

AG Ruling Clears Path for Summers' End Marina Project to Proceed Without New CZM Vote

Attorney General Gordon Rhea's opinion affirms the validity of the Summers' End permit, countering earlier claims that it had lapsed. The clarification means the developers can continue seeking federal approvals without returning to the CZM Commission.

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Aerial view of the proposed Summer's End Marina, showcasing extensive yacht docking set against St. John's scenic Coral Bay. By. SUMMER'S END.

On Monday, Government House Communications Director Richard Motta said that a recent legal opinion from Attorney General Gordon Rhea clarifies that the Coastal Zone Management permit for the Summers' End Marina project remains valid.

“Specifically, the AG clarified that the 12-month commencement deadline outlined in Title 12 of the Virgin Islands Code, under subsection 910, does not begin until all federal approvals are secured,” said Mr. Motta. “The Summer's End permit has not lapsed, nor has it expired.”

The question of permitting for the St. John marina project surfaced in late August, when developers came before the Legislature seeking an extension of the 2020 permit they acquired from the CZM Commission. However, St. John CZM chair Andrew Penn told lawmakers that the permit was “null and void.”

“Failure to perform at least 50% of the work within such period and continuously construct thereafter, shall cause a permit to terminate automatically and render it null and void,” he testified. Territorial CZM chair May Adams Cornwall agreed, and lawmakers voted down the request to extend the effective date of the permit. The move prompted a stinging rebuke from Governor Albert Bryan Jr., who called the permitting process “outdated” and slammed the Legislature for what he said was a failure to lead.

Now that Attorney General Rhea has seemingly cleared the way for the Summer's End project to proceed without having to return to the CZM, approvals will have to be sought “from agencies such as the United States Army Corps of Engineers,” Mr. Motta said on Monday.