



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

OFFICE OF THE
SENATE PRESIDENT

15 APR 21 AM 8:49

SENATOR
NEVILLE A. JAMES

April 20, 2015

Honorable Neville James
Senate President
Thirty First Legislature of the U.S. Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Dear Mr. President:

Transmitted herewith in accordance with the provisions of Title 12, §911, Subsection (e) of the Virgin Islands Code are three (3) originals of Major CZM Permit No. CZX-31-14(L&W) along with one (1) copy of the exhibits.

Major Coastal Zone Management Permit No. CZX-31-14(L&W) allows the Permittee to undertake the repairs of an existing concrete apron, construction of a new sheet pile wall and for the removal of 20 cubic yards of contaminated soil at and seaward of Plot No. 10, Water Gut Reclaimed Land, Christiansted, St. Croix, Virgin Islands

Your prompt and favorable consideration of Major CZM Permit No. CZX-31-14(L&W) will be greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Mapp".

Kenneth E. Mapp
Governor

MAJOR COASTAL ZONE MANAGEMENT PERMIT NO. CZX-31-14L&W

1. **AUTHORITY.** This permit is issued by the Commissioner of the Department of Planning and Natural Resources and is administered and monitored by the Department pursuant to Title 12, Chapter 21, and Virgin Islands Code. As herein, "Permitter" is the **Government of the Virgin Islands** and "Permittee" is **The Virgin Islands Port Authority (VIPA)**.

2. **SCOPE.** This permit allows the Permittee to undertake for repairs to an existing concrete apron, construction a new sheet pile wall and for the removal of 20 cubic yards of contaminated soil at and seaward of Plot No. 10, Water Gut Reclaimed Land, Christiansted, St. Croix, Virgin Islands.
 - b. This permit allows the use and occupancy of approximately 1.79 acres or 77, 972.4 sq. ft. of Filled Submerged Land at Plot No. 10, Water Gut Reclaimed Land, Christiansted, St. Croix, Virgin Islands.

3. **TERM.** This permit is effective upon its signing by the Commissioner of the Department of Planning and Natural Resources, approval by the Governor of the Virgin Islands, and approval by the Legislature of the Virgin Islands. As used herein, the "Effective Date" or "the date hereof" means the date of such ratification. This permit will expire twenty (20) years after the Effective Date. The Permittee shall have the option to renew the permit within ninety (90) days before the permit expires and the terms are subject to negotiations. This permit is issued for a definite term, twenty (20) years, and shall not constitute a property right. The Permit shall be renewed only if the requirements of Title 12 of the Virgin Islands Code, Section 911, are met.

4. **DOCUMENTS INCORPORATED BY REFERENCE.**

EXHIBIT A – CZM Permit Application dated July 9, 2014

EXHIBIT B - Site plan stamp dated July 9, 2014

EXHIBIT C – Environmental Assessment Report dated July 9, 2014

EXHIBIT D – Water Quality Certificate dated October 28, 2014

5. **GENERAL CONDITIONS.**
 - (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon

(which area and improvements are herein after referred to as "the premises") and to hold the Permittee free and harmless from civil or other liability of any kind during the time the Permittee is in control of the premises pursuant to this permit.

- (b) Personal Property and Damage. All personal property of any kind or description whatsoever, located on the premises will be there at the Permittee's sole risk.
- (c) Assignments or Transfer. This permit may not be transferred or assigned except as provided in Section 910-15 of the Regulations of the Coastal Zone Management Act.
- (d) Permit to be displayed. A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire period of work.
- (e) Reliance on Information and Data. The Permittee affirms that the information, and data which he/she provided in connection with his/her permit application is true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data proves to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal action.
- (f) Development to be Commenced. Any and all development approved by this Coastal Zone Management Permit shall be commenced within twelve (12) months from the date this permit becomes effective. Failure to perform substantial work within such period and thereafter until completion of construction will cause the permit to lapse and render it null and void unless an extension is granted by the Commissioner.
- (g) Notification of Completion. Upon completion of any activity authorized or required by this Coastal Zone Management Permit, the Permittee shall promptly so notify the Director of the Division of CZM ("The Director") and where the service of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- (h) Inspection. The Commissioner or his authorized agents or representatives shall have the power to enter at reasonable time during projects working hours upon any lands or waters for which a Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Management Permit. The Permittee shall provide access to such records as the Commissioner in the performance of his duties under the Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commissioner upon request.

- (i) Conditions of premises. The development authorized by this permit shall be maintained in a safe, attractive and satisfactory condition and in accordance with the description, plans or drawings approved by the Commissioner.
- (j) Restoration of Area. The Permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and his sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures, and/or comply with any directive of the Commissioner in satisfying the original permit condition in such time and manner as the Commissioner may direct.
- (k) Notices. All notices sent or required to be sent hereunder must be certified mail, return receipt requested. If addressed to the Permitter, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Government of the Virgin Islands, No. 45 Estate Mars Hill, Frederiksted, St. Croix, U.S. Virgin Islands 00840 or to such place as the Permitter may herein after designate by certified mail. If addressed to the Permittee, same shall be sent to Carlton Dowe, Executive Director, Virgin Islands Port Authority, P.O. Box 1307, Christiansted, Virgin Islands 00820 or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.
- (l) Nonwaiver. One or more waivers by the Permitter of any covenant or condition of this permit shall not be construed as a waiver or breach of the covenant or condition, and the consent or approval of the Permitter to or of any acts by the Permittee requiring the Permitter's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (m) Revocation. It is specifically understood that all foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (n) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (o) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operations at the premises for a period totaling six (6) consecutive months, then the permit will terminate automatically and be rendered null and void.
- (p) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in Paragraph 2 hereof, repair

work may be done only after a request to do so has been submitted in writing to the Department and permission in writing has been granted. Repair must duplicate the original work, and must be in accordance with applicable law, rules and regulations.

- (q) Signatures on the Permit Document. The applicant shall sign and return the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless a written extension is requested and granted.

6. **SPECIAL CONDITIONS.**

1. The Permittee shall notify the Division of Coastal Zone Management (CZM) two (2) working days prior to the commencement of development activities.
2. Erosion and sedimentation control measures including turbidity curtains as outlined in the application and EAR shall be installed and implemented throughout the site prior to commencement of any work. CZM shall be notified once all erosion and sedimentation control measures are in place. All erosion, sedimentation and turbidity curtains shall be inspected daily to ensure proper function during all development activities at the site until completion of this project. Any deficient measures will be fixed immediately by the developer.
3. All applicable Territorial and Federal permits or other necessary approvals must be obtained and copies submitted to the Division of CZM prior to commencement of any construction activities.
4. The stockpiles of excavated material including contaminated soil shall be stabilized, using erosion control matting or EPA-approved polymer to ensure erosion and sedimentation is minimized.
5. Any changes to design plans, constructions methods or to any monitoring or other plan must be first approved by CZM. Any permit modifications must be applied for in accordance with the CZM Act and the rules and regulations.
6. Prior to start of work, the Virgin Islands Port Authority must submit to CZM, documentation that their tenants, Seaborne Airlines, has been notified in writing, of Best Management Practices (BMP), regarding storage and disposal of contaminants on site.

7. **FEES.**

Pursuant to Title 12, V.I.C., Section 911(f)(1), the Commissioner of the Department of Planning and Natural Resources has made the determination that because fees for the submerged land area described in this permit is being paid under CZX-49-98(W), no fees will be assessed for the same area described this permit.

8. **IT IS EXPRESSLY UNDERSTOOD** by the parties hereto that the title to all submerged lands or filled land which is altered or occupied on the basis of this permit is in the Government of the Virgin Islands, and the Permittee shall have no right or interest therein, of any kind whatsoever, other than such rights as are expressly set forth herein, and that this instrument is not a lease.

IN TESTIMONY WHEREOF, the parties herein have hereunto set their hands and seals on the days and years appearing herein below.

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
PERMITTOR



Masserae Webster
Chairperson, St. Croix CZM Committee

April 7, 2015
Date

PERMITTEE



Carlton Dowe
Executive Director, VIPA

3/27/15
Date

APPROVED



The Honorable Kenneth E. Mapp
Governor of the U.S. Virgin Islands

04-17-15
Date

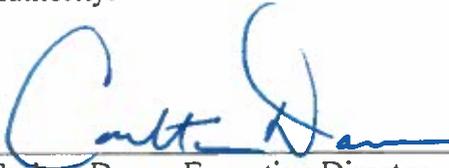
APPROVED
Legislature of the Virgin Islands

The Honorable Neville A. James
President, 31st Legislature of the Virgin Islands

Date

CZX-31-141&W
VIPA

I, Carlton Dowe, do hereby certify that as Executive Director of Virgin Islands Port Authority, I am duly authorized and empowered to sign this Permit on behalf of Virgin Islands Port Authority.



Carlton Dowe, Executive Director
Virgin Islands Port Authority

3/27/15

Date

SWORN AND SUBSCRIBED before me

this 27th Day of March, 2015,

by



Notary Public

Michelle M. Johnson
Notary Public

NP#: NP-061-11

My Commission Expires: July 14, 2015
St. Thomas/St. John District

MAJOR COASTAL ZONE MANAGEMENT PERMIT NO. CZX-31-14L&W

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IN TESTIMONY WHEREOF, the parties herein have hereunto set their hands and seals on the days and years appearing herein below.

**DEPARTMENT OF PLANNING AND NATURAL RESOURCES
PERMITTOR**



Masserae Webster
Chairperson, St. Croix CZM Committee

April 7, 2015
Date

PERMITTEE



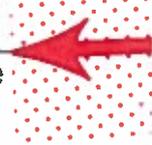
Carlton Dowe
Executive Director, VIPA

3/27/15
Date

APPROVED



The Honorable Kenneth E. Mapp
Governor of the U.S. Virgin Islands

04-17-15
Date 

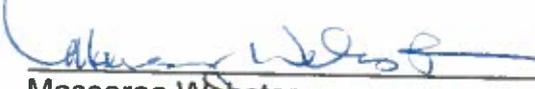
**APPROVED
Legislature of the Virgin Islands**

The Honorable Neville A. James
President, 31st Legislature of the Virgin Islands

Date

IN TESTIMONY WHEREOF, the parties herein have hereunto set their hands and seals on the days and years appearing herein below.

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
PERMITTOR



Masserae Webster
Chairperson, St. Croix CZM Committee

April 7, 2015
Date

PERMITTEE



Carlton Dowe
Executive Director, VIPA

3/27/15
Date

APPROVED



The Honorable Kenneth E. Mapp
Governor of the U.S. Virgin Islands

04-17-15
Date

APPROVED
Legislature of the Virgin Islands

The Honorable Neville A. James
President, 31st Legislature of the Virgin Islands

Date

I, Carlton Dowe, do hereby certify that as Executive Director of Virgin Islands Port Authority, I am duly authorized and empowered to sign this Permit on behalf of Virgin Islands Port Authority.



Carlton Dowe, Executive Director
Virgin Islands Port Authority

3/27/15
Date

SWORN AND SUBSCRIBED before me

this 27th Day of March, 2015,

by 

Notary Public

Michelle M. Johnson
Notary Public
NP#: NP-061-11

My Commission Expires: July 14, 2015
St. Thomas/St. John District

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DEVELOPMENT PERMIT APPLICATION

FORM L&WD-4
MAJOR PROJECT SUMMARY DATA

Section I. Applicant

1. Name, address and telephone number of applicant.
Carlton Dowe, Executive Director, VI Port Authority
PO Box 301707, St. Thomas, VI 00803 340 774-1629
2. Name, address and telephone number of owner of Property and of developer.
Same as above

Section II. Summary of Proposed Development

3. Describe the proposed development
It is proposed to construct a below grade concrete wall on the south and west sides;
construct a sheet pile wall in the water along the existing bulkhead on the north and east
sides; and replace/repair the existing concrete apron along the bulkhead walls.

Section III. Description of Proposed Development

4. Name of development Christiansted Seaplane Facility
5. Plot No. No. 10, Water Gut Area, Reclaim Land, Christiansted, St. Croix
6. Zoning District: R-3
7. PWD Map No. PWD 3382-A
8. Proposed use (residential, etc. as listed in Zoning Law):
Marine and Airport Facilities - Seaplane travel between St. Croix and St. Thomas
9. Accessory use if any NA

FORM L&WD-4

MAJOR PROJECT SUMMARY DATA Cont'd

Section IV. Comments

- 26. Proposed Potable Water Supply (method & quality estimate gal/day)
NA
- 27. Proposed Sewage Treatment (method & quality estimate gal/day)
NA
- 28. Proposed Solid Waste Disposal (method & quality estimate lbs/day)
NA
- 29. Proposed Electrical Supply (method & demand estimate KWH for single & 3 phase)
NA
- 30. Air Conditioning (method & demand estimate (KWH)
NA
- 31. Other Utilities NA
- 32. Other NA

Section V.

- 33. Will the development extend onto or adjoin any beach tidelands, submerged lands or public trustlands?
Yes
- 34. Will the development maintain, enhance or conflict with public access to the shoreline and along the coast?
Maintain
- 35. Will the development protect or provide moderate income housing opportunities?
Will it displace moderate income housing?
No
- 36. How will the development affect traffic on the coastal access roads?
None


Signature of owner or authorized agent

7/7/14
Date

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DEVELOPMENT PERMIT APPLICATION

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.

Applicants Name: VI Port Authority Signature: [Signature] Date: 7/7/14
Location of Activity-Plot No. No 10 Estate Water Gut Area, Island St. Croix
Reclaim Land
Zoning District: R-3

1. Proposed use (residential etc.) Marina & Airport Facility - Seaplane travel between STX & STT
2. Accessory use if any NA
3. Number of on site parking spaces Existing NA proposed NA
4. Area of lot. (sq. ft. or acreage) NA
5. Area covered by proposed and existing buildings, (sq. ft.) NA
6. Setback of building from street property line, (ft.) NA
7. Side yard setback (ft) NA
8. Rear yard setback (ft) NA
9. Height of building (ft. or stories depending on zone) NA
10. Proposed: NA
11. Lot width at street line (ft.) NA
12. Area of usable open space (sq. ft. and (%) of lot) NA
13. Persons per acre ratio NA
14. Floor area ratio NA
15. Number of onsite parking and loading spaces NA
16. Building setback (yards I 1, W-2 only) NA

FOR DEPARTMENT USE ONLY

Inspector: _____ Date: _____ Permit No. _____

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DEVELOPMENT PERMIT APPLICATION

FORM L&WD-5
PROOF OF LEGAL INTEREST

AFFIDAVIT

I, Carlton Dowe, being duly sworn depose and say that:
Name

1. I am the (check one)
- Record title owner (fee simple)
 - Lessee
 - Other (specify)

of the real property described as Parcel No(s) No. 10

Estate Water Gut Area, Reclaim Land

Quarter Christiansted

Island St. Thomas

2. I have the irrevocable approvals, permission, or power of attorney from all other persons with a legal interest in the property to undertake the work proposed in the permit application as more fully set forth in the exhibit (s) attached hereto:

The foregoing instrument was acknowledged before me this 7th day of July
~~19~~ 2014 by _____ at _____ county of _____

Julice Harley
Notary Public

NOTARY PUBLIC
Julice Harley

My Commission Exp: September 5, 2017
NP Commission # : NP-74-13
St. Thomas/St. John, USVI District

My Commission expires



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION

45 MARS HILL

FREDERIKSTED, ST. CROIX, VI 00840

PHONE: (340) 773-1082, FAX: (340) 773-9410

**Coastal Zone Permit Application
Water Quality Review and Certification**

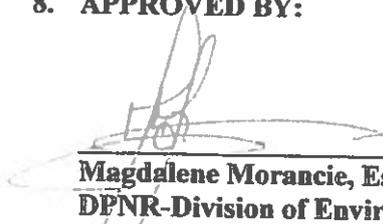
EXHIBIT

D

1. **CZM PERMIT APPLICATION N°:** CZX-31-14(L&W)
DPNR, DEP WATER QUALITY CERTIFICATE N°: WQC-15-001(L&W)
2. **Date of Final Application:** July 2014
Date of Final Review: October 28, 2014
3. **SHORT TITLE OF WORK:**
The VI Port Authority proposes to construct a new below grade concrete wall, a new sheet pile wall and to repair the existing concrete apron that is along the existing bulkhead walls located at Plot No. 10 Water Gut Reclaimed Lad, Christiansted, St. Croix.
4. **APPLICANT:** VI Port Authority
Carlton A. Dowe, Executive Director
PO Box 1707
St. Thomas, V.I. 00803
5. **SUB-WATERSHED:** Christiansted Harbor HUD-21020002010030
6. **WATER QUALITY CERTIFICATION:**
Approved: There is currently reasonable assurance that the proposed project can be executed without violations of the Water Quality Standards cited in Annotated (Ann.) Title (Tit.) 12 Virgin Islands Code Chapter 7, Section 186. The permittee shall comply with all Territorial Rules and Regulations, Federal Statutes, Orders, and permits issued by Territorial and/or Federal departments or agencies.
7. **COMMENTS OR SPECIAL RESTRICTIONS:**
 - A. Work shall be performed in a manner that will not adversely impact existing water quality. Existing water quality conditions will be determined in the baseline water quality monitoring survey, conducted by the applicant, and submitted to DPNR – Division of Environmental Protection (DEP) for review prior to the commencement of the project. In no case shall work be performed in a manner that causes any exceedence of the Virgin Islands Water Quality Standards found in Title 12, Chapter 7, Section 186 of the Virgin Islands Rules and Regulations.
 - B. The DEP reserves the right to temporarily suspend any activity which may cause any adverse environmental impact or results in any noncompliance with Title 12 of the Virgin Islands Rules and Regulations.
 - C. The DEP reserves the right to require additional sampling/monitoring as promulgated in Title 12 of the Virgin Islands Code, Section 189.
 - D. No oil or debris may be discharged from any source during the proposed project.

- L. Unless specifically stated, the Applicant shall adhere to all provisions set forth in the submitted the Environmental Assessment Reports (July 2014); as well as, all related plans (or approved amendments) as submitted to the Department of Planning & Natural Resources.
- M. DPNR/DEP reserves the right to revise/amend this Water Quality Certificate.
- N. Spill containment materials as well as a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan must be kept on the premises at all times.
- O. The general working area should remain clean at all times. All waste materials generated during the execution of the project should be disposed of in properly labeled containers. At completion of work, all construction debris must be removed from the site.
- P. A series of turbidity curtains must be installed at various points surrounding the dredge/in-water work area(s) in order to prevent sediments from exiting the project area. Also, in the event of inclement weather, the dredged/removed material must be contained and secured in order to prevent the re-suspension and run-off of the dredged/removed material into the water body.
- Q. The Applicant shall notify DEP ten (10) business days before the commencement of the proposed project. In addition, a letter of project completion must be submitted to DPNR-DEP no later than ten (10) business days after the project has been completed.
- R. Within eight (8) weeks after project completion, a final report will be due to DPNR (CZM, DEP and DFW) which provides a critical review of observed water quality degradation and any biological impacts from the project, to include status of the Coral Impact Remediation Plan.
- S. The monitoring reports for the various transplanted species **must** be filed with DPNR's Divisions of Coastal Zone Management, Fish & Wildlife and Environmental Protection in accordance with **Condition G. above**.

8. APPROVED BY:



Magdalene Morancie, Esq., Acting Director
DPNR-Division of Environmental Protection

10/28/2014

Date

E. Prior to the start of any in-water activities, turbidity curtains or other appropriate mitigation measures should be installed and properly maintained around the dredging barge to minimize the dispersal of turbidity during in-water work.

F. The Water Quality Monitoring Plan (July 2014 EAR) or subsequent approved amendments must be compiled with in determining the water quality baseline for the area. Turbidity (measured in NTU) readings are to be taken in-situ weekly at three (3) sampling locations established around the bulkhead and two (2) control sites (one to the east and one to the west of the project area) for two (2) months prior to the start of construction. Baseline information will be used to assist in determining correlations between construction and ambient conditions. A rain gauge should be used to collect daily rain data during the collection of baseline data and throughout the project. Additionally, wind speed/direction and wave height/direction will also be recorded during each sampling event. The individual(s) recording the data collected are required to document in indelible ink and keep in a bound log book with pre-numbered pages the recorder name, date, the start and stop time, the location (GPS coordinates), and sea conditions.

G. The Coral Impact Remediation Plan (July 2014 EAR - Appendix D) or subsequent approved amendments must be compiled with to ensure that the amount of corals, other sessile life forms and seagrass lost during this project is minimized. Further corals to be transplanted on Long Reef in a site to be approved by DPNR and its federal partners, if necessary. Reporting the progress and maintenance of this plan must also be reported DEP and DPNR's Division of Fish & Wildlife (DFW) as scheduled. Further VIPA must submit to DPNR's relevant Divisions (CZM, DEP and DFW) copies of the monitoring i.e. photographs and associated GPS locations within two (2) weeks after they are transplanted. Further, the corals are to be monitored every two (2) weeks until they are fully established, this will be determined by DPNR's DFW. Corals that have become dislodged will be replaced until established to ensure adequate remediation occurs.

H. During the duration of the project, monitoring will be continued in accordance with the Water Quality Monitoring Plan (July 2014-Appendix C) or subsequent approved amendments. Three (3) samples will be collected around the area of in-water work, at 1-meter depth below the surface, and analyzed by YSI Meter on a daily basis; the same will be done at two (2) control sites. During upland construction, when in-water work is not occurring, sampling will also take place after rainfalls of 0.25 inches or greater. Additionally, wind speed and direction, sampling wave height and direction; and rainfall must also be recorded during each sampling event. The individual(s) recording the data collected are required to document in indelible ink and keep in a bound log book with pre-numbered pages the recorder name, date, the start and stop time, the location (GPS coordinates), in-situ measurements and sea conditions. All data and information documented must be submitted to DEP.

I. VIPA and its contractors must adhere to all established requirements related to sea turtles and acoustic minimization.

J. An Environmental Monitor must be present at the site during all near/in-water activities. The Environmental Monitor must notify the VIPA and the DEP as soon as possible, but within 24 hours of exceedence, if at any time during water quality does not comply with the Virgin Islands Water Quality Standards or exceed baseline values. Methods to reduce the impact must be implemented, including temporarily terminating construction and allowing the water quality to return to normal conditions.

K. Any device that emits air pollution throughout the duration of the entire project may require Air Pollution Control Permit(s), i.e. generators. A Dust Control Plan may also be required by DEP-Air Pollution Control Program; this plan should describe the applicant's means of mitigating dust during construction and in-water work. Ms. Verline Marcellin, Environmental Program Manager of APC, can be contacted at (340) 773-1082 if further information is required on these issues.