

# *MAJOR WATER*

#### United States Virgin Islands Department Of Planning And Natural Resources

**Development Permit Application** 

#### I.ENVIRONMENTAL ASSESSMENT REPORT

Section I is a list of the requirements of an EAR. These requirements are described in more detail in the document "Guidelines for Environmental Assessment Report for Water Projects", which is contained in this permit application packet.

1.00	NAME AND ADDRESS OF APPLICANT
2.00 2.01 2.02	LOCATION OF PROJECT  □Location and Agency Review Map  □A copy of the Vicinity Map
3.00	ABSTRACT
4.00	STATEMENT OF OBJECTIVES SOUGHT BY THE PROPOSED PROJECT
5.00	DESCRIPTION OF PROJECT
5,01	Summary of Proposed Activity  a. Discuss purpose of project  b. Discuss the presence and location of any critical area(s) and possible trouble spot(s)  c. Discuss proposed method of construction  d. Discuss provisions to limit site disturbance  e. Discuss sediment control methods to be implemented  f. Show schedule for construction activities & implementation of sediment control measures  g. Discuss the maintenance of sediment and siltation control measures
5.02	Exhibits and Drawings  Provide exhibits and drawings as required in the Joint Application, U.S. Army Corps of Engineers/Virgin Islands Department of Planning and Natural Resources
5.03	Project Workplan  ☐ Provide a project workplan, identifying subprojects and activities and illustrating the phasing of these subprojects and activities
5.00 5.01 5.02 5.03	ECOLOGICAL SETTING AND PROBABLE PROJECT IMPACT ON THE NATURAL ENVIRONMENT  Climate & Weather  Landform Geology, Soils and Historic Land Use  Drainage, Flooding and Erosion Control  a. Discuss the impacts of terrestrial and shoreline erosion  b. Discuss the relationship of the project to the coastal flood plan
5.04 5.05 5.06 5.07	□ Fresh Water Resources □ Oceanography a. □ Sea Bed alteration b. □ Tides and currents c. □ Wave and wind impacts d. □ Marine water quality □ Marine Resources & Habitat Assessment □ Terrestrial Resources
5.08 5.09 5.10	□ Wetlands □ Rare and Endangered Species □ Air Quality

7.00		IMPACT OF THE PROPOSED PROJECT ON THE HUMAN ENVIRONMENT
7.01		□ Land and Water Use Plans
7.02		□Visual Impacts
7.03		□ Impacts on Public Services and Utilities
7.04		□Social Impacts
7.05		□Economic Impacts
7.06		□Impacts on Historical and Archaeological Resources
7.07		□Recreational Use
7.08		□Waste Disposal
7.09		□ Accidental Spills
7.10		□Potential Adverse Effects which Cannot be Avoided
8.00		MITIGATION PLANS
9.00		ALTERNATIVES TO PROPOSED ACTION
10.00		RELATIONSHIP BETWEEN SHORT & LONG TERM USES OF MAN'S ENVIRONMENT
11.00		REFERENCES (Organizations and/or Persons Consulted, Documents etc.)
		II. OTHER REQUIRED SUBMITTALS
	a.	□Application Letter (Form L&WD-1)
	b.	□ Joint Application, U.S. Army Corps of Engineers/Department of Planning and Natural Resources
	c.	Permit Application Form (Form L&WD-2)
-4	d.	□Zoning Requirements Table (Form L&WD-3)
	e.	☐Major Project Summary Data (Form L&WD-4)
	f.	□ Proof of Legal Interest (Form L&WD-5)
	g.	☐Income tax clearance letter (Form L&WD-6)
	h.	□Corporate Application Form - If a corporation is the applicant, developer or owner of the project (Form L&WD-7)
	i.	☐ Certificate of Corporate Good Standing (For corporate applicants, developers or owners)
	j.	□Copy of Deed/Lease/Purchase Agreement/Easement Rights
		☐ Property tax clearance letter (From the Department of Finance)
	k.	□Application Fee(s)
	l.	☐ A certified list of all property owners within a 150' radius of the property boundaries. Include current mailing addresses based on the tax assessor's office records.
	m.	☐ Letter from the State Historic Preservation Officer - SHPO approving the Phase 1 Archaeological Resources Survey for the site
	n.	☐ Qualifications & background of designers, engineers & other professionals involved with the project
	0.	☐ Market study, analysis and feasibility of the project
	p.	Revenue projection - provide the total gross revenue that can be generated from the proposed project
	-	□NFIP Flood Zone Designation (Form L&WD-8)
	q.	

- A. Major permit application packages shall include all items on this checklist and shall be bound before they will be accepted by staff.
- B. Major permit applications are only accepted during the first five (5) working days of each month.
- C. The statutory time-frames for processing permits will not begin until an application is deemed complete.
- D. A determination that an application is complete IN NO WAY implies that additional information may not be required.
- E. Excess administrative costs associated with processing the application will be assessed against the applicant per Title 12 V.I. Rules and Regulations, Chapter 21, Section 910-5 (d).
- F. Contact the Division of Permits if you have any questions. DPNR urges all applicants to verify the specific requirements for any application prior to submittal. This can be done through a written request for a pre-application meeting.
- G. Ten (10) copies of this entire application plus three (3) sets of full size blueprints must be submitted for evaluation.
  Twenty (20) additional copies will be required once an application is deemed complete.

# DEPARTMENT OF PLANNING AND NATURAL RESOURCES DIVISION OF COASTAL ZONE MANAGEMENT GUIDELINES FOR ENVIRONMENTAL ASSESSMENT REPORT FOR WATER PROJECTS IN THE COASTAL ZONE

### FOR MARINA DEVELOPMENT REFER TO THE "SUPPLEMENTAL EAR GUIDELINES FOR MARINA DEVELOPMENT" FOR ADDITIONAL GUIDANCE

#### A. INTRODUCTION

The Coastal Zone Management Act of 1978 requires that applicants for CZM water permits must supply an Environmental Assessment Report (EAR). Such report shall "include detailed information about the existing environment in the area of a proposed development, and about the effects which a proposed development is likely to have on the environment; an analysis and description of ways in which the significant adverse effects of such development might be mitigated and minimized and an identification and analysis of reasonable alternatives to such development" (Section 902 (o)).

#### B. GUIDELINES FOR EAR PREPARATION

The required contents and format for major permits EARs are presented on the next page. This is followed by a discussion of the types of information which should be presented in each section.

Guidelines on each section are comprehensive but not exhaustive since each project is slightly different. The nature and amount of information required will depend on the project involved. It is the permittee's responsibility to provide a complete and accurate discussion of the project and its impact on the environment. It is strongly recommended that each preparer of an EAR meet with CZM staff well in advance of submission of the application. The purpose of each pre-application meeting is to advise the prospective applicant as to the kinds of information that must be included in the EAR for reviewers to conduct an adequate impact assessment for the proposed project. This procedure will generally save much time and effort, both for the applicant and the CZM staff.

All projects dealing with the expansion or modification of existing marinas or the construction of new marinas should refer to the supplemental EAR guidance document "CZM Guidelines for Marinas and Recreational Boating".

The use of supporting materials and scientific references is encouraged. All references should be cited, as they are used, in the text of the EAR.

#### ENVIRONMENTAL ASSESSMENT REPORT

SECTION NUM	MBER SECTION NAME	
1.00	NAME AND ADDRESS OF APPLICANT	
2.00	LOCATION OF PROJECT	
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3.00	ABSTRACT	
4.00	STATEMENT OF OBJECTIVES SOUGHT BY THE PROPOSED PROJECT.	
5.00	DESCRIPTION OF PROJECT	
5.01	Proposed Dates of Construction	
5.02	Drawings and Maps	
5.03	Project Workplan	
6.00	ENVIRONMENTAL SETTING AND PROBABLE PROJECT IMPACT ON THE ENVIRONMENT	
6.01	Climate/Weather	
6.02	Landform, Geology and Soils	
6.03	Drainage, Flooding and Erosion Control	
6.04	Fresh Water Resources	
6.05	Oceanography	
6.06	Marine Resources	
6.07	Terrestrial Resources	
6.08	Wetlands	
6.09	Rare and Endangered Species	
6.10	Air Quality	
7.00	IMPACT OF THE PROPOSED PROJECT ON THE HUN ENVIRONMENT	AAN
7.01	Land and Water Use Plans	
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7.07	Recreational Use	
7.08	Waste Disposal	
7.09	Accidental Spills	
7.10	Potential Adverse Effects which cannot be avoided	
8.00	MITIGATION	
9.00	ALTERNATIVES TO PROPOSED ACTION	
10.00	RELATIONSHIP BETWEEN SHORT TERM USES OF MAN'S ENVIRONMENT	
11.00	ORGANIZATIONS AND PERSONS CONSULTED	

#### INSTRUCTIONS FOR PREPARING THE EAR

Title: Give appropriate title including name of project, its major components and location

#### 1.00 NAME AND ADDRESS OF APPLICANT

- 2.00 LOCATION OF PROJECT: Provide a copy of the location and agency review map; or a copy of the vicinity map for water projects. Give estate, plot number, zoning and geographical coordinates as applicable.
- 3.00 ABSTRACT: This should highlight the results of the following document in an abbreviated manner. Significant impacts, project description, ameliorative actions should be included.
- 4.00 STATEMENTS OF OBJECTIVES SOUGHT BY THE PROPOSED PROJECT: Briefly describe what the project is intended to achieve.
- **5.00 DESCRIPTION OF THE PROJECT:** This section should include a description of what is to be done if a permit is granted. (How many cubic yards of dredging, number of condominiums, infrastructure changes, modifications of existing facilities, etc.).
- 5.01 <u>Proposed Dates of Construction (Start and Finish):</u> The time required for the processing of all necessary permits must be taken into account here. For water projects additional time must be allocated since such permit applications must be forwarded to the offices of the Governor and VI Senate after approval by the CZM Committee. Water projects also require a permit from the US Army Corps of Engineers, which are applied for simultaneously with the coastal zone application through the joint DPNR /Corps of Engineers application.
- 5.02 <u>Drawings and Maps Required:</u> Exhibits and drawings specified in the Joint Application, U.S. Army Corps of Engineers/Virgin Islands Department of Planning and Natural Resources, for Activities in Waters of the Virgin Islands of the United States are required. For water projects, drawings showing the plan and elevation views of the proposed activity shall be included in this section. Also, estimated boundaries of marina or docking site and/ or associated mooring areas should be indicated. Channels and waterways that will be impacted by the project (i.e. used for vessel movement in and around the project site), and their dimensions and water depth must also be shown.

For projects involving dredging, the <u>location</u> and <u>dimensions</u> (length, width, depth) of the dredged area as well as any areas used for fill or spoil description must be given. Give methods of excavation, type of material to be used for backfill, quantity and type of materials to be excavated, intended use of excavated and /or filled areas, and methods to be used to retain materials and prevent erosion of filled areas.

#### 5.03 Project Workplan:

a. <u>Identification of subprojects and activities</u>: For all major applications the project must be divided into a set of <u>subprojects</u>, defined as the smallest <u>physical</u> components of a project that would be recognized by an engineer as separate units. For each subproject listed a corresponding set of <u>activities</u> must be identified, and each activity must be described in sufficient detail so that the nature of the work can be determined. An <u>activity</u> is a major <u>human</u> work action or process involved in the construction of a subproject, as distinct from the physical components. For example:

Subproject I: Site Preparation

Activity 1: Boundary delineation (describe)

Activity 2: Dredging (describe)

b. <u>Phasing of subprojects and activities:</u> A time schedule of the work elements must be provided in the form of a phasing diagram (see example below).

MONTH #1	MONTH#2	MONTH #3	MONTH #4	MONTH #5
SUBPRO	DJECT I (Give Name)			
Activity	1 (Give Name)  Activity 2	(Give Name)		

### 6.00 ENVIRONMENTAL SETTING AND PROBABLE PROJECT IMPACTS ON THE ENVIRONMENT

While the methods selected by the preparer of the Environmental Assessment Report (EAR) will ultimately depend on the type of ecosystem being investigated, the nature of the proposed environmental alteration and the magnitude of the development, the following checklist will help in designing studies compatible with the goals and policies of the VI Coastal Zone Management Act.

- a. Scope of information required: 1) A description of the existing environment including plant and animal species, existing community structure, marine life, soil conditions, geology, shoreline features, shoreline geology/soil composition, shoreline vegetation and existing shoreline stabilizing materials (plants/natural or man-made), etc. is required. In some cases, a broader or more regional perspective (report should encompass all or a substantial portion of a major island, insular shelf area, or the coastal waters surrounding such areas) may be necessary if those resources may be affected by the proposed project. 2) The applicant should evaluate and assess potential impacts likely to occur to the environment due to development. 3) Also include all of the actions which are to be taken by the permittee to reduce impacts within the surrounding natural and human environment. Examples would be the use of sediment curtains in dredging, limitation of noise producing activities to daylight hours and other such actions which will be used by the developer to reduce the environmental impacts.
- b. <u>Currency of information</u>: Applicants are encouraged to make full use of information already existing in EARs. government studies, reports, etc.. Such information must meet the quality standards contained herein, and must represent a synthesis of available data updated as necessary to provide an accurate picture of present conditions. A bibliography of some of the available literature is presented in the appendix.
- c. <u>Seasonal data</u>: Some types of projects will require that the EAR include data on seasonal variations in such factors as winds, currents, rainfall, community structures, etc.. If such data are not available, they will have to be collected by the applicant. Both the necessity for information on seasonal variations and the time period for such studies will be decided on a case-by-case basis in consultation with the CZM staff. Applicants for such projects should plan to begin data collection well in advance of the projected application date.
- 6.01 <u>Climate and Weather:</u> A summary of climatic information for the area should be presented along with any potential modification of the microclimate which might be affected by the project. Seasonality should be considered in this section. This discussion should include both the rainfall averages for the general area and those for the nearest individual reference station. Rainfall data will help to anticipate flooding probabilities so that runoff from project activities can be minimized.

Other information to be included: 1) Wind and wave direction and magnitude in relation to project site.

2) Impacts on recreational water users. 3) Impacts of abnormal rainfall events. 4) Impacts of wind and wave energy on specific features to be constructed in the marine environment. 5) Impacts of slopes and drainage on sediment carrying capacity and impact to marine environment and terrestrial environment.

6.02 <u>Landform Geology and Soils</u>: Available information regarding soils, topography, shoreline structure and stabilization, environmental factors affecting the shoreline (upland construction, loss of vegetation, currents, tides, manmade current (boat wakes) etc.), underlying geological formations, and any historical information regarding land use patterns, salt pond filling, or dredging must be included. The range of slopes (%) on the site should be given as well as the average slope. Include information concerning sediment composition in relation to sewage retention and terrestrial runoff, impacts of slopes and drainage on sediment carrying capacity and impact to marine environment and terrestrial environment.

Any change likely to occur in the topography or bathymetry of the area as a result of the implementation of the project should be discussed. Elevation drawings should also be referenced. Soil limitations must also be included.

- 6:03 Erosion Control:
- a. Discuss the presence and location of any critical area(s) and trouble spot(s)
- b. Discuss any shoreline alteration that is part of this proposed project
- Discuss proposed measures to prevent or minimize shoreline alteration and erosion during the project and during the operation of the proposed facility
- d. Discuss the shoreline stabilization measures that will be implemented
- 6.04 <u>Fresh Water Resources</u>: Discuss the relationship of the project site to any existing surface water or ground water resources in the area.
- 6.05 Oceanography: When a project bears any relationship to the marine environment, a thorough discussion of the biological and physical oceanography is warranted. Some of this information is available in a variety of EARs and government publications. However, the permittee is expected to gather information for the specific project site. The following information is to be included:
  - Tidal flushing spring and NEAP tides
  - Wave impact general and storm impact
  - Bathymetric survey
  - Station location maps for currents and bathymetry
  - Water quality parameters of temperature, D.O., salinity, fecal coliform, turbidity etc.
  - Dredging activities

Note: Methodology must be of adequate sample size, duration and scientifically acceptable.

For marinas: Water circulation modeling a) at the facility and ancillary areas (mooring fields, impacted channels and waterways, and b) in the entire bay where the proposed project is located, and water quality information (past and current) on those areas is necessary. See the Marina Supplement for further details and guidance when completing this section.

- a. <u>Sea Bed Alteration:</u> When a proposed project involves alteration of the sea bed (pier construction, dredging, etc.) or when runoff will alter the topography the EAR must include an analysis of the existing bathymetry and geology of the area in question.
- b. <u>Tides and Currents:</u> When a project is marine-related, this information must be supplied. The National Oceanic and Atmospheric Administration (NOAA) publishes tides tables annually. Information on current patterns is available from EARs prepared for island development and from several government publications.
- c. <u>Wave Impacts:</u> The impact of both normal wave action and potential storm wave action on the project site should be described. Hurricane frequency and the resultant increase in sea level and wave height should also be discussed.
- d. <u>Marine Water Quality:</u> Most of the available information regarding marine water quality is available through the Division of Environmental Protection, Ambient Monitoring Program. The potential effects of sediment runoff on water quality should be discussed. A map indicating coral reefs and seagrass beds shall be included. For information contact DEP St. Thomas 774-3320, St. Croix 773-1065.

Past Water Quality information for a marina site should be obtained from DEP for the specific location or the nearest and/or most similar site possible. Current WQ information should include, but is not limited to: Total Suspended Solids (TSS), Fecal Coliform Bacteria, Dissolved Oxygen, and nutrients (nitrogen and phosphates). Discuss the estimated impact of the project on water quality a) during the project phase and b) during the facility operation phase. Also, discuss strategies and methods that will be employed to maintain or improve water quality at the site. Refer to the Marina Supplement for further details.

6.06 <u>Marine Resources and Habitats Assessment:</u> This section should include a discussion of the marine organisms present in the waters likely to be affected by the project. Habitat distribution maps and a list of the important or characteristic species observed, with some indication of relative abundance should be supplied. A thorough discussion of projects impacts regarding displacement, habitat reduction or decimation of aquatic organisms should be addressed.

In addition, marine projects must be discussed in terms of their direct and/or indirect impacts on commercial fishing and recreational activities that have traditionally taken place in these areas or that rely on the resources of these areas. Please provide qualitative and quantitative information on the following:

- Benthic fish communities, Benthic invertebrate communities
- Coastal Pelagic fish communities
- Benthic seagrass communities
- Mangrove proproot communities

6.07 <u>Terrestrial Resources:</u> A discussion of the flora and fauna of the project site and a description of the general ecology of the area must be addressed. Particular reference should be made to the plant and animal communities likely to be impacted by the project.

Include a habitat distribution map. Also include distribution and abundance of floral and fauna maps; qualitative and quantitative description and information; presence and location of rare or endangered plants (V.I. and Federal).

- Metlands: The term "wetlands" refers to those areas that are inundated or saturated by ground or surface water at a frequency and duration to support a community of organisms specifically adapted to this type of environment. This definition includes terrestrial wetlands as well as those shallow and intertidal marine areas supporting seagrasses or attached marine algae (including, but not limited to, salt or freshwater ponds, salt marshes, lagoons, tidal flats, etc.). Discuss the effects of the project on existing wetland habitats and give the area of wetlands likely to be affected by dredging, filling or other related activities (impoundment, water level manipulation, thermal or other effluents) and list the predominant emergent and/or submerged plant species. Discuss type, composition and use by wildlife. Include a letter from Army Corps of Engineers on wetland verification
- 6.09 <u>Rare and Endangered Species</u>: A discussion of the occurrence of any federal or locally endangered species in the project area should be included. A list of federal endangered species is given in the Endangered Species Act (US Fish and Wildlife Service, 1974) and local endangered species are described in VI Fish and Wildlife Service publications: St. Thomas 775-6762, St. Croix 772-1955). Any potential project impacts upon an endangered species <u>must</u> be discussed.

Include: presence of species; use of project site (nesting, bedding etc.); numbers; location; mitigation plans.

6.10 <u>Air Quality:</u> DPNR publishes summaries of air quality for the Virgin Islands. This information can be obtained by contacting the Division of Environmental Protection: St. Thomas 774-3320 or St. Croix 773-0565. Additionally, the applicant should discuss any modifications in local air quality resulting from project activities including noise, dust and dirt, and other air contaminants. Include information on the production of toxic substances that potentially can affect fish and wildlife.

#### 7.00 <u>IMPACTS ON THE HUMAN ENVIRONMENT</u>

7.01 <u>Land and Water Use Plans:</u> The zoning of both project site and adjacent areas, CZM designations (SNAs, APCs. etc.), Coastal Barrier Resources Act and any other long-term use information (future development plans) must be included and discussed in this section. Describe adjacent uses and any other uses within 200 feet of project site.

- 7.02 <u>Visual Impacts:</u> This section should include a discussion of the aesthetic implications and visual effects of the proposed project, including architectural and landscaping considerations, visual compatibility with the surroundings and preservation of open space and vistas.
- 7.03 <u>Impacts on Public Services:</u> A quantitative and qualitative statement must be presented regarding project for the following public services along with methods intended to help reduce anticipated demands:
  - a. <u>Water:</u> This section should must include an analysis of available fresh water supplies vs project demands (in gal./person/day) and must specify how any supply deficiencies will be dealt with. If permittee plans to have their own water plant, permits must be obtained from the Division of Environmental Protection.
  - b. <u>Sewage Treatment and Disposal:</u> Project sewage must be handled in an environmentally safe manner. A discussion of the amounts of sewage expected to be generated by the project as well as methods to be used in the handling, treatment and disposal of these wastes is required. For marinas, this should include a discussion of vessel wastewater management as well as shoreside facility wastewater.
  - c. <u>Solid Waste Disposal</u>: The applicant should quantify the amount of solid wastes expected to be generated by the project as well as methods for disposal. The impacts of project solid wastes on public disposal facilities (i.e. landfill areas) should be described if they expect to be utilized along with options to reduce the impacts (compaction, garbage separation, on-site incineration, etc.). Also address removal methods (private haulers, Public Works removal, etc.).

For marinas this includes solid waste generated onboard vessels within the marina boundaries or using marina facilities, its piers or moorings. This section should also address fish waste disposal for commercial or recreational fish catch on vessels in the marina.

- d. Roads, Traffic and Parking: The applicant must describe the potential impacts of the development on area roads and highways in the vicinity of the project. Topics should include anticipated increased traffic loads, access and entry ways, circulation patterns, existing road hazards, highway safety, etc.. Additional information may be asked of the applicant to help evaluate project impacts on roads and traffic (traffic counts, detailed drawings of entry ways, etc.). Parking requirements should be described. Parking minimums are outlined in the V.I. Zoning Code, but additional spaces should be considered if necessary.
- e. <u>Electricity:</u> Estimates of project power demands, as well as the anticipated source(s) (including emergency back-up generating power for essential project services, if necessary) must be addressed.

- f. <u>Schools</u>: A statement as to the long term or short term impacts likely to be created on the local educational system because of the project is necessary.
- g. <u>Fire and Police Protection</u>: Project security and fire preventions measures should be described (e.g. parking lot and walkway lighting, easy access for fire-trucks and fire-fighters, an accessible water supply for fighting fires, fire retardant building materials, evacuation plan, water sprinklers, etc.).
- h. <u>Public Health:</u> Likely impacts upon the hospital & medical facilities should be addressed.
- 7.04 <u>Social Impacts</u>: Discuss the ways in which the proposed project could affect the social environment of the immediate area and of the island as a whole. Information on potential population increases, resulting in more temporary and long-term residents, as well as the rate of increase must be considered. Discuss changes in population composition (age, income, household size, place of origin, etc.). Also address the characteristics of the project which may encourage additional growth and development (e.g. a major expansion of a waste water treatment plant might allow for more construction in the area). The desirability of such growth or growth incentives must be discussed.

Discuss any educational efforts or programs that will be implemented regarding facility regulations and policies affecting facility users, (e.g. pumpout facility use, designated boat maintenance/cleaning/repair areas, solid waste disposal, etc.).

Economic Impacts: Demonstrate through market survey the need and viability of the project. The effects of the development on the local economy must be clarified including: the number of jobs which will be generated (both construction and permanent), the number or percent of jobs that will be seasonal, and the income likely to be generated by new employment opportunities. Secondary economic effects must be considered including but not limited to, locally retained economic multipliers, effects on adjacent real estate values, impacts on the housing market, and others. Cost/ benefit analysis must be included. Discuss what tax benefits will be applied for, and how this will impact on the overall tax revenue of the Government.

A quantitative statement of all tax revenues which will accrue to the V.I. Government as a result of the project must be provided ( Property tax, gross receipts, income tax, etc.) . This must be balanced by information on the capital costs associated with the provision of needed public facilities and services.

- 7.06 <u>Impacts on Historical and Archeological Resources:</u> Such sites must be adequately described and mapped. Anticipated impacts must be discussed. DPNR has an archaeologist on staff if questions need be answered.
- 7.07 <u>Recreational Use:</u> If the project causes any adverse impacts on current or traditional recreational activities within the area, these should be thoroughly discussed and the affected groups identified. Discuss how the project can enhance existing recreational facilities around the project site.

Waste Disposals: Describe methods for disposal of any wastes to be generated by the proposed project during the construction and during the operational phase of project including, but not limited to, thermal or saline effluents, chemical residues, dredge spoils, oil and hazardous materials. Discuss the effects of waste discharges on the natural and human environment and state whether such discharges have been permitted by the appropriate federal or territorial regulatory agencies. Provide copies of contracts for waste oil haulers and depositors as well as an oil spill mitigation/contingency plan. Discuss sewage disposal methods include information about nutrient loading and bacterial contamination.

Marinas should also discuss methods of disposal for waste and residues from boat construction, maintenance and repair materials (oils, antifreeze, resins, paints and paint thinners, etc.), whether these are generated by facility employees or by individual boat owners during the operational phase of the project.

- 7.09 Accidental Spills: During the project construction phase and also during the operational phase, projects handling oil or other hazardous materials are required to prepare a Spill Contingency Plan under Act 3538 this document must be referenced and the major points summarized under this section. The applicant is also required to provide a description of fueling facilities and measures to prevent and clean up spills at the facility. Applications must be obtained from DEP for appropriate permits.
- 7.10 Potential Adverse Effects Which Cannot Be Avoided: All such effects must be listed and discussed.
- 8.00 MITIGATION PLANS: Describe compensation measures for any adverse environmental impacts
- 9.00 <u>ALTERNATIVES TO PROPOSED ACTION</u>: All such reasonable alternatives, including a no action alternative, must be discussed. Describe alternatives which would reduce or eliminate any adverse effects, even if such alternatives substantially impede the attainment of the project objectives and are more costly.
- 10.00 RELATIONSHIP BETWEEN SHORT TERM AND LONG TERM USES OF MAN'S ENVIRON-MENT: This section must involve a thorough discussion regarding the relationship of this project to long term uses of the Virgin Islands Coastal Zone Resources, including the natural, social and economic environment.

Uses of nonrenewable resources during the initial and operation phases of the project may be irreversible since a large commitment of such resources makes removal of nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a nonaccessible area) generally commits future generations to similar uses. Irretrievable commitment resources should be evaluated to assure that such current consumption is justified.

11.00 REFERENCES: The identity of all federal, state or local agencies, other organizations and private individuals consulted in preparing the EAR, and the identity of the persons, firm or agency preparing the EAR by contract or other authorization, must be given. It is recommended that adjacent property owners, impacted citizens groups, and affected individuals should be contacted. The qualifications of all persons involved in the preparation of the EAR must also be submitted

reviewed and approve	ns recommended for preparing a ed with comments and modificate	an Environmental Assessment Report tion as are noted within the text.	(EAR) has bee
Date:			
•			
Applicant/Authorize	ed Representative	V.I. CZM Representative	_

#### FORM L&WD-1 DRAFT OF APPLICATION LETTER

DATE:		
•		FILE:

HONORABLE DEAN C. PLASKETT, ESQ.
COMMISSIONER
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
CYRIL E. KING AIRPORT TERMINAL, SECOND FLOOR
ST. THOMAS, VIRGIN ISLANDS 00802

Dear Commissioner Plaskett:

The undersigned wishes to make application to the Virgin Islands Government and the Secretary to the Army for a Coastal Zone Permit to (1. State kind of work proposed) in (2. Give name of waterway) at or near (3. give location).

The (4. mention proposed work) will be located approximately (5. give distance and bearing from nearest town, pier, wharf, bridge or any well-known object or establishment monument nearby) and will be (6. give length, width, height, depth of water at mean low water level, class of construction, is permanent or temporary) within the corporate limits of (7. state if the work is within the corporate limits of a municipality as shown the accompanying plans).

It is understood that your approval of (8. mention proposed work) must be first obtained by virtue of the authority vested in you by Act No. 4248 of the Virgin Islands Code. Your favorable endorsement is, therefore, respectfully requested.

It is further requested that this letter be considered as an application for the Department of the Army Permit and that it be forwarded with your endorsement thereon to the area Engineer, San Juan Area, US Army Corps of Engineers, 400 Fernandez, Juncos Avenue, SAN JUAN PUERTO RICO 00901 for consideration.

Early advice concerning your decision and also concerning the decision of the Department of the Army in the manner will be appreciated.

(Signat	ure of Applicant)

#### JOINT APPLICATION DEPARTMENT OF THE ARMY/VIRGIN ISLANDS DEPARTMENT OF PLANNING AND NATURAL RESOURCES

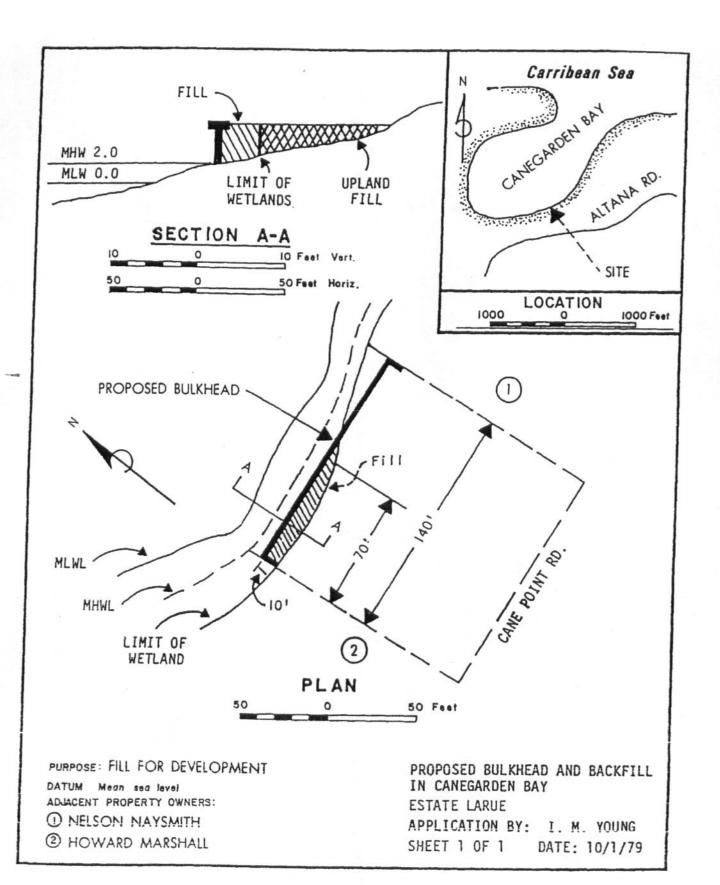
#### FOR ACTIVITIES IN WATERS OF THE VIRGIN ISLANDS OF THE UNITED STATES

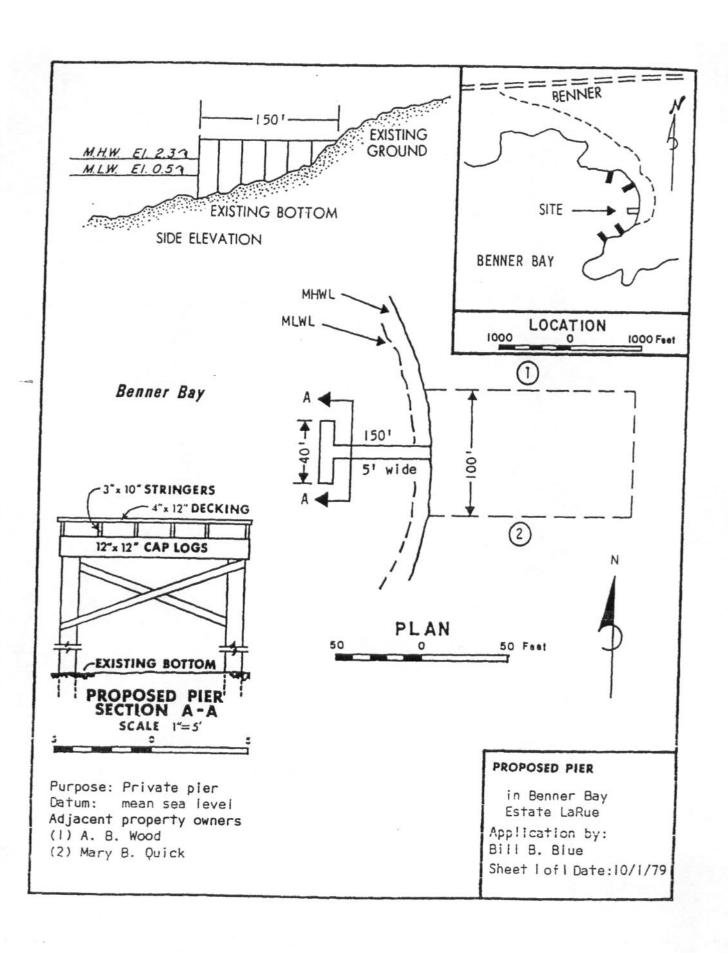
Refer to Instruction Pamphlet for explanation of numbered its

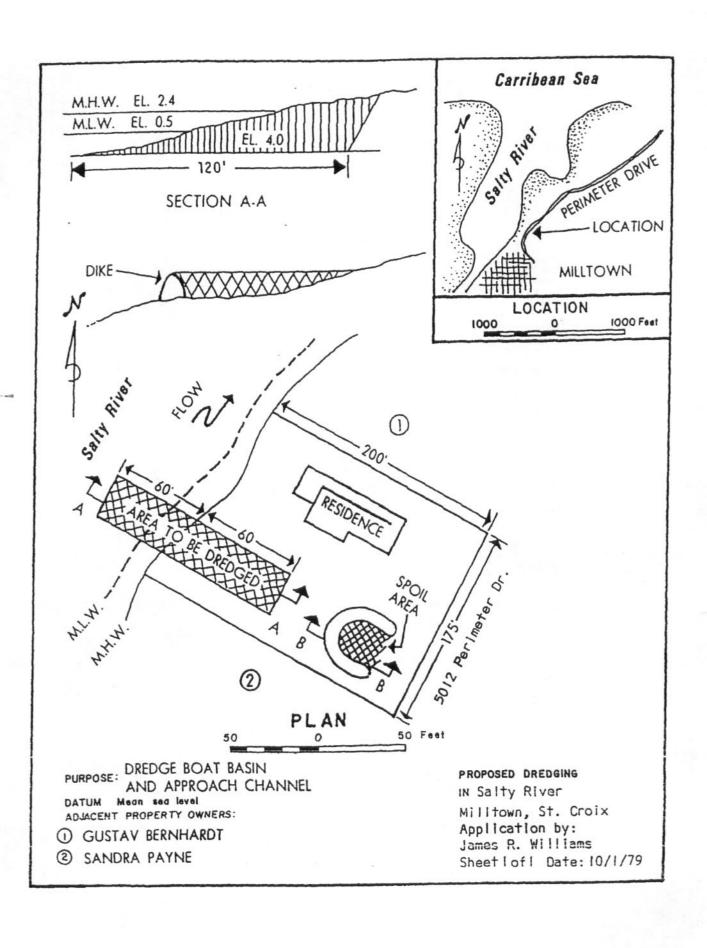
			2. Da			<ol> <li>For official use only</li> </ol>
_			Day	Mo.	Yr.	-
	4. Name, address and zip code of	applicant				
	Telephone Number					
5	5. Name, address, zip code and title	e of applicant's authorize	d agent for	normit ar	nliestica	
		P and a manifest mani	a agent for [	erinic ap	pucation	coordination
	Tolonhama Mussia					
	Telephone Number					
6.	the proposed activity. Its	purpose and intended ne	including	dancii	lan afet	
	L'F I trout dup	Jour Gen Diamornis and the	type, comp	descript sition an	on of the	type of structures, if any, if
	or dumped and means of conveya	nce.			- 4	or materials to be discha
		Dredged/Excavated				Filled/Deposited
	Volume of Material:	СҮ		_CY _		CY
		Waterward of	Landward o	f	Waterway	nd of Landward of
	7. Proposed use	O.H.W. or M.H.W. O.1	I.W. or M.F	I.W. O.I	LW. or h	I.H.W. O.H.W. or M.H.
	Private (	) Public ( )	Commer	ical ( )	Other	( ) Explain in
	8. Name and address including	zip code of adjoining pro	perty owner	s whose	property	remarks
					er oper of	and anjoins the waterwa
_						
	Location where proposed activity e	xist or will come				
	Street address	nas or win occur				
		and the second of			I	sland
	Latitude	Longitude			(If	known)
	-					
	Estate	In City or Town		Nea	City or	Town
_						
	Name of waterway at location of the					

11.	1. Date activity is proposed to commo	ence			
	Date activity is expected to be con				
12.	12. Is any portion of the activity for which authorization is sought now complete? Yes ( ) No ( )  If answer is "Yes" give reasons in the remarks section. Month and year the activity was completed				
13.	<ol> <li>List all approvals or certifications re- construction, discharges, deposits o</li> </ol>	quired by other F	adoral interests to	the state of the s	
	Tanada - A	e of Approval	Identification No.	Date of Application Date of Approva	
	-2				
14.	Has any agency denied approval for t	he activity descr	ihad herein or for any	activity directly related to the activity	
	described herein? Yes ( )	No ( )	(If Yes" explain in re		
15.	Remarks (see Instruction Pamphlet f		rmation required for	emarks)	
		or additional mile	macion required for	tertain activities)	
	A - P - c - c - c - c - c - c - c - c - c				
pr st fo an	Application is hereby made for a permit additional information/data that may be proposed project will comply with the apstandards both during construction and for inspectors from the environmental pand monitoring permitted works, if permapplication, and that to the best of my known that: I possess the authority to	pe necessary to p plicable territory after the project protection agencies it is granted. I ce	rovide reasonable ass Water Quality Standa is completed. I also agr is for the purpose of ma rtify that I am familiar	urance or evidence to show that the rds or other environmental protection ee to provide entry to the project site aking preliminary analyses of the site with the information and the project site with the information of the site.	
		Signature o	f Applicant	Date	
fac	S U.S.C. Section 1001 provides that: Whe United States knowingly and willfull act or makes any false, fictitious or frau ocument knowing same to contain any falso, 000 or imprisoned not more than five	hoever, if any ma y falsifies, concer dulent statement	nner within the jurisdiculs, or covers up by any sor representations or randulent statement of	ction of any department or agency of trick, scheme, or device a material	

The application must be signed by the person who desires to undertake the proposed activity: however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish upon request, supplemental information in support of the application.







### INFORMATION NEEDED ON AFFIDAVIT OF OWNERSHIP OR CONTROL

- 1. The affidavit of ownership or control should be signed by at least one owner of the property, lessee, or easement holder.
- 2. If subdivided, the property should be described by lot number, block number (if any), name of subdivision, and plat book number and page where recorded.
- 3. If unplatted, the property should be described by estate, and subdivision of estate.
- 4. If the description is based on courses and distances not following the place coordinates, the point of beginning should be identified.

Please contact this office should clarification or further instructions be necessary.

TO THE DEPARTMENT OF PLANNING AND NATURAL RESOURCES

#### AFFIDAVIT OF OWNERSHIP OR CONTROL

I hereby certify that I am the (check one):

record title owner in fee simple

lessee

Other (specify)

of the below described property. Furthermore, I certify that as record owner, lessee, or other, I have, or will have, prior to undertaking the work, necessary irrevocable approvals, permission of power of attorney from all other persons with a legal interest in said property, to conduct the work proposed in the permit application. This affidavit applies only to high land and does not apply to submerged lands or any area below mean high tide, regardless of the description provided below. This affidavit shall be accompanied by the appropriate legal documents.

L	EGAL DE	SCRIPTION		
Sworn to and subscribed before me at				
	_ this	day of	19	
NOTARY PUBLIC				

My commission expires:

#### FORM L&WD-2 PERMIT APPLICATION

ate	Declared Complete: Permit No	
ppli	ication is hereby made for a Earth Change/Coastal Zone Permit	
	Name, mailing address and telephone number of applicant.	
i i	Name, title, mailing address and telephone number of owner of property and of developer.  Owner  Developer	
	Location of activity. Plot No	
	EstateIsland	
	Zoning District	
	Name, mailing address and telephone number of project designer.	
	Name, mailing address and telephone number of principal earthwork contractor.	
	Summary of proposed activity. Include all incidental improvements such as utilities, roads, etc. (Use additional sheets if necessary).	
١.	State type of Land Uses as specified in the VI Zoning Law, which are applied for e.g., restaurant, hotel, single dwelling, etc.	

### FORM L&WD-2/PERMIT APPLICATION CONT'D

Date activity is proposed to start	, be completed	_
Classification of minor or major permit. Check on	e:	
( ) Minor Permit Application		
( ) Major Permit Application		
State below which criterion applies in making above	e check.	
comply with the applicable territorial water quality st construction and after the project is completed. I also environmental protection agencies for the purpose of	sonable assurance or evidence to sho tandard or other environmental prot agree to provide entry to the projec making preliminary analysis applic	ow that proposed project will section standards both during et site for inspectors from the cation, and that to the best of
Signature of Applicant of Agent	Date	
Signature of Owner (Where Applicant or Agent is not Owner)		
pr's Remarks:		( )Permit Approved ( )Permit Disapproved
Inspector	Date	
Commissioner, Planning & Natural Resources	Date	
	Classification of minor or major permit. Check on  ( ) Minor Permit Application  ( ) Major Permit Application  State below which criterion applies in making above the property of the propose of the property of the proposed activities.  Signature of Applicant of Agent  Signature of Owner (Where Applicant or Agent is not Owner)  FOR DEPARTM Inspector of the property	State below which criterion applies in making above check.  Application is hereby made for a permit to authorize the activities described herein. I agi information/date that may be necessary to provide reasonable assurance or evidence to she comply with the applicable territorial water quality standard or other environmental proteonstruction and after the project is completed. I also agree to provide entry to the project environmental protection agencies for the purpose of making preliminary analysis applic my knowledge and belief such information is true, complete and accurate. I further certif to undertake the proposed activities.  Signature of Applicant of Agent  Date  FOR DEPARTMENT USE ONLY  Inspector Record  Date  Inspector  Date

#### FORM L&WD-3 ZONING REQUIREMENTS TABLE

The following table shall be completed by the applicant with entries as appropriate for the zoning district in which the activity is taking place. Not all the requirements will necessarily apply to a particular zone. Consult the Zoning Law. For your guidance also consult the zoning Requirement Matrix attached to the application forms, i.e., for a R-2 zone only items 1 through 11 will apply.

Appli	cants Name:	Signature:	Date:		
Locat	ion of Activity-Plot No	Estate	Island		
Zonin	g District:	······································			
1.	Proposed use (residential etc.)	9			
2.	•				
3.			pposed		
4.					
5.					
6.	Setback of building from street p	roperty line, (ft.)			
7.					
8.	Rear yard setback (ft)				
9.	Height of building (ft. or stories	depending on zone)			
10.	Proposed:				
11.	Lot width at street line (ft.)				
12.	Area of usable open space (sq. ft	. and (%) of lot			
13.	Persons per acre ratio				
14.	Floorarearatio				
15.	Number of onsite parking and loa	ading spaces			
16.	Building setback (yards 11, W-2	only)			
		FOR DEPARTMENT USE	ONLY		
Inspe	ctor	Date:	Permit No.		

#### FORM L&WD-4 MAJOR PROJECT SUMMARY DATA

### Section I. Applicant 1. Name, address and telephone number of applicant. 2. Name, address and telephone number of owner of Property and of developer. Section II. Summary of Proposed Development 3. Describe the proposed development Section III. Description of Proposed Development 4. Name of development\_\_\_\_\_ 5. PlotNo. 6. Zoning District: 7. PWD Map No. Proposed use (residential, etc. as listed in Zoning Law):\_\_\_\_\_ 8.

Accessory use if any\_\_\_\_\_

9.

#### FORM L&WD-4 MAJOR PROJECT SUMMARY DATA Cont'd

	reage)				
Area covered by existing buildings (sq. ft.)					
Area covered by p	roposed buildings (sq. ft.)				
Floorarea total					
	-1, B-2 zones only)				
	gs				
Number of units to	tal				
	Person	Persons			
Schedule of units:	Efficiencies —	x 1.5 Unit			
	1 bedroom	x 2			
	2 bedroom	x3			
	3 bedroom —	x 4			
	Other —	x			
	Total Persons				
Number of on site p	parking and loading spaces _				
Maximum buildin	g height (stories/ft)				
Adjoining property	land use(s)		<u> </u>		
Gd 1 G. 31					
Setback of building	g from street property line (ft)				
Sideyard setback (f	t)				
Rear yard setback (	ft)			_	
Density(person/acr	re)				
Area of usable oper	n space (sq. ft. % of lot)				

#### FORM L&WD-4 MAJOR PROJECT SUMMARY DATA Cont'd

#### Section IV. Comments

Proposed Potable Water Supply (method & quality estimate gal/day)	
Proposed Sewage Treatment (method & quality estimate gal/day)	
Proposed Solid Waste Disposal (method & quality estimate lbs/day)	
Proposed Electrical Supply (method & demand estimate KWH for single	e & 3 phase)
Air Conditioning (method & demand estimate (KWH)	
Other Utilities	
Other	
Will the development maintain, enhance or conflict with public access to	the shoreline and along
Will the development protect or provide moderate income housing opportunity of the displace moderate income housing?	
How will the development affect traffic on the coastal access roads?	

#### FORM L&WD-5 PROOF OF LEGAL INTEREST

AFF	IDAVIT				
Ι,			, being duly sworn dep	ose and say that:	
	. Name		*	. h	
1.	I am the (check	one)			
		()Record title owner	(fee simple)		
		()Lessee			
		()Other (specify)			
of the	e real property desc	cribed as Parcel No(s)			
Estate	e				
Quart	ter				
Island	1				
2. in the	I have the irrevo	ocable approvals, permake the work proposed	nission, or power of att d in the permit applicat	orney from all othe	er persons with a legal interest set forth in the exhibit (s)
	iod noroto.				
The fo	oregoing instrumen	t was acknowledged b	pefore me this	day of	
			county of		
	_				
	Notary Public			My C	ommission expires

#### **GOVERNMENT OF** THE VIRGIN ISLANDS OF THE UNITED STATES -0-

#### VIRGIN ISLANDS BUREAU OF INTERNAL REVENUE

#### (DPNR FORM L&WD-6) APPLICATION FOR TAX FILING AND PAYMENT STATUS REPORT\*\*

Date:

purpose of

Islands Code). The applicant authorizes the Bureau of Internal Revenue to disclose any taxpayer inf process this application to the Virgin Islands Department of Planning and Natural Resources, who make disclosures as are necessary to carry out the requirements of the Coastal Zone Management Act, as an are necessary to carry out the requirements of the Coastal Zone Management act, as an are necessary to carry out the requirements of the Coastal Zone Management act, as an are necessary to carry out the requirements of the Coastal Zone Management act, as an are necessary to carry out the requirements of the Coastal Zone Management act, as an are necessary to carry out the requirements of the Coastal Zone Management act.	nay make such further mended.
Name:	
Business Name:	
-EIN/TIN:	
SSN:	
Please Indicate:	
*Corporation Type of Business:*Partnership	
Individual Please circle forms that you use: 11	20, 1120s.
Other 1065,1040, 941 VI, 722 VI, 720, 720 BVI, 50VI, other (list)	
Date Business Started:	
Person Representing Applicant:Position:	
Signature:	
Mailing Address:	
Date: Telephone Number:	

Reply to: #1A Lockharts Garden, St. Thomas VI 00802 or 4008 Estate Diamond, St. Croix VI 00820

<sup>\*</sup> Partnerships and/or Corporations must list partners/ corporate officers, social security numbers and addresses on a seperate sheet and attach it to this application.

### PUBLIC NOTICE (SUPPLEMENT TO FORM L&WD-6)

Pursuant to Act 5270, as approved by the Governor of the Virgin Islands on July 30, 1987, amending Section 910 (a) (2) and 911 (d) (2) of the Coastal Zone Management Act (Title 12, VI Code, Chapter 21), all applicants for Coastal Zone Management permits are required to present "certification from Bureau of Internal Revenue and Department of Finance" indicating "that the applicant has filed and paid all taxes, penalties and interest, and from the Office of the Lieutenant Governor that the applicants has filled its required annual report or has satisfactorily made agreement to pay the taxes or fill the required reports "12 VIC 910 (a) (2) (C), and "(2) A coastal zone permit that includes an occupancy or development lease shall only be granted for a particular parcel of filled land for a lease period of not more than 20 years; provided that nothing in this subsection shall prohibit a lessee or permittee from executing a new lease at the end of the 20 year period. Any lease executed at the end of the lease period shall meet the requirements of this Chapter and shall be approved by the Governor and ratified by the Legislature, or in the event the Legislature is not in session, by the Committee on Planning and Environmental Protection.

For applicants not required by law to submit an annual report or to satisfactorily make an agreement to pay taxes or file the required reports, a letter from the Bureau of Internal Revenue, and/or the Department of Finance, and/or the Lieutenant Governor's office so indicating will be required to continue further processing of the application.

Accordingly, all Coastal Zone Management permit applications (both minor and major), which are not accompanied by the certificates, as required by Act 5290, or written notification from said agencies indicating waiver or exemption of these requirements will not be accepted by the permitting office, It is the responsibility of each applicant to demonstrate compliance with the provisions of this Act.

#### **FEE SCHEDULE**

As provided in Title 12, Chapter 21, Section 910(e)(4) VIC and set forth in Title 12 V.I. Rules and Regulations Subsection 910, effective September 18, 1992, a non-refundable administrative processing fee will be required to be filed with the applications for all Coastal Zone Permits in accordance with the following fee schedule:

(A) Minor Coastal Zone Permit Application

(i)	For estimated construction cost of
	\$10,000 or less\$50.00

- (ii) For estimated construction cost greater than \$10,000 but less than \$25,000 ...... \$125.00
- (iii) For estimated construction cost of \$25,000 or greater ...... \$200.00
- (B) Major Coastal Zone Permit Application
  - (i) For estimated construction cost of \$250,000 or less .......\$500.00
  - (ii) For estimated construction cost of \$250,000 but less than \$500,000 ......\$750.00
  - (iii) For estimated construction cost of \$500,000 or greater ......\$1,000.00

Whenever the Commissioner finds that the processing of a Major Coastal Zone Permit Application requires significant administrative expenditures in excess of those typically required, additional reasonable fees may be assessed to cover of, for instance, the hiring of consultants when specialized expertise is needed that is not available in the Department.

#### FORM L&WD-7 CORPORATION APPLICATION

(To be used when a corporation is making a Permit Application in Tier 1)

	(Corporation Name)				
	•				
Ву:					
<i></i>	(Signature) President or Vice-President	_			
WITNESS:					
		-		Name	
		ATTEST:_			
On this	day of, 19 before me	the undersignrd of	Secre ficer, pe		Seal
appeared	, who acknowledges himself	to be			
of	; that he executed the for	regoing instrument	in the c	apacity	

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year above written.

### Flood Plain Determination and Permit Application

To b	e completed by all applicants	ď	
1.			
	Mailing Address		
	Home Tel. #:	Business Tel. #:	Cellular #:
2.			
٠	Lic. #:	Tel. #:	Cellular #:
3.			Quarter:
	Flood Zone Designation:		Quarter.
I.	1 or 2 Family dwelling ( 3 Family or more, Apartm Commercial Structure ( Addition to Structure ()	) Mobile Home ( ) Non-S	Non- Residential Structure: ( ) n-Structural ( ) t of Existing Structure ( )
2.	Base Flood Elevation at the	Development Site is	ft. above mean sea level (msi).
			or proposed structure isft_
4.	Describe the Non-Structural	Activity i.e. septic tank, waste v	
	Attach a certified copy of sit	e plan ( 8.5" x 11" ) showing Ba	se Flood Elevation . See sample attached.
		FOR OFFICE USE ONLY	
the pro	perty located in an identifi	ed Flood Hazard Area?	()YES ()NO
FIP Zon	e Designation:	Forward to Flood Plain Man	ager: ()YES ()NO
		DENIED ( ) RESUBMIT (	•
an Revie	wer Name:		
znature:			
			Date:

MATS WILL BE CONSTRUCTED ID WILL DE LEFT UNFINISHED. CATED ON LOTS #1 AND #2. TUATED ON FIRST FLOORS.  TEAT) FLOOR ELEVACION FACTOR 6.0 NGVD)  BASEMENT FLOOR FL  FT. BELOW CROUND 1.F.VT.	7
NOTES: ALL BASEMENTS WILL BE CONSTRUCTED OF CINDER BLOCK AND WILL BE LEFT UNFINISHED. FOR STRUCTURES LACATED ON LOTS #1 AND #2. UTILITIES WILL BE SITUATED ON FIRST FLOORS.  BFE- Base (Or 100 Year) Flood Elevation (Tied Into Elevation 6.0 NGVD)  CLOOR EL FT. BELOW CROUND I.F.VI. OROUND I.F.VI.	5.101
J. Y.	Estate Road
SITE PLAN  SITE PLAN  IN MODESTALES  IN THE LAN  FROM THE PLAN  FROM THE	BHE ET 6
MAS SQ.FT.  Sood plastn  Liu  Liu  Liu  Liu  Liu  Liu  Liu  Li	
SCALE: ONE INCII EQUALS SQ.FT.  SFBA or 100-Year Flood plast  BASHMENT FLOOR ELL  A F. OI.LOW CROUND LEVEL  A F. OI.LOW CROUND LEVEL  A F. OI.LOW CROUND LEVEL	LOT & I
Shore Line	