
From: Erika Kellerhals <[REDACTED]>
Sent: Wednesday, February 28, 2018 10:38 PM
To: jeffrey E.; Amy Dempsey
Subject: FW: Great and Little St. James (UNCLASSIFIED)

Erika Kellerhals
Member

Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, VI 00802

Tel: [REDACTED]
Cell: [REDACTED]
Fax: [REDACTED]
email: [REDACTED]

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On 2/28/18, 11:38 AM, "[REDACTED]"
<[REDACTED]> wrote:

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>Erika,

>

>Thank you for the update.

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>The Shallow Bay dock USACE application should indicate compensation for
>the proposed dock is removal of the current dock. I will notify the
>Antilles office they can review this application.

>

>The LSJ dock was never officially resolved, at least according to my
>records. If you find documents that state otherwise please provide them
>to me. The case was closed with enforcement discretion, but the current
>configuration remains out of compliance. Mr. Epstein can retain the

>dock out of compliance, but it was my intention to assist in returning
>every structure and wetland on the islands back to an in-compliance status.

>
>Lastly, typically the USACE needs three indicators to make a wetland
>determination including soil, plants, and hydrology; however, if we
>have a difficult soil situation (i.e. 3 feet of river rock placed on
>top of the soil) we can use 2 of 3. Atypical fill material, for the
>location, was covering mangroves immediately adjacent to a salt pond,
>providing 2 of the 3 components needed to document a 404 fill
>violation. The survey will document the extent of the violation which I
>do not anticipate to be much.

>
>Again, I am here to facilitate this process. Feel free to contact me if
>you have any questions.

>
>Very respectfully,

>
>[REDACTED]

>
>-----Original Message-----

>From: Erika Kellerhals [mailto:[REDACTED]]
>Sent: Wednesday, February 28, 2018 7:07 AM
>To: [REDACTED] <[REDACTED]>; Amy
>Dempsey <[REDACTED]>
>Cc: [REDACTED]
><[REDACTED]>; [REDACTED]
><[REDACTED]>; [REDACTED]
>(US) <[REDACTED]>
>Subject: [Non-DoD Source] Re: Great and Little St. James (UNCLASSIFIED)

>
>Jonathan - thank you for your email. We are planning the temporary
>barge landings removal to take place in the next two weeks. We were
>unable to source the curtains needed to do the removal as planned and
>were further hampered by the swells and rain we have had. We will send
>photos confirming removal as soon as it is completed.

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>With respect to the Shallow Bay dock, as discussed, we cannot remove
>that dock until we have secured the dock permits we've requested as it
>is the only access to the island. With respect to the LSJ dock, we
>believed that the matter was resolved almost 15 years ago. We are
>reviewing our files to determine how this matter was handled. You
>indicated that you were going to review your files to see you had any
>documentation regarding the configuration and settlement. Did you have any luck?

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>Amy has requested copies of the wetland delineations from the surveyor
>so that we can determine where, if anywhere, fill issues exist and
>finally we will address the mitigation in our after the fact permit. We
>anticipate him providing those to us this week.
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>We anticipate having a full mitigation plan in place for discussion
>once we can have an opportunity to review the wetland delineations further.
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>We appreciate your assistance with EPA and will keep you posted as to
>the progress.
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>Erika A. Kellerhals
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>On 2/27/18, 11:56 AM, "[REDACTED]"
><[REDACTED]> wrote:
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> Amy,
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> Have you made any progress on a proposal that will return Little
>and Great St. James back into compliance with section 10 and 404 regulations.
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> I recall the necessary actions to be:
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> Removal of 2 barge landings, replace riprap above MHW, remove 1
>dock and alter the other to match permitted configuration, remove fill
>from perimeter of identified wetlands, request an after the fact permit
>for the section of road that passed through the wetland, and propose
>onsite mitigation compensation for impacts.
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>
> Mitigation possibilities discussed included: the installation of
>permanent upland retaining wall to prevent road erosion, planting
>mangroves, adding a culvert under the unauthorized road to improved
>flushing, repair seagrass habitat, removal of unauthorized structures
>or storm related grounded vessels, and et cetera. It is important the
>mitigation plan is sufficient to offset the damages documented;
>however, we are giving Mr. Epstein the flexibility to choose how he
>wants to improve his islands so long that the compensation can be justified.
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> Lastly, we have a meeting with the EPA on Thursday and one topic on
>the agenda is Mr. Epstein's islands. I am preparing to tell them we are
>making progress to resolve the issues and they do not need to be
>involved, but I need a progress report and/or assurance we are still in
>agreement. As soon as work is initiated I will begin to remove
>restrictions on processing proposed activities. Thus far, I am grateful
>everyone has been welcoming and is seemingly adaptable to execute

>practical solutions to resolve the issues documented.

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>

> Very respectfully,

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> [REDACTED]

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> [REDACTED]

>

> [REDACTED]

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> CLASSIFICATION: UNCLASSIFIED

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