



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
ANTILLES OFFICE
FUND. ANGEL RAMOS ANNEX, SUITE 202
383 F.D. ROOSEVELT AVE.
SAN JUAN, PUERTO RICO 00918

January 16, 2019

Regulatory Division
South Permits Branch
Antilles Permits Section

PUBLIC NOTICE

Permit Application Number: SAJ-2018-03541 (SP-JCM)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Thorne A. Olive
CTC Charters, LLC
P.O. Box 304415
St. Thomas, USVI 00803

WATERWAY AND LOCATION: The project would affect navigable waters of the United States (WOTUS) at Lindbergh Bay, St. Thomas, USVI.

Directions to the site are as follows: The project site is located approximately 60 m (200 ft) seaward from the shoreline of Lindbergh Bay Beach, south of Airport Road (Route 302), which provides access to the Cyril E. King Airport, and approximately 800 m west of the intersection of Moravian Highway and Airport Road.

APPROXIMATE CENTRAL COORDINATES:
Latitude: 18.3354° N; Longitude: -64.9663° W

PROJECT PURPOSE:

Basic: Aquatic recreation.

Overall: Establish a floating inflatable water park to expand the aquatic recreational activities and attractions available for tourists and locals at Lindbergh Bay Beach.

EXISTING CONDITIONS: Lindbergh Bay lies on the southern coast of St. Thomas, US Virgin Islands, bordering the Cyril E. King International Airport. The bay opens south-southwestward to the Caribbean Sea, and is bordered by Gramokola Hill and Mosquito Point to the east, and Red Point to the west. Water Island sits to the southeast of Lindbergh Bay, blocking the prevailing southeast swells. Lindbergh Bay hosts three hotels for tourists as well as a public beach. Because the bay is scenic and calm, it is

very popular for recreational activities including swimming, stand up paddleboarding and jet skiing.

NOAA's Biogeography Program Benthic Habitat Maps depict that benthic habitats along the northern shoreline of Lindbergh Bay, where the project would be located, are dominated by sandy bottom. Benthic habitats along the western and eastern shorelines of the bay are depicted as including reef/colonized bedrock near the shore, transitioning into seagrass areas or varying densities toward deeper areas. A dredged hole is located near the middle of the bay. NOAA's benthic maps show the bottom of the dredged hole as dominated by sandy bottom.

Benthic studies previously conducted within Lindbergh Bay in relation to other permit applications described the presence of a sloping sandy beach along the northern shoreline of Lindbergh Bay, which graded with increasing depth into seagrass beds composed of *Thalassia testudinum*, and *Syringodium filiforme* and mixed with *Halophila stipulacea*, until reaching the steeper slopes of the dredged hole. As described below, a benthic study submitted with the current permit application describes somewhat different conditions, mainly lack of native seagrasses in the vicinity of the project site, probably as a result of the 2017 hurricanes.

A marine benthic survey was conducted in July 2018, and submitted with the current permit application to assess and describe the conditions within the project site. The survey covered a rectangular area extending 450 ft along the shoreline and 300 ft seaward from the shoreline, encompassing the proposed project site and its vicinity. Water depths within the survey area ranged between 0 to 14 feet. According to this survey, the bottom substrate across the site consists of unconsolidated sand. Some marine debris was found scattered across the site but in general the bottom was clean of manmade materials. In addition, occasional sparse areas of seagrass and/or algae were found. These areas were patchily distributed. The only seagrass observed in the survey area was *Halophila stipulacea*, the exotic sea grass that has invaded the Caribbean in the last several years. Before the 2017 hurricanes, Irma and Maria, the nearshore area of Lindbergh Bay held fairly vast beds of this seagrass. Most was lost across the island during the storms but it now appears to be slowly re-colonizing. The native species, turtle grass (*Thalassia testudinum*) and eel grass (*Syringodium filiforme*) were not observed. No hard or gorgonian corals were observed within the survey area. No sponges were observed and no macro-invertebrates were seen. The only fish observed was a single needlefish (*Ablennes hyans*). Although both hawksbill and green turtles are known to reside in Lindbergh Bay, they are generally found on the coral reefs and thick turtle grass beds near the mouth of the bay, where resources are much more abundant. In general the entire survey area was fairly devoid of any marine macro-organisms. A transect was also swam along the rocks which border the bay to the west, approximately 300' outside of the survey area. This rocky area had a more diverse assemblage of algae and juvenile fishes; however even along the rocks coral were sparse and limited to opportunist species (*Porites porites*, *P. asteroides* and *Siderastrea siderea*). No federally protected species were seen during this marine survey. *Acropora* corals were not found in the vicinity, nor were any of the additional

five coral species now listed as threatened. Sea grass is prolific in other parts of the outer bay, however the area near the proposed project site lacks seagrass or other resources utilized by sea turtles. Turtles were not observed during the two hour survey across the site. Although not known as a regular sea turtle nesting beach, there was a report on 2009 of a Leatherback sea turtle nesting in Lindbergh Bay Beach.

PROPOSED WORK: The applicant seeks authorization to install a permanent, floating, inflatable, recreational water park, consisting of several interconnected inflatable structures (including trampoline, slides, runways, ladders, and other obstacles), which would be enclosed within a safety barrier made of floating, inflatable, pipes (see attached Figure). The water park would be installed in water depths ranging between 5 to 10 feet, approximately 200 feet from the shoreline. The actual recreational floating structures of the park would cover a water surface area of approximately 127 ft x 66 ft, equivalent to 0.2 acres (8,382 square feet). However, the safety barrier made of floating inflatable pipes would be approximately 150 ft x 150 ft, enclosing an area of approximately 0.5 acres. The proposed floating structures would be affixed to the marine bottom using 50 anchoring lines made of 3/4 inch in diameter nylon rope. The 50 anchoring lines would tie into eight (8) sand screw anchors, which would be installed in sandy bottom. Four (4) all-around white lights (similar to those utilized by small vessels at anchor) would be installed for safety on top of buoys at each of the corners of the park to provide visibility at night to vessel operators. The lights would be approximately three (3) ft from the water surface. Since it would be impracticable to remove and reinstall them every day, the water park structures would only be deflated and removed from the water in preparation for or response to inclement water and sea conditions.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project location was selected in part due to its compatibility with existing uses, which include watersports businesses. The proposed water park would occupy a relative small footprint of sandy marine bottom. The water park does not include any nets and has minimal underwater components to prevent entanglement by sea turtles or other marine organisms.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: CTC Charters LLC plans to restore to their natural conditions any sensitive marine habitats that could be impacted during project construction. In addition, the applicant proposes to enhance and preserve the shoreline and aquatic habitats in the vicinity of the project location by conducting daily cleaning operations of any trash/debris. Furthermore, the applicant stated that he will be willing to adhere to any applicable protocol/guidelines required by the pertinent agencies to compensate for any unforeseen or unavoidable project related impacts to the aquatic environment.

CULTURAL RESOURCES: The Corps has determined that the proposed activity within the permit area is of such limited scope there is little likelihood of impact upon a historic property; therefore, the proposed project would have “No Potential to Cause Effect”.

ENDANGERED SPECIES: The Corps has determined that the proposed project may affect but is not likely to adversely affect nesting individuals of the federally listed threatened Green (*Chelonia mydas*) and Loggerhead (*Caretta caretta*) sea turtles, and the federally listed endangered Hawksbill (*Eretmochelys imbricata*) and Leatherback (*Dermochelys coriacea*) sea turtles. The Corps has also determined that the proposed project may affect but is not likely to adversely affect the federally listed threatened West Indian Manatee (*Trichechus manatus*). Similarly, the Corps has determined that the proposed project may affect but is not likely to adversely affect swimming individuals of the federally listed threatened Green (*Chelonia mydas*) and Loggerhead (*Caretta caretta*) sea turtles, and the federally listed endangered Hawksbill (*Eretmochelys imbricata*) and Leatherback (*Dermochelys coriacea*) sea turtles. Via separate letter the Corps will request U.S. Fish and Wildlife and National Marine Fisheries Services concurrence with these determinations, as appropriate, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. According to information provided by the applicant, the proposed project would impact approximately 0.5 acres of marine bottom, which may be utilized by various life stages of federally managed species within the U.S. Caribbean. Based on the available information, the Corps initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Caribbean Sea. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service, Habitat Conservation Division.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program.

AUTHORIZATION FROM OTHER AGENCIES: A Water Quality Certificate from the U.S. Virgin Islands Department of Planning and Environmental Resources, Division of Environmental Protection (DPNR-DEP) could be required.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Antilles Permits Section, Fund. Angel Ramos Annex, Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918, within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated waters of the United States (WOTUS). This is based on an analysis of

the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, José A. Cedeño-Maldonado, in writing at the Antilles Permits Section, Fund. Angel Ramos Annex, Suite 202, 383 F.D. Roosevelt Ave., San Juan, Puerto Rico 00918, by electronic mail at jose.cedeno-maldonado@usace.army.mil or by telephone at (787) 729-6944.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In the Virgin Islands, the Department of Planning and Natural Resources Coastal Zone Management permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

SAJ-2018-03541 (SP-JCM)

Splash Zone Aqua Park, Lindbergh Bay, St. Thomas, USVI

Proposed Location

Google[®] earth

Image © 2018 DigitalGlobe
Image © 2018 CNES / Airbus

N

1 mi

SAJ-2018-03541 (SP-JCM)

Splash Zone Aqua Park, Lindbergh Bay, St. Thomas, USVI

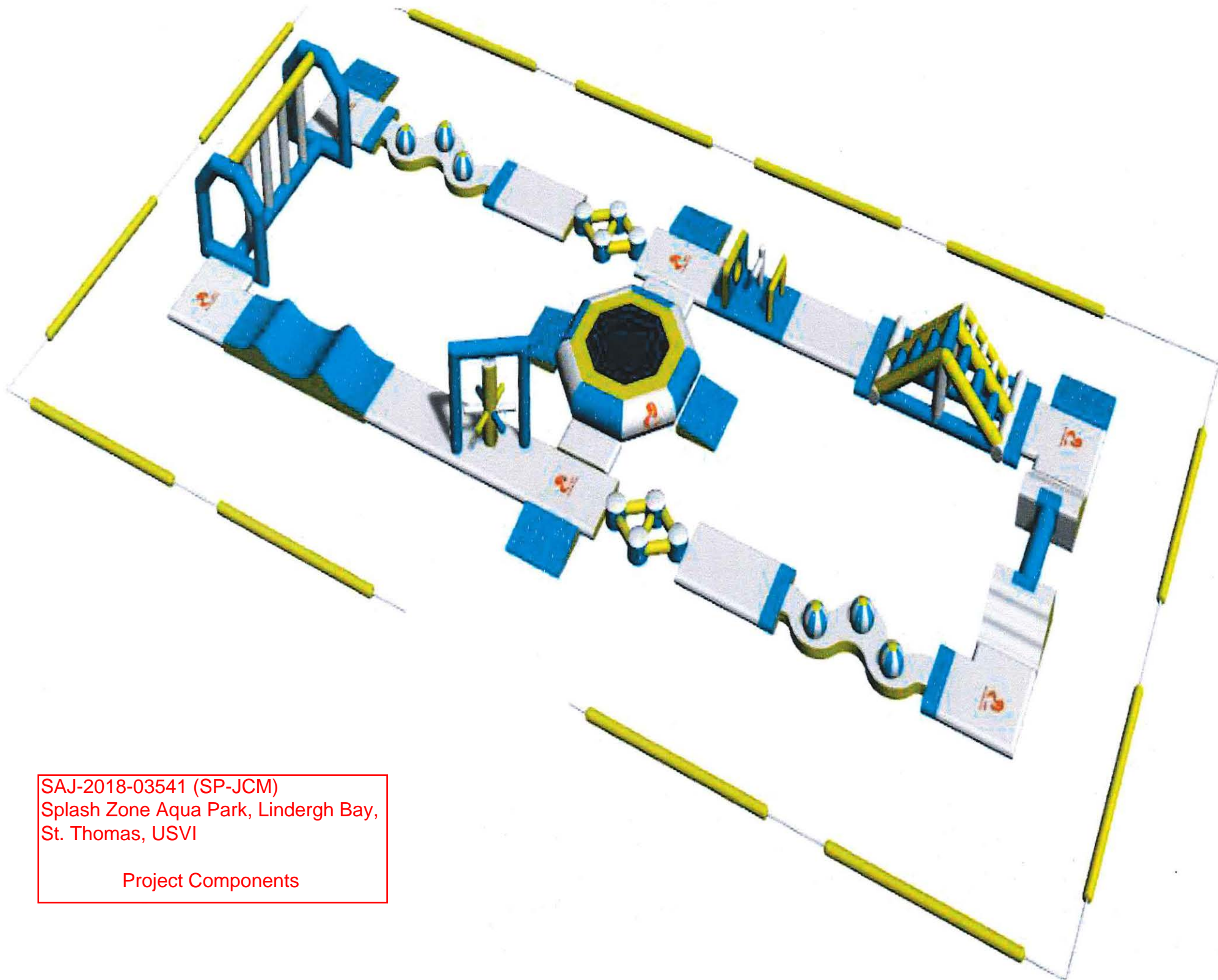


Google earth

Image © 2018 DigitalGlobe

700 ft

N



SAJ-2018-03541 (SP-JCM)
Splash Zone Aqua Park, Lindergh Bay,
St. Thomas, USVI

Project Components