

Proposed Demolition and Construction of New Swan Annex Correctional Facility

Federal Consistency Determination Request

**Subbase 104, 105, 106, 107 108 109 Southside Quarter (Estate Nisky)
St. Thomas, VI**

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

DIVISION OF COSTAL ZONE MANAGEMENT

April 29 2024

INTRODUCTION

The Bureau of Corrections (BOC) has reached a milestone in the schedule for beginning the demolition and planning of the construction of the replacement of the Swan Annex facility on St. Thomas. The Swan Annex Facility (Swan Annex) located at Subbase lots 107, 108 and 109 Southside Quarter (Estate Nisky St. Thomas), was totally damaged during the 2017 Hurricanes. FEMA has approved partial funding to assist with the demolition and replacement of the damaged Swan Annex facility. BOC has completed the design for a 207-bed replacement facility. Due to the increase in the footprint of the proposed facility, the new facility will require using adjacent lots 104, 105 and 106.

The Swan Correctional Annex is in western Charlotte Amalie, the largest city in, and capital of, the U.S. Virgin Islands. The area is a heavily trafficked marine and commercial area that has the Crown Bay Cruise Ship Terminal, Crown Bay Marina, boat dealers and marine repair shops, freight forwarders and shipping companies, a Tech Park, the only airport on island, and municipal facilities like the U.S. Virgin Islands Water and Power Authority power generating facility and desalination plant.

The original 80-bed facility is believed to have been constructed in the early 1980's and was modified and expanded until destroyed by the 2017 hurricanes. BOC has completed 100% design drawings of a new 207-bed facility to meet the needs of the Territory. Due to the expanded footprint of the new facility, BOC has been granted use by the Department of Property and Procurement (DPP) to expand the site to three adjacent lots to the existing Swan Annex site to accommodate the expanded footprint. These sites, along with the existing Swan Annex site, will have all structures demolished, conduct necessary hazardous materials remediation, and the site prepared to turn over for construction.

Project Location

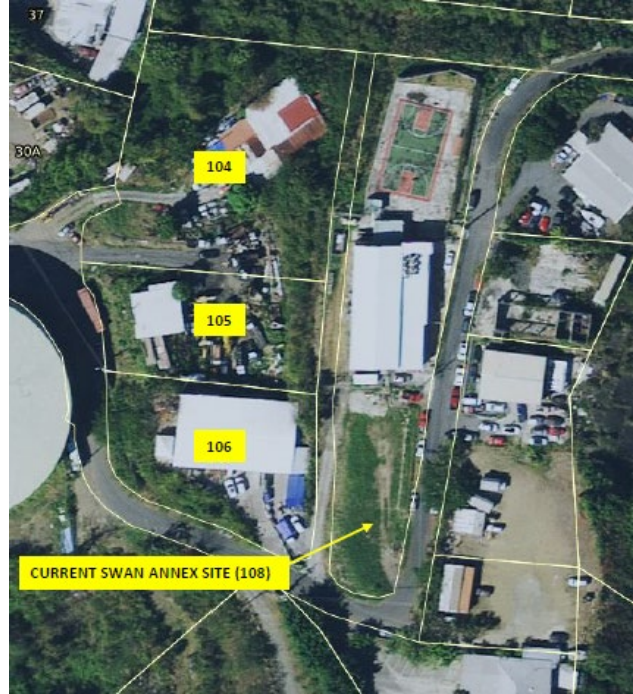
The project area is approximately 2.58 acres and is comprised of six Subbase lots in Estate Nisky, St. Thomas. Subbase Lots 104, 105, 106, 107, 108 and 109 Southside Quarter will be used for the new facility.

Proposed Site Parcels

Existing BOC Swan Annex Parcels
107, 108 & 109 0.78 acres

Adjacent Parcels 104, 105
& 106 1.80 acres

Total buildings site area 2.58 acres



Site Description

The site is bounded by a roadway and commercial and industrial operations. The Swan Annex building is a multi-story, split-level building constructed of concrete, concrete masonry blocks and steel frame with a total area of approximately 12,000 sf. The adjacent lots 104, 105 and 106 have ongoing or have had operations for auto repair/ salvage and woodworking. The buildings on these sites have various construction including wood and steel frame, with metal panels exterior panels. Lots 104 and 105 had a large variety of cars, trucks, and industrial equipment and containers staged in the open and in buildings.

Site Photos



Figure 1 Swan Annex Building



Figure 2 Swan Annex Building



Figure 3 Swan Annex Building



Figure 4 Woodworking Business, Lot 106



Figure 5 Lot 105



Figure 6 Lot 105



Figure 7 Lot 104



Figure 8 Lot 104

ENVIROMENTAL IMPACTS

The proposed project is not considered to impact existing drainage patterns. The site is approximately 120 to 180 feet above sea level. The project site is located inland approximately 1,200 feet northeast from Krum Bay and 1,500 ft northwest from the cruise ship port at Little Krum Bay

Hazardous Waste Materials

BOC has had a Phase I Environmental Site assessment of the site. No significant issues or concerns were discovered in the area in and around the Swan Annex facility; however, limited petrochemical waste was discovered on the adjacent Lots 105 and 106, where the auto repair/salvage operations have taken place. BOC has developed a Hazmat remediation plan which will be executed before the demolition of the structures on Lots 104 and 105 begin.

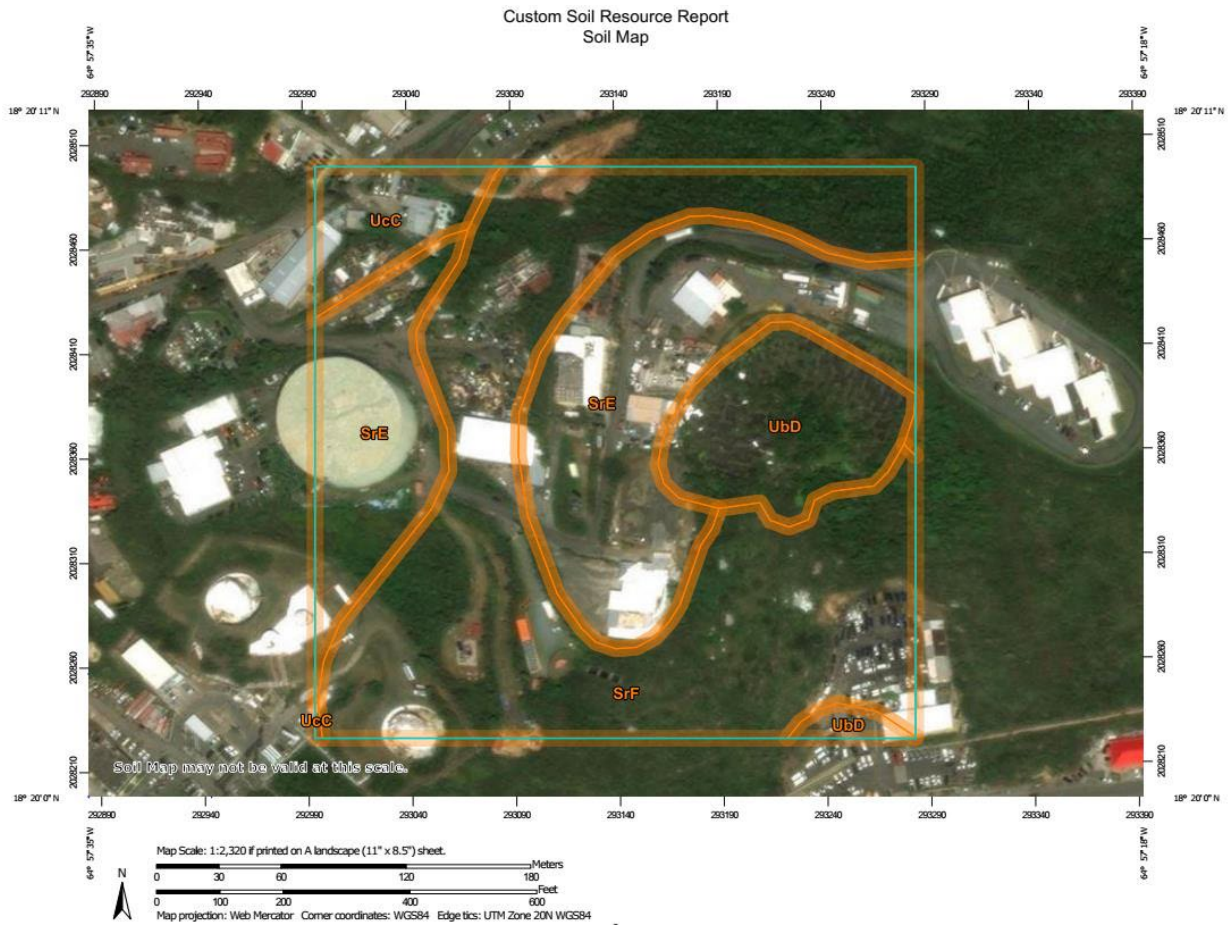
Asbestos and lead paint, in small quantities have been identified on Lots 108 and 106 and are included in the Hazmat remediation plan developed for BOC.

The demolition of the Swan Annex facility on lots 107, 108 and 109 and the removal of the structure on lot 106 should be executed with minor concern of hazardous material remediation. However, the demolition of the adjacent lots 104, and 105 will require considerably more effort due to the prior auto repair/ salvage work which has previously taken place.

BOC will require the demolition contractor, and the Hazmat contractor to perform assessments and provide verification for Lots 104 and 105 to ensure all hazardous waste and contaminated soil is identified, quantified, removed, and properly disposed.

Soils

Soils have been identified as Southgate Rock with 20 to 40% slopes of weathered material.



Flood Zones

According to US Virgin Island Advisory Base Flood map, the project site area is not within a flood zone.



Figure 9 FEMA Base Flood Elevation Map

Costal Floodplain, Oceanography and Marine Resources

The project site is located approximately 1,200 feet inland and uphill from the Krum Bay in St. Thomas. No direct impacts are anticipated on the marine environment or from sea storm events.

Costal Barriers

According to the USFWS IPaC (Information for Planning and Consultation) webtool, there are no costal barriers at this location.

Fresh Water Resources

The Virgin Island Water and Power Authority (WAPA) has a desalination facility approximately 1200 ft from the site.

Terrestrial Resources

The project area comprises developed tracks on the north, west and south boundaries. The east boundary is mostly covered in opportunistic vegetation.

Wetlands

According to the IPaC, the project location did not intersect any wetlands as mapped by the National Wetlands Inventory.

Rare and Endangered Species

According to IPaC, the project area is located within the endangered Virgin Island Tree Boa (*Chilabothrus granti*) range. According to the USFWS General Project Design Guidelines for this species, the following conservation measures are to be followed:

Conservation Measures for the USVI:

1. Contact Government of the Virgin Islands, Department of Planning and Natural Resources, Division of Fish and Wildlife (DFW) at (340) 775-6762, for consultation.
2. DFW will come out for an on-site discussion. They will need a copy of your building plans or a narrative of your intended project. DFW will coordinate via email so that all developers, owners, contractors, and other agencies, can follow along and provide input.
3. DFW will conduct a short VI boa training session for all individuals conducting hand clearing. This will involve discussions on what to do if a boa is encountered as well as boa identification. This can be done any time prior to hand clearing but is often performed on the first day on site. Photographs of the VI boa are to be prominently displayed at the site.
4. At least 5 days prior to the use of heavy equipment on the site, the site vegetation may be cut by hand. Any stone walls or naturally occurring rock piles must be carefully dismantled by hand as these are refuges for the snake. This will allow any boas present to vacate the site without injury.
5. Only hand clearing of vegetation is to be performed. This allows the use of chainsaws cutting vegetation down to less than 36 inches off the ground.
6. If a VI boa is found within any of the working or construction areas, activities should stop at the area where the VI boa is found. If boas need to be captured immediately to continue work and avoid harming the boa during the project activities, designated personnel shall immediately contact the DFW for safe capture and relocation.
7. DFW should be notified of any snakes observed.
8. Another site visit will be performed by DFW to confirm that hand clearing has been completed to our standards. The waiting period clock starts after inspection.

9. The site is to be left undisturbed for 5 days prior to the use of heavy machinery. However manual work may continue to be performed during this time and any vegetation may be moved by hand.
10. Use of heavy equipment is only permitted to start after the agreed upon date.

Air Quality

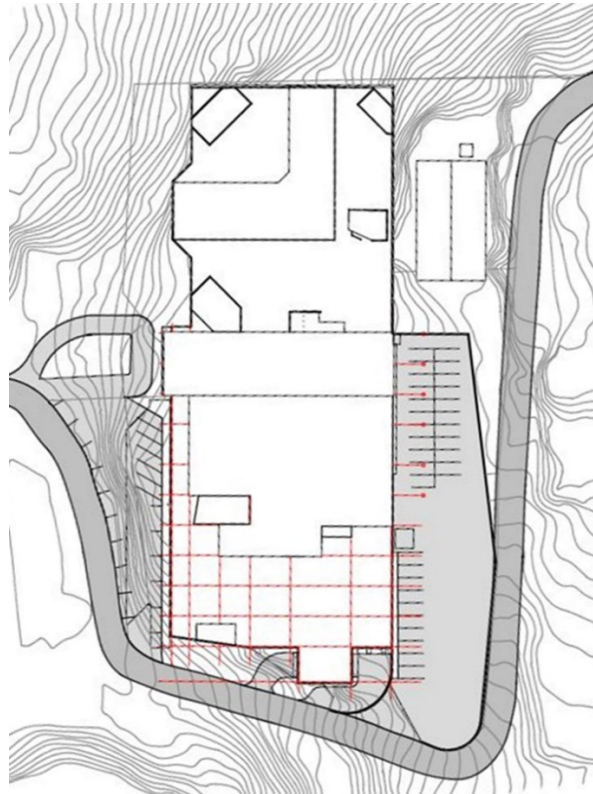
All of the U.S. Virgin Islands is designated Class II by the Environmental Protection Agency, in compliance with National Ambient Air Quality Standards. In Class II air quality regions, the following air pollutants are regulated: open burning, visible air contaminants, particulate matter emissions, volatile petroleum products, sulfur compounds, and internal combustion engine exhaust (Virgin Islands Code Rules and Regulations).

It is expected that excavation equipment will be used during project construction and will create combustion engine exhaust during on site use. Air quality will return to pre-construction conditions upon the completion of the construction process.

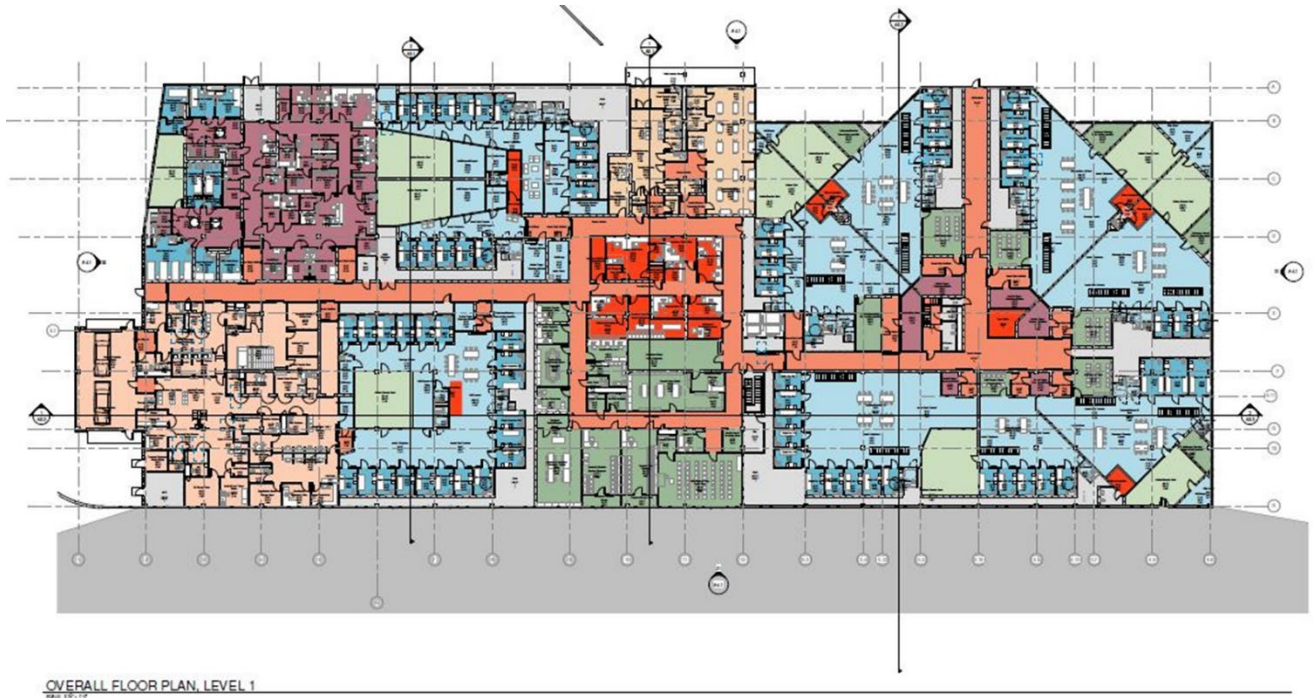
Proposed Project Description

The proposed project comprises the demolition of all structures on the project site and build a new, 207-bed 112,000 SF facility on three levels.

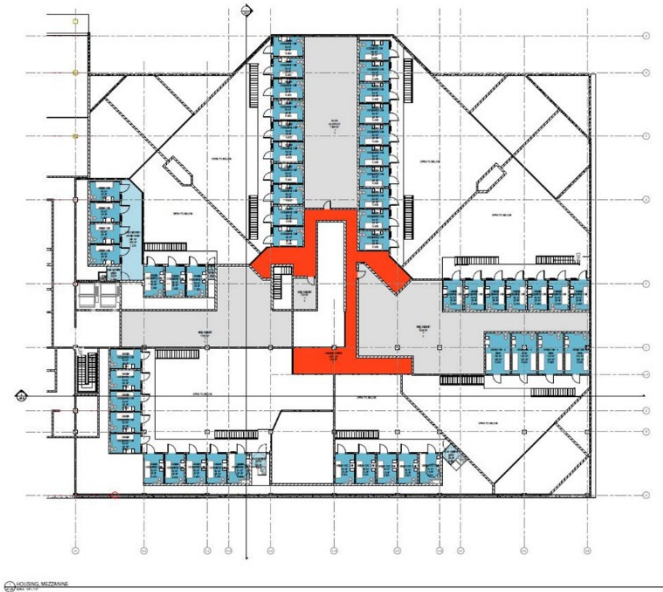
- Primary 2-story (plus mezzanine) building will be on parcels 104, 105, 106 which are at a lower elevation than the adjacent former Swan Annex site.
- Building entry are located at the Ground Floor Level and the Second Level
- Upper level will house the central energy plant, generator, fuel storage, transformers, fire pump, and parking.
- The existing cistern will be repurposed for use in the new facility



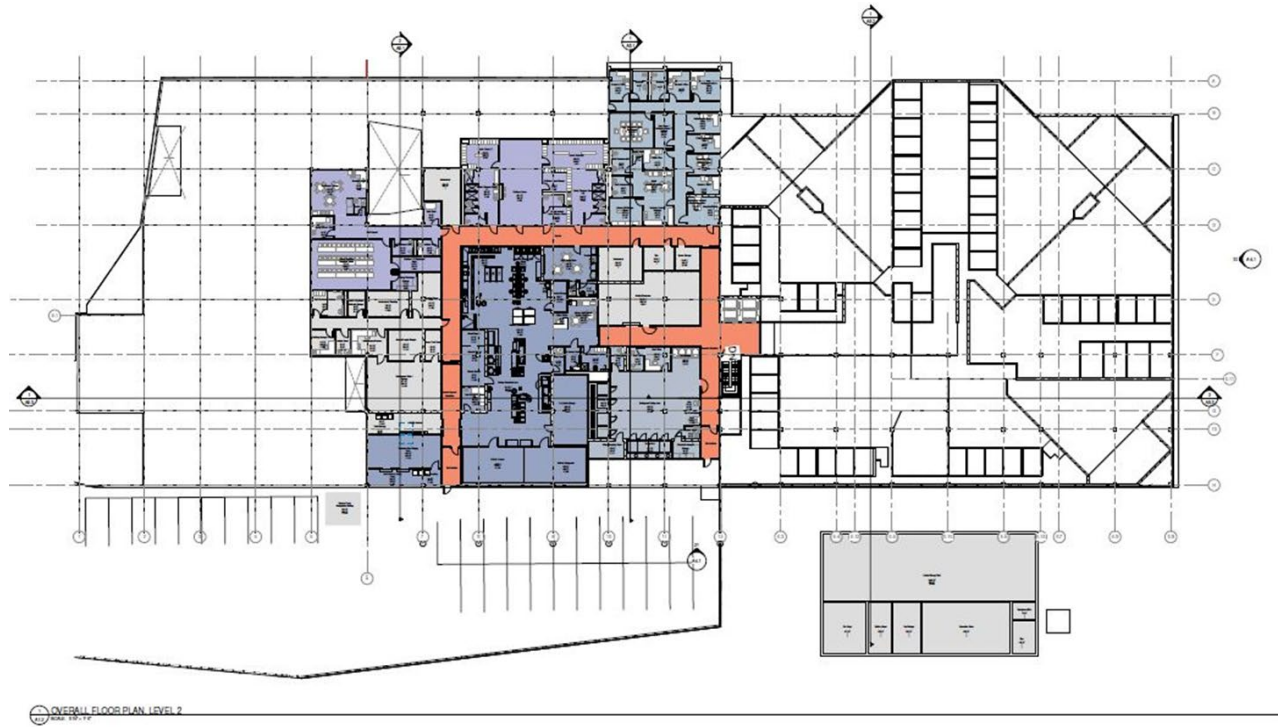
Proposed Ground Floor Level Plan



Proposed Mezzanine Floor Level Plan



Proposed Second Floor Level Plan



IMPACT ON MAN'S ENVIRONMENT

VISUAL IMPACTS

The project scope demolition of the damaged Swan Annex facility and the existing structures on the adjoining lots and removal of all cars, trucks, industrial equipment and junk currently existing on site. Hazmat remediation will be performed on all lots to remove and properly dispose of all contamination soils and any sources of contamination."

LAND AND WATER USE PLANS

The project parcels are currently in process for rezoning to Public (R-1) which complies with current Coastal Land and Water Use Plan and meets all use requirements for the zoning district as set forth in Title 29 of the Virgin Islands Code.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

The project site is on previously disturbed land. As such, there are no known historical and archeological resources in the project footprint. The improvements involve do required ground disturbance for demolition and excavation of soil. Standard procedures will be used if any items of Archaeological relevance are observed during the excavation activities on the site.

WASTE DISPOSAL AND ACCIDENTAL SPILLS

The Virgin Islands Waste Management Authority has specific guidelines and criteria for accepting construction debris. Construction waste will be disposed of in accordance with all governing laws and regulations. Any excessed excavated material will be collected, taken off-site and properly disposed.

A Phase I Environmental assessment was conducted by Terracon, Inc. in January 2023 and all Hazardous Materials, Asbestos and Lead testing results will be submitted to DPNR. An abatement plan will be submitted to the DPNR prior to the commencement of any abatement work. The handling and disposal of any hazardous materials will be done in strict accordance with all governing laws and regulations. The equipment will be kept in good operational condition during the proposed project timeline and refueling on site will be kept to a minimum.

UTILITIES

ELECTRIC POWER

There are WAPA electric poles in the vicinity of the project site. The existing electrical services will be removed and replaced with a new electrical service and distribution work.

WATER

There is a combination of cistern water and public (WAPA) water service at the project site. The proposed project design will provide a new system which will make use of water harvesting by means of collecting roof runoff into a cistern. Cistern will have a pump and filter system and UV system to treat water for human consumption.

WASTEWATER - SEWAGE

Project site does utilize the WAPA public sewer system. A new wastewater connection will be required for the project.

FEDERAL CONSISTENCY DETERMINATION

The proposed project consists of demolition of the existing Swan Annex facility and structures on three adjoining lots and building a new correctional facility.

It is not expected that this work will have the potential of impacting environmental resources, air and water quality during construction activities.

The proposed project occurs only within previously disturbed areas and excavation of historical or cultural resources is not anticipated. Project activities will stop if historic remains or resources are encountered, and SHPO will be contacted to determine the best course of action.

The Coastal Zone Management Act of 1972 requires that federal actions, within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water), or natural resources of the Coastal Zone be consistent with the enforceable policies of a state's federally approved Coastal Management Program. The existing site – Swan Annex Correctional Facility, Southside Quarter (Estate Nisky) St. Thomas, U.S. Virgin Islands falls within existing roadways and previously disturbed areas. The project will not impact any natural resources and will improve the visual landscape in the area. As proposed, it will be undertaken in a manner consistent with the enforceable policies of the U.S. Virgin Islands' CZM Program. This Federal Consistency Determination demonstrates the proposed project's compliance with the U.S. Virgin Islands' CZM Program.

The project meets each of the basic goals of the USVI for its coastal zone as set forth in the Virgin Islands Code Title 12, Conservation Chapter 21, Virgin Islands Coastal Zone Management [V.1. Code tit. 12, § 903(b)J. Additional details are as follows:

USVI Code Title Twelve Conservation, Chapter 21 § 903 (b)

1. Protect, maintain, preserve and, where feasible, enhance and restore, the overall quality of the environment in the coastal zone, the natural and man-made resources therein, and the scenic and historic resources of the coastal zone for the benefit of residents of and visitors of the United States Virgin Islands.

The existing site - Swan Annex Correctional Facility, Southside Quarter (Estate Nisky) St. Thomas, U.S. Virgin Islands is designed to be within existing roadways and previously disturbed areas. The project will not impact any natural resources and will improve the visual landscape in the Area. The new building will be less burden to environment meanwhile providing better setting for its occupants.

2. Promote economic development and growth in the coastal zone and consider the need for development of greater than territorial concern by managing: (1) the impacts of human activity and (2) the use and development of renewable and nonrenewable resources so as to maintain and enhance the long-term productivity of the coastal environment.

The proposed project promotes the economic development and growth in the area by providing a necessary public service on the island through clean, safe and secure housing for inmates, safe workplace for BOC staff and job creation. The development will be within a previously developed parcel avoiding new impacts on undeveloped areas.

3. Assure priority for coastal-dependent development over other development in the coastal zone by reserving areas suitable for commercial uses including hotels and related facilities, industrial uses including port and marine facilities, and recreation uses.

The proposed project does not impact coastal dependent development within the coastal zone area. The project site is approximately 0.21 miles inland, northeast of the Krum Bay harbor.

4. Assure the orderly, balanced utilization and conservation of the resources of the coastal zone, taking into account the social and economic needs of the residents of the United States Virgin Islands.

The proposed project is designed to be within existing roadways and previously disturbed areas. The project will not impact any natural resources and will improve the visual landscape in the area. The proposed project will provide critical public services and therefore will meet the economic and social needs of the residents of the area and the community of St. Thomas on a whole.

5. Preserve, protect and maintain the trust lands and other submerged and filled lands of the United States Virgin Islands so as to promote the general welfare of the people of the United States Virgin Islands.

The proposed project will not impact trust lands or other submerged or filled lands of the U.S. Virgin Islands.

6. Preserve what has been a tradition and protect what has become a right of the public by ensuring that the public, Individually and collectively, has and shall continue to have the right to use and enjoy the shorelines and to maximize public access to and along the shoreline consistent with constitutionally protected rights of private property owners.

The proposed project will in no way affect public access to, or use of, the shoreline. The project is located 0.21 miles inland on higher grounds.

7. Promote and provide affordable and diverse public recreational opportunities in the coastal zone for all residents of the United States Virgin Islands through acquisition, development and restoration of areas consistent with sound resource conservation principles.

The proposed project will not affect public recreational opportunities in the coastal zone. The project will serve a public need for safe and secure housing for inmates within the area served.

8. Conserve ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the function and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.

The project will have no impact on natural resources and will utilize best management practices (BMPs) to minimize areas of disturbance, thereby protecting adjacent habitats.

9. Maintain or Increase coastal water quality through control of erosion, sedimentation, runoff, siltation, and sewage discharge.

The proposed project will have no long-term change on sedimentation or erosion. Steps will be required by the contractor to protect the surrounding area with runoff countermeasures to prevent runoff.

Swan Annex Correctional Facility, Southside Quarter (Estate Nisky) St. Thomas, U.S. Virgin Islands is designed to be within existing roadways and previously disturbed areas. The project will not impact any natural resources and will improve the visual landscape in the area. It will maintain coastal water quality through control of erosion, sedimentation, runoff, and siltation. As designed, it protects and maintains, preserves, and enhances the overall quality of the environment in the zone, the natural and man-made resources therein, and the scenic and historic resources of the coastal zone for the benefit of residents of and visitors of the USVI. It is therefore consistent with the policy set forth in the Virgin Islands Code Title 12, Conservation Chapter 21, Virgin Islands Coastal Zone Management (V.1. Code tit. 12, § 903 (b)),

End of Costal Consistency Determination Request