

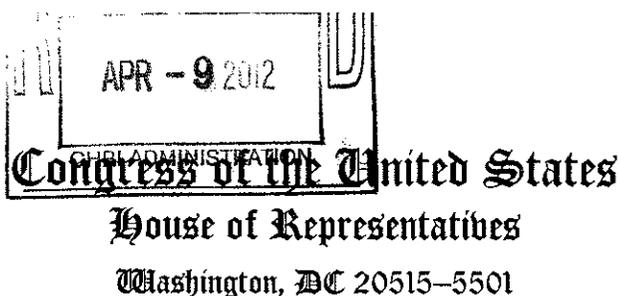
DONNA M. CHRISTENSEN
DELEGATE, VIRGIN ISLANDS

COMMITTEE ON
ENERGY AND COMMERCE
MEMBER, SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
MEMBER, SUBCOMMITTEE ON
COMMUNICATIONS AND TECHNOLOGY

FIRST VICE PRESIDENT,
CONGRESSIONAL BLACK CAUCUS

MEMBER, CONGRESSIONAL CAUCUS FOR
WOMEN'S ISSUES

ASSISTANT MINORITY WHIP



March 28, 2012

Mr. Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G St. NW
Washington, DC 20548

Dear Mr. Dodaro:

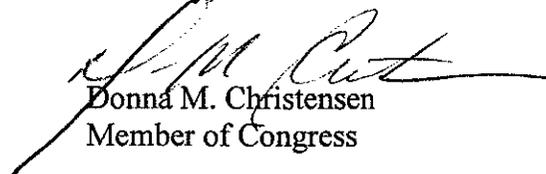
I am writing to seek clarification on a few issues taken up in part by the 2002 GAO Report concerning the Ownership and Control of U.S. Virgin Islands Monument Lands. While the report adequately addresses the issues of ownership and control, the question of whether "valid existing rights" retained by the U.S. Virgin Islands pursuant to the 1961 Proclamation still exist, is not expressly addressed.

The report fails to identify the connection between those rights retained by the territory in the 1961 Proclamation and the current state of those rights following the 2001 Proclamation and under what circumstances they may be modified or superseded. For example, on page 7, paragraph 2 of the 2002 GAO report, it is inferred that a ban on fishing and all other extractive uses are justified on the basis that indigenous fishing practices used in 1961 are no longer an active practice. Are we correct to assume that if traditional uses were to be employed, then that specific method of fishing would then be approved?

In summary, I ask that you please clarify the issues surrounding the "valid existing rights" of the people of the U.S. Virgin Islands as it relates to fishing and other recreational uses of the Buck Island National Monument. Specifically, it would be especially helpful to know whether subsequent to the 2001 Proclamation, the Territory retained any "valid existing rights" such as those preserved by the 1961 Proclamation and to what extent current and future rules proposed for the Buck Island National Monument would serve to violate such rights. In doing so, I ask that you please consider whether an additional study is required or if clarification can be achieved via an explanatory letter.

Thank you for your attention to this important matter.

Sincerely,


Donna M. Christensen
Member of Congress

cc: Ms. Hilary Tompkins, Solicitor General, Department of Interior
Mr. Joel Tutein, Superintendent, Christiansted National Historic Site

PLEASE RESPOND TO:

WASHINGTON OFFICE

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DISTRICT OFFICES

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

MAY 2 - 2012

jat 5/7/12

Mr. Joel A. Tutein, Superintendent
Buck Island Reef National Monument
2100 Church Street, #100
Christiansted, VI 00820

Subject: EPA NEPA Review of the Buck Island Reef National Monument Draft General Management Plan/Environmental Impact Statement

Dear Mr. Tutein:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the National Park Service (NPS) Buck Island Reef National Monument Draft General Management Plan/Environmental Impact Statement. The purpose of the General Management Plan is to "...provide management direction for the park for the next 15 to 20 years." The last comprehensive management plan was completed in 1983, and since that time there has been a boundary expansion of the park from 880 acres to 19,015 acres and the monument has been established as a "no-take" marine reserve. Additionally, elkhorn and staghorn coral have been listed as federally threatened species and the federally endangered St. Croix ground lizard has been reintroduced. Lastly, climate change, disease and storms have impacted the marine and coral ecosystem. Four alternatives for managing the Buck Island Reef National Monument are evaluated in the draft EIS.

EPA defers to NPS in technical matters pertaining to National Monument management, and supports NPSs' preferred Alternative B.

There are two areas within the document that EPA feels could be clarified and/or enhanced.

- 1) Chapter 1 includes a section entitled "Impact Topics Considered but Dismissed from Further Evaluation." One of the topics in this section is "Energy Efficiency and Conservation Potential." Within this topic, it is explained that "under any alternative, the NPS would continue to implement its policies of reducing costs, eliminating waste, and conserving resources by using energy efficient and cost-effective technology. The NPS would continue to look for energy-saving opportunities in all aspects of park operations. Because the NPS would promote energy efficiency in an equal manner under any alternative, this impact topic was dismissed from further consideration." While EPA understands this perspective, we view EISs and other NEPA documents, in part, as tools which should be used to inform the public of the ways that action agencies are working to protect the environment while carrying out their federal mission(s). Providing information regarding Energy Efficiency and Conservation for this project would help inform the public of important steps being taken by NPS for this project and

subsequently, could impact public behavior as a result of enhanced awareness and understanding of energy efficiency.

- 2) Throughout the document, there are references to picnic areas with barbeque grills which are located in the Island Discovery Zone. It is also mentioned at the end of Chapter 3 that there are no trash receptacles on Buck Island and that visitors must pack out all trash and waste upon departing the island. Given that traffic on certain parts of the island will increase, is there a plan to educate visitors about the dangers that trash can pose to the wildlife (e.g., plastic bags can wash into the ocean, scraps of food can attract wildlife and desensitize wild populations to people)? Additionally, will there be staff who are assigned the responsibility of surveying heavily trafficked areas for food waste and other trash brought onto the island by visitors?

Lastly, Chapter 1 states that "Specific details regarding the exact location, number, type of use, and placement of moorings will be provided in a separate Vessel Management Plan. The NPS is preparing a Vessel Management Plan in which the details of mooring installation, location, and purpose, as well as management issue regarding vessels, will be provided." Please provide a copy of this document to EPA upon its completion.

EPA rates this action as "LO" that is, lack of objections. EPA supports the overall National Park Service Buck Island Reef National Monument Draft General Management Plan and Environmental Impact Statement. We appreciate NPS's continued coordination with us and look forward to receipt of the Final EIS (FEIS). Should you have questions regarding these comments, feel free to contact Stephanie Lamster at (212)-637-3465.

Sincerely,



Judy-Ann Mitchell, Chief
Strategic Planning and Multi-Media Programs Branch



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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

May 1, 2012

Joel Tutein
Superintendent
National Park Service
2100 Church Street No. 100
Christiansted, VI 00820

RE: Buck Island Reef National Monument – Draft General Management Plan

Dear Superintendent Tutein:

The Government of the Virgin Islands (GVI) has reviewed the Draft General Management Plan and Environmental Impact Statement (GMP/EIS) for the Buck Island Reef National Monument and offers the following comments:

- The GVI acknowledges the need to enhance the protection of several Endangered Species on Buck Island to include the St. Croix Ground Lizard, Hawksbill Sea Turtle, Elkhorn and Staghorn Coral
- Plan A proposes no change; this option will not enhance nor foster more protection for the coral resources. Plan D offers to only reduce the destructive anchoring practices by 6 acres from the current anchorage acres of 22; it is DPNR's position that this is just too small a reduction to be seen as a management action. Neither Plan A or D should suffice.
- The western and south beach areas historically have had large numbers of Sea Urchins clustered in the open sand during the day for their protection. Their population is starting to rise once again in these locations. Sea urchins are important algal grazers on coral reefs. Anchoring in these areas could potentially damage and reduce the number of urchins.

- The vast majority of the anchoring at the park occurs at the west and south beach area near the pier. There is often no order to the anchoring, no area left open to allow ingress and egress to the picnic areas, and on some days it is quite hazardous for swimmers. Both Plans B and C create a safer and more structured mooring area for west and south beach for up to 55 boats. This also would allow a safer area for swimmers and boaters to approach the beach and the picnic area.
- The Draft Plan does not indicate how many boats could access at once under Plan C where it does so with Plan B (72); it would have been better to specify the overall reduction between all the alternatives.
- A mooring system would limit the impact to sea grass beds in the west south beach areas which are essential developmental habitats for juvenile fish. Anchor scars have a devastating effect on sea grass beds that may take years to replenish. The sea grass beds also provide necessary forage for adult green turtles that are mostly located in this area of the park in these sea grass beds. Green turtles are also federally protected.
- There are also at least 6 licensed concessionaire boats that operate in the park. Some of these boats anchor in the west beach area with their guests. What is not clear is whether the recreational boating community would have to compete with the concessionaires for moorings or will they utilize one of the eight (8) moorings restricted for administrative use.

Further, the Buck Island Reef National Monument is recognized as a full no-take area (no commercial or recreational fishing) and enacting new policies that will protect and potentially restore essential fish habitats is consistent with other protected no-take areas.

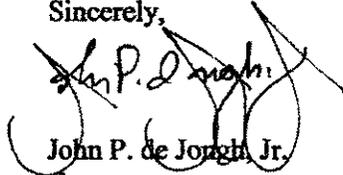
Therefore, from a strictly scientific perspective, it is the GVI's position that Plan B is the most ecologically-sound alternative that would benefit the coral resources as it reduces anchoring on the sea grass bed.

As it relates to the socio-economic impacts, (i.e. tourism, local recreational use), it is the GVI's position that consideration be given to the comments brought forward during the public comment period. It is recommended that said comments be appropriately vetted to ensure the implementation of Plan B, with an organized recreational component that is supported with the appropriate infrastructure.

Joel Tutein
May 1, 2012
Page 3

The GVI and its industry partners have a major financial stake in the tour operation business conducted in and around the Buck Island Reef National Monument, and will continue to work collaboratively with the National Park Service to ensure protection of our valuable natural resources, while sustainably promoting our unique and valuable tourism product.

Sincerely,



John P. de Jongh Jr.
Governor

pc: Beverly Nicholson-Doty, Commissioner, Department of Tourism
Alicia Barnes, Commissioner, Department of Planning and Natural Resources



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

May 1, 2012

F/SER47:LO/pw

(Sent via Electronic Mail)

jit 5/7/12

Mr. Joel A. Tutein, Superintendent
Buck Island Reef National Monument
2100 Church Street, #100
Christiansted, VI 00820

Dear Mr. Tutein:

NOAA's National Marine Fisheries Service (NMFS), Southeast Region, Habitat Conservation Division (HCD), reviewed the draft Environmental Impact Statement (EIS) dated March 2012 and prepared by the National Park Service (NPS) for the *Buck Island Reef National Monument Draft General Management Plan*. The EIS evaluates four separate management alternatives for Buck Island Reef National Monument, St Croix, U.S. Virgin Islands. The initial determination of NPS is that implementation of the proposed management plan would not have an adverse impact on essential fish habitat (EFH) or federally managed fishery species¹. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Summary of Alternatives Proposed

The draft EIS describes four alternatives for the future management of Buck Island Reef National Monument. NPS identifies Alternative B as the preferred alternative.

Alternative B includes the implementation of four management zones, including a Recreation Zone, Island Discovery Zone, Marine Hazard Zone, and an Anchoring Zone that would be phased out over a period of 10 years. The Recreation Zone would provide opportunities for in water and beach activities, such as swimming, snorkeling, SCUBA diving, and vessel mooring. The Island Discovery Zone would provide opportunities to use upland areas of the Monument for recreation. The Marine Hazard Zone is located within an area with sensitive resources and conditions that make navigation hazardous. Non-NPS vessels would not be allowed in this area. Finally, the Anchoring Zone would allow boaters to anchor in deep, sandy areas with a permit and this zone would be phased out over a 10-year period as moorings are installed, with exception of five new anchor locations that would be designated in deep sand for vessels 91 to 150 feet. Vessels larger than 151 feet will require a special-use permit. Alternative B would also prohibit shoreline bow and stern anchoring at West Beach.

¹ The draft EIS does not contain a separate EFH assessment, however the various sections of the draft EIS cumulatively include the mandatory contents of an EFH assessment as provided in 50 CFR 600.920(e)(3), so NMFS HCD is treating the EIS as an EFH consultation as well as providing comments under the National Environmental Policy Act.



Alternative B also includes the installation of moorings. Specifically 10 would be installed for the underwater trail, two would be installed for SCUBA diving sites, and 45 would be installed off Policy West Beach. This alternative would also restrict vessel length to a maximum of 42 feet within the lagoon; up to 150 feet in the Resource Protection Zone; and vessels longer than 151 feet would require a special use permit. This alternative would also increase law enforcement ranger presence, resource management, and interpretive staff activities (6.5 additional full-time employees).

Alternative A is the "no action" alternative. Alternatives A, B, C, and D are similar in the number of existing moorings for the underwater trail and SCUBA diving usage. In addition, all alternatives would have up to five designated anchor zones for vessels 91 to 150 feet in length and vessels longer than 151 feet could moor upon receipt of a special-use permit. For Alternatives B, C, and D, the number of proposed new moorings would be the same, with 45 moorings off West Beach, ten moorings for the southwest pier, and eight moorings set aside for administrative use. Alternatives C and D include five management zones: Resource Protection Zone, Anchoring Zone, Island Discovery Zone, Recreation Zone, and Marine Hazard Zone; whereas Alternative B includes four of the five management zones because the Anchoring Zone is phased out. The sizes of the Recreation Zone, Marine Hazard Zone, and the Island Discovery Zone are similar across each of the action alternatives (Alternatives B, C, and D). The Recreation Zone is larger in Alternative B than in any of the other action alternatives since it encompasses the area off West Beach. The maximum number of vessels each alternative could accommodate is 87 for Alternative A; 72 for Alternative B; 92 for Alternative C; and 112 for Alternative D.

Description of Essential Fish Habitat

The Caribbean Fishery Management Council (CFMC) identifies live/hardbottom, coral reef, seagrass, sand and shell substrate, and sandy beaches as EFH for several species managed under the Fishery Management Units for spiny lobster, queen conch, reef fish, and coral. Chapter 3 of the draft EIS includes a discussion of these habitats at Buck Island Reef National Monument and figure 13 (page 3-19 of the draft EIS) provides a habitat characterization of the Monument and surrounding areas. The information provided in this section of the draft EIS sufficiently describes the EFH in the area of Buck Island Reef National Monument and does not require augmentation in this letter.

Impacts to Essential Fish Habitat

NPS concludes implementation of Alternatives B, C, or D would result in long-term, moderately beneficial effects to EFH, whereas the implementation of Alternative A could result in long-term moderately adverse effects to EFH. NPS concludes the four management zones under Alternative B, in particular the establishment of the Marine Hazard Zone, would likely reduce potential impacts from vessel groundings to coral reef and live/hardbottom-habitats. Other management actions under this alternative that include restricting vessel activity in the monument and the size of vessels permitted by zone and the elimination of anchoring and installation of moorings would also have long-term minor to moderately beneficial effects on EFH. Additionally, NPS concludes the increased consistent enforcement of regulations would have an overall long-term moderate benefit. NMFS agrees with these determinations.

Recommendations

NPS recognizes that installation of the moorings may result in adverse impacts to seagrass, coral reef, and live/hardbottom habitats, and Chapter 4 of the draft EIS indicates NPS intends to consult with NMFS HCD on these impacts once the overall management plan is approved. To facilitate this consultation, NMFS recommends NPS implement the following best management practices to minimize impacts to seagrass, coral reef, and live/hardbottom habitats from mooring installation:

- The mooring areas should be designed to avoid and minimize impacts from installation and vessel shading to seagrass, coral reef, and live/hardbottom.

- Mooring piles or anchors should be micro-sited to minimize impacts to seagrass, coral reef, and live/hardbottom.
- In the case that mooring piles require installation into the seabed, pile driving (as opposed to pile jetting) should be used to install all piles at the site.
- Best management practices to minimize impacts to seagrass, coral reef, live/hardbottom, and water quality such as weighted turbidity curtains surrounding all in-water work should be incorporated into the project during mooring installation.

Endangered Species Act

Please note the project proposes actions in areas where *Acropora* critical habitat may be present. Because *A. cervicornis* and *A. palmata* are protected under the provisions of the Endangered Species Act, NPS should contact the NMFS Southeast Region, Protected Resources Division, if NPS determines that implementation of the management plan would affect a listed species or its designated critical habitat. The NMFS Southeast Region, Protected Resources Division can be contacted at the letterhead address.

Thank you for the opportunity to provide comments. Related correspondence should be directed to the attention of Ms. Lia Ortiz at our St. Croix office, which is located at 3013 Almeric Christian Federal Building, Estate Golden Rock, Box 4, Christiansted, St. Croix, U.S. Virgin Islands, 00820. She may be reached by telephone at (305) 213-3089, or by e-mail at Lia.Ortiz@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

NPS, Joel_Tutein@nps.gov
FWS, Michael_Evans@fws.gov
EPA, Casey.Jim@epa.gov
DPNR, JP.Oriol@dpnr.gov.vi
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Southeast Regional Office
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F/SER31:LC

Mr. Joel Tutein
Superintendent
Buck Island Reef National Monument
National Park Service
2100 Church Street, #100
Christiansted, VI 00820-4611

JUN 12 2012

Re: Draft General Management Plan and Environmental Impact Statement, Buck Island Reef National Monument

Dear Mr. Tutein:

This responds to the February 21, 2012, letter from the National Park Service (NPS) regarding the preparation and implementation of the General Management Plan (GMP) and Environmental Impact Statement (EIS) for Buck Island Reef National Monument, St. Croix, Virgin Islands. These comments are submitted pursuant to the requirements of Section 7 of the Endangered Species Act (ESA) (50 CFR 402.12).

NPS's preferred alternative discussed in the GMP includes both resource protection and opportunities for visitor access, recreation, and scientific research within the expanded monument boundary. The preferred alternative for management would allow for vessel access by 72 boats up to 150 feet in size in designated mooring fields and anchorage areas. An underwater snorkel and SCUBA trail and associated moorings in a coral reef and hardbottom area would also be maintained, and additional moorings would be added for NPS administrative use. Based on information provided by a member of your staff during a meeting with the National Marine Fisheries Service (NMFS) Protected Resources Division consultation biologist on May 8, 2012, some changes may be made to the preferred alternative based on public input. In particular, access to reef and colonized hardbottom areas north of Buck Island would be allowed on a permit-only basis and reef areas south of the island would be within the zone designated for recreation. The implementation of the GMP would result in impacts to ESA-designated coral critical habitat from the installation and maintenance of mooring buoys in the area of the existing underwater trail. Implementation would also result in impacts to ESA-listed corals and their habitat as a result of the continued operation of the trail, access to Buck Island by vessels up to 150 feet in size, and scientific research activities. Indirect impacts to ESA-listed sea turtles may also occur as a result of the implementation of the GMP due to collisions with vessels, disturbance of nesting, foraging, and refuge habitat and the animals themselves by recreational users, and scientific research activities.



Your February 21, 2012, letter requested an informal Section 7 consultation with NMFS and concluded that the implementation of the preferred alternative in the GMP may affect, but is not likely to adversely affect ESA-listed hawksbill, green, loggerhead, and leatherback sea turtles, and elkhorn and staghorn corals. However, based on our review of the GMP and EIS and a meeting with NPS staff on May 8, 2012, NMFS is unable to concur with this determination. NMFS promulgated an ESA Section 4(d) rule extending ESA Section 9 take prohibitions to ESA-listed corals and a rule designating critical habitat in November and December 2008, respectively. The rules identified activities conducted in shallow water areas, such as boating and recreational SCUBA diving or snorkeling, as resulting in abrasion or breakage of corals and harming coral habitat by altering substrate. During our May 8, 2012, meeting, NPS staff indicated that, while the underwater trail is highly managed, some breakage to corals, including listed corals, may occur. In addition, due to input from the public, NPS is considering allowing access to reef and colonized hardbottom areas within the proposed Marine Hazard Zone on a permit-only basis. This area contains dense colonies of ESA-listed corals. NPS also engages in scientific studies of ESA-listed corals and sea turtles.

Listed species under NMFS' purview that may occur in the area are sea turtles (hawksbill, *Eretmochelys imbricata*; leatherback, *Dermochelys coriacea*; loggerhead, *Caretta caretta*; and green sea turtles (*Chelonia mydas*) and corals (elkhorn, *Acropora palmata*; and staghorn, *A. cervicornis*). The project also occurs in critical habitat of the above-listed corals.¹

NMFS recommends that NPS prepare and submit a Biological Assessment to include the following information to assist our analysis and preparation of a biological opinion on the effects of the implementation of the GMP preferred alternative on ESA-listed species and their habitat:

1. The acreage of impacts to coral critical habitat, including direct impacts from the installation and maintenance of mooring buoys, the use of the existing underwater trail, and scientific investigation, and indirect impacts from boating and other recreational and scientific uses in and outside the underwater trail area. This should also include details of how the preferred alternative will avoid and minimize impacts to ESA-listed corals and their critical habitat to the maximum extent practicable.
2. Analysis of potential impacts to ESA-listed sea turtles and their habitat, including direct impacts from the installation and maintenance of mooring buoys and the designation of deepwater anchorage areas for larger vessels, from collisions with vessels, and from scientific investigations, and indirect impacts from boating, recreation, and scientific activities. This should also include details of how the preferred alternative will avoid and minimize impacts to ESA-listed sea turtles and their habitat to the maximum extent practicable.

¹ The physical feature of critical habitat that is essential to the conservation of listed corals is substrate of suitable quality and availability, in water depths from the mean high water line to 30 m, to support successful larval settlement, recruitment, and reattachment of fragments. Substrate of suitable quality and availability means consolidated hardbottom or dead coral skeletons free from fleshy macroalgae and sediment cover. Based on the presence of listed elkhorn coral colonies in the project area, as well as the presence of at least 64 colonies of brain coral within the construction footprint, critical habitat is present within the project footprint.

3. A monitoring plan to determine whether implemented management measures to protect ESA-listed species and their habitat are adequate and proposed steps to take remedial action as necessary if not.

Thank you for your efforts to ensure the conservation of listed species and their habitat under NMFS' purview. If you have any questions regarding the Section 7 consultation process or our request for additional information for this project, please contact Dr. Lisamarie Carrubba, consultation biologist, at (787) 851-3700, or by e-mail at Lisamarie.Carrubba@noaa.gov.

Sincerely,



David M. Bernhart
Assistant Regional Administrator
Protected Resources Division

cc: F/SER4 – Ortiz, Wilber

File: 1514-22.P

Ref: I/SER/2012/00569



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Caribbean Ecological Services

CHRISTIANSTED NHS

BUCK ISLAND REEF NM

SALT RIVER NHP & EP

Poconon, PR 00622

APR 09 2012



In Reply Refer to:
FWS/R4/CESFO/78010-051

Joel A. Tutein
Superintendent
Buck Island Reef National Monument
2100 Church Street, #100
Christiansted, VI 00820

**Re: Buck Island Reef National Monument Draft
General Management Plan / Environmental
Impact Statement, St. Croix, USVI, D-18**

Dear Mr. Tutein:

Thank you for your letter dated February 24, 2012 and received on February 29, 2012, requesting comments regarding the above referenced project. Our comments are provided as technical assistance under the Endangered Species Act (87 Stat. 884, as amended; 16 United States Code 1531 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The National Park Service (NPS) has completed planning efforts for the development of the Draft General Management Plan and Environmental Impact Statement (GMP/EIS) for Buck Island Reef National Monument (BIRNM). Four separate management alternatives were considered in the Draft GMP/EIS that would preserve significant natural and cultural resources, provide for public enjoyment, and address competing demands for limited resources and priorities for available funds and staff.

The NPS's preferred Alternative B, emphasizes resource protection, civic engagement and partnering programs. Alternative B increases resource protection by phasing out the existing anchoring area adjacent to West Beach over a 10-year period as moorings are installed. Alternative B implements new management zones that include a marine hazard zone, a resource protection zone, and an island discovery zone which provides beaches, picnic areas, a hiking trail and observation areas. All current land-based facilities would continue to be provided and maintained. New facilities would consist of limited new trails, signage and moorings. Limited new trail development would be appropriate to visitor experience, reroute to avoid dangerous vegetation or improve resource conditions.

The BIRNM provides suitable habitat for the St. Croix ground lizard (*Ameiva polops*), four sea turtles species [leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), hawksbill sea turtle (*Eretmochelys imbricate*), and green sea turtle (*Chelonia mydas*)] and migratory bird species, such as the brown pelican (*Pelecanus occidentalis*) and the least tern (*Sterna antillarum*).

The NPS determined that Alternative B may affect, but is not likely to adversely affect the St. Croix ground lizard and the four listed sea turtles mentioned above. According to the information provided:

- The minimal amount of new trail and kiosk construction under Alternative B would be conducted in a manner to avoid/minimize impacts to the lizard habitat. Environmental compliance documentation would be conducted prior to any trail work and measures would be taken to avoid effects on the St. Croix ground lizard. In order to provide more recent information on the lizard, we recommend that a St. Croix ground lizard survey be completed when possible.
- Visitor access to sea turtle nesting areas on the island would continue to be restricted during nesting season. Nests laid within or adjacent to high visitor use areas such as picnic areas would continue to be safely relocated. With Alternative B, the overall number of vessels accessing the island would be reduced, which could also reduce the potential for collisions with sea turtles and the number of visitors interacting or disturbing sea turtles, their nests, and hatchlings.

For the migratory bird species, the NPS determined that Alternative B would have long term, minor, beneficial effects on the brown pelican and long-term, negligible, adverse effects on the least tern. According to the information provided:

- The nesting area of the brown pelican within the island is not easily accessible to park visitors. In addition the designation of a Marine Hazard Zone would prohibit vessel use in certain areas that will provide additional areas for undisturbed foraging and reduce the potential for vessel activities to disturb pelican nesting. We recommend that visitor access be restricted to brown pelican habitat within the island, especially during nesting.
- When least terns are present during the nesting season, park staff restricts access to the nesting area and provides educational information to visitors of the least terns. If least terns are observed nesting again in BIRNM, we recommend that a no less than 200 meter buffer zone be established for each nest or the entire nesting area. Alternative B would also provide increased staff resources to enhance research and monitoring, education and enforcement of regulations for protected species.

Mr. Tutein

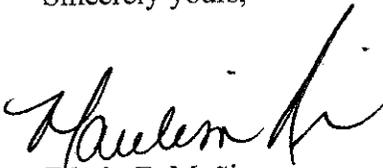
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Based on the above, we concur with the NPS determination that Alternative B may affect but is not likely to adversely affect the St. Croix ground lizard and the listed sea turtles that occur in the BIRNM. Should additional information on listed become available, this determination may be reconsidered.

We also concur with the NPS determination that Alternative B would have long-term, minor, beneficial effects on the brown pelican and long-term, negligible, adverse effects on the least tern.

Thank you for the opportunity to comment on this project. If you have any questions or require additional information, please contact Jan P. Zegarra at 787-851-7297 extension 220. You may also visit our website <http://www.fws.gov/caribbean/ES> for additional information on threatened and endangered species under jurisdiction and Section 7 consultation process.

Sincerely yours,

for 
Edwin E. Muñiz
Field Supervisor
Caribbean Field Office

jpz