Law Office of John H. Benham, P.C. representing Summer's End, LLC. stated that there is one pending court case. Upon approval of the permit, Sprehn mentioned that "it is the position of Summer's End to enforce the fulfillment of the contract to the landowner." Sen. Donna Frett-Gregory said, "I am all for economic development in this territory. My concern is the resounding message from opposers in which the major issue is regarding the depth, width, and size of the St. John Marina Development Project. Additionally, several plots in the permit lack signatures from property owners. If the permittee does not own the property, then property owners must have their signatures on the permit and presently it is not there."

Chaliese Summers, Managing Member of Summer's End, LLC. indicated that there are several economic benefits for CZM Permit. "Tourism Economics conducted an economic analysis that was conclusive of a projected economic impact of \$46.4 million during the first year of operations with 362 jobs created Territory-wide," shared Summers. Additionally, initial economic benefits include \$975K for tax revenues, \$45.8 million for the economic impact, and \$29.8 million for labor income. Furthermore, St. John Resident Lucia Francis stated that the St. John Marina Development Project also yields environmental benefits. The pump-out facility allows for DPNR to enforce regulations for proper waste disposal in the Harbor and the organization of the mooring field for Coral Harbor will reduce non-compliant boating. Lastly, the runoffs from surrounding hillsides will be mitigated, according to Ms. Francis. The use of EPA fuel, improving water quality, and no dredging will also improve the environment added Summers.

Despite the economic and environmental benefits, Sharon Coldren, President of The Coral Bay Community Council and a number of St. John Residents vehemently opposed the development. Coldren noted that the project is too close to the Virgin Islands National Park, the marina will occupy half of Coral Bay, and it will adversely impact the marine life to include corals, sharks, and coral reefs. Coral Bay Resident David Silverman mentioned that the CZM Permit is invalid, citing a change of language and clause and is presently being challenged in the V.I. Superior Court. St. John Resident Shena Esannason indicated that Summer's End manipulated the agreement with her grandmother and did not make annual payments of \$65K to use the waterfront parcels (Parcels

10-17 and Parcel 10-18 Carolina) owned by her grandmother to-date. Sen. Kurt Violet said, "All local families protect your land. We must look at those amendments and the capacity to explore legal issues that exist." Echoing his colleagues' sentiments Sen. Athneil "Bobby" Thomas stated that "properties in the Virgin Islands are inherited from one generation to the next. It concerns me that property owners benefit from this development for years to come."

Sen. Francis said, "There are obviously adjustments to be made to the permit. I truly believe there is economic prosperity when there are financial opportunities for each district. There needs to be a fresh start to this permit to involve stakeholders and residents so that we can decide how to move forward."

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