HODGE & HODGE

TESTIMONY OF MARIA TANKENSON HODGE IN SUPPORT OF REQUEST FOR LEGILSATIVE APPROVAL OF CZM MINOR WATER PERMIT NO. CZT-12-14 (W)

Good Morning and thank you for the opportunity to appear in support of the request for legislative approval of CZM Permit No. CZT-12-14(W), for our client, Black Magic Flightops, LLC, as authorized by its sole member, Luis Bared.

This is a minor water permit to continue to maintain an existing small dock adjacent to the home owned by the permittee, which is a family residence maintained for Mr. Bared's family as a second home in the Virgin Islands. This dock is adjacent to Parcels 8-5B and 8-6 Estate Nazareth. It has no commercial purpose, and is solely for the benefit of the residence on that property.

The previous permit expired on January 31, 2014, after twenty years in place, and in order for the property owner to renew the permit, we filed an application for renewal on December 30, 2013. For whatever reason, the application was pending for quite some time before it was approved by signature of Commissioner Henry, and then by Governor Mapp. That is the renewal permit that we understand is before you.

The current renewal actually represents a reduction in the length of the permitted dock from the length allowed in the expired permit. The reduction in length allowed by this permit, as compared to the last, conforms to the length of the original and existing dock – namely 50' long x 5' wide. This permit eliminates the unused authorization to extend the original dock from its existing length by an additional 30", and also to eliminate the authority to add an "L" shaped section 20' long by 5' wide. For clarity, when the existing, or recently expired permit, was issued in 1993, it represented permission to continue the presence of an already existing dock, and also to extend and expand that existing dock. However, the owners elected not to undertake that extension so the present dock is the same length and width as the dock that has existed at that location for well over 20 years.

In summary, the renewal permit before you for consideration is simply a request to allow an existing dock to remain in place, without any extension, expansion or additional construction requested. Thus, because no new construction or development of any kind is sought or proposed, approval of this permit would not involve any possible adverse effects on the environment.

The purpose of the application is to allow the homeowner to continue to use his dock for access to his home by his motor boat, or by visiting guests who might arrive by boat. As no new construction is proposed, no discussion of construction methods, site disturbance, sedimentation control, construction schedule, and the like, is involved. The owner simply seeks to continue the existing use which will not cause any disturbance to the environment, and which will, in fact,

ATTORNEYS AT LAW
1340 TAARNEBERG, ST. THOMAS, VIRGIN ISLANDS
PHONE: 340-774-6845 FAX: 340-776-8900
EMAIL: MARIA@HODGELAWVI.COM

prevent the disturbance associated with any effort to physically remove the long-standing dock from its location.

It is our intention to proceed with a request for a concurring permit from the Department of the Army Corps, provided this body gives its approval.

I would close by saying that the Bared family have been long-time members of the community, and they want to continue to maintain a second family home here, although their primary residence is currently elsewhere. If you have any questions, I would be glad to respond.

Sincerely,

Maria Tankenson Hodge

May 19, 2015

Attorney for Magic Flightops, LLC/Luis Bared