



31st Legislature of the Virgin Islands
Committee on Energy & Environmental Protection
Senator Sammuel Sanes, Chairman
Committee Report

Date: Thursday, February 4, 2016

Place: Frits E. Lawaetz Legislative Conference Room

Purpose: Bill No. 31-0273 / Salt River

Roll Call:

Committee Members Present	Committee Members Absent	Non-Committee Members Present
Honorable Senator Sammuel Sanes	Honorable Senator Kurt Vialet (Excuse Letter)	Honorable Senator Justin Harrigan
Honorable Senator Marvin Blyden		
Honorable Senator Clifford Graham		
Honorable Senator Almando Liburd		
Honorable Senator Janette Millin-Young		
Honorable Senator Terrence Nelson		

Summary of Committee Meeting:

The Committee on Energy & Environmental Protection met on Thursday, February 4, 2016. Chairman Sammuel Sanes made his opening remarks and proceeded to commence the meeting.

- **Chairman Sammuel Sanes introduced the first item on the agenda – Bill No. 31-0273 – An Act amending title 25 Virgin Islands Code, chapter 15, section 300 relating to the use of jet skis, windsurf boards and kiteboards.**

Ms. Jessica Magras-Paris served as the representative for DPNR. Testifiers from Magen’s Bay Authority and Cane Bay Dive Shop sent in testimony. Their testimony was read into the record by the Clerk.

Chairman Sanes instructed the testifier present to read her testimony into the record.

Testimony Synopsis

- o Testimony heard from DPNR was in support of the Bill saying that “it is imperative that we revise our existing laws to ensure the safety of swimmers.”
- o Testimony heard from Magen’s Bay Authority supported the nature of the Bill, however, requested an amendment in the form of a definitions list.
- o Testimony from Cane Bay Dive Shop was not in support of the Bill saying that “The bill as written excludes and does not really make way for all activities.” It was stated that a satisfactory alternative would be to post signs displaying areas where no swimming is allowed or where only swimming is allowed because it is difficult to ban any jet ski towing within 500 feet of any shoreline.

The Committee Members and Non-Members present had one round of questioning for five (5) minutes.

Member Discussion Synopsis

- o The members discussed whether the present law was excessive in requiring a distance of 500 feet from the shoreline before operating watercraft.
- o The possible necessity of establishing entry points at the far left and far right of any beach as well as the need for appropriate signage and buoys was discussed.
- o Members finally discussed the proposed amendment which would change the current fine of \$100 to \$1,000.
- o The chair requested that DPNR provide accident and incident reports relating to watercraft.

Amendment 31-825 was introduced and moved by Senator Millin-Young and seconded by Senator Blyden. There were no objections to the amendment.

There was a motion made by Senator Almando “Rocky” Liburd to hold the bill in committee for further amendment. The motion was seconded by Senator Marvin Blyden.

Roll Call:

Committee Members Present	Yay	Nay	Absent
Honorable Senator Kurt Vialet			X
Honorable Senator Terrance “Positive” Nelson			X
Honorable Senator Clifford Graham	X		
Honorable Senator Marvin Blyden	X		
Honorable Senator Almando “Rocky” Liburd	X		
Honorable Senator Janette Millin-Young	X		
Honorable Senator Sammuel Sanes	X		

Total	5	0	2
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- **Chairman Samuel Sanes introduced the second item on the agenda – Negative environmental impact on the bioluminescent bay in Salt River (Mangrove Lagoon)**

Testifiers present:

- o *Margaret M. Boller, Representative, Save Salt River Bay Coalition*
- o *Jean-Pierre Oriol, Director, Coastal Zone Management, Department of Planning and Natural Resources*
- o *Jill Updyke, Owner, Virgin Kayak Tours*
- o *Ken Haines, PhD, St. Croix Environmental Association*
- o *Sean L. Krigger, Director, State Historic Preservation Office*
- o *Michael E. Ebner, Board Member, Judith's Fancy Owner's Association (testimony read by a representative)*
- o *Alexandria Ham, Board Member, Judith's Fancy Owner's Association*
- o *Colonel Deborah Howell, Adjutant General, VI National Guard (testimony read by Colonel Linda A. Cills)*
- o *Michael Baron, Vice President, Virgin Islands Conservation Society*
- o *Joel A. Tutein, Superintendent, United States Department of the Interior, National Park Service*
- o *Mark Martin Bras, Director of Field Research and Community Relations, Vieques Conservation Historical Trust*
- o *Benjamin Walter, Judith's Fancy Resident*
- o *Dr. David Hall, President, University of the Virgin Islands (testimony read by Camille A. McKayle, PhD, Provost)*

Chairman Sanes instructed the testifiers to read their testimony into the record.

Testimony Synopsis

- o *Multiple testifiers spoke to their concern about the close proximity of the Outpost building being built by the National Park Service to the adjacent bioluminescent bay.*
- o *There was discussion of the project not being permitted, inadequate environmental safeguards employed during construction, and the building's location within a floodplain.*
- o *DPNR's Coastal Zone Management explained that there were no permits issued to the National Park Service for construction nor any type of dredging at this time.*
- o *Demolition work on Hemmer's Peninsula was done with DPNR's authorization.*
- o *The environmental uniqueness of the bioluminescent bay was highly discussed, as well as the potential for greater marketing of the bay as a unique tourist attraction.*

- o *Mark Martin Bras explained that the work that is being considered near the bay, would never be allowed to occur anywhere near the bioluminescent bay in Vieques. Strict rules and regulations do not allow such practices.*
- o *Joel Tutein of the National Park Service explained the intent of the construction of the Outpost and stated that all alternative locations had already been vetted and found unworthy or were unattainable.*

Member Discussion Synopsis

- o *Much discussion focused around the National Park Service's lacking involvement with the community.*
- o *The chair requested that the National Park Service send records of public notification of public hearings on the project.*
- o *Senator Nelson motioned that the Committee visit the bioluminescent bay at night. Members voted by acclamation to visit the site.*
- o *The chair requested that NPS contact their parent office and seek a meeting between a delegation of the committee, stakeholders, and NPS to come to an agreement in reference to NPS's proposed construction on Hemmer's Peninsula.*

The Committee Members and Non-Members present had two rounds of questioning. One round of seven (7) minutes, and one round of five (5) minutes.

- *There was a motion made to draft a Resolution expressing concerns about the NPS Outpost construction and its impact on the bioluminescent bay and the Salt River area. Senator Liburd amended the motion to include the Delegate to Congress' office in order to facilitate meetings and to add their voice with the committee to express concern.*

Roll Call:

Committee Members Present	Yay	Nay	Absent
Honorable Senator Kurt Violet	X		
Honorable Senator Terrance "Positive" Nelson	X		
Honorable Senator Clifford Graham			X
Honorable Senator Marvin Blyden			X
Honorable Senator Almando "Rocky" Liburd	X		
Honorable Senator Janette Millin-Young			X
Honorable Senator Sammuel Sanes	X		
Total	4	0	3

Chairman Sanes made his closing remarks and the meeting was adjourned.

Completed by: 

Melissa Hall

Researcher / Community Outreach

Friday, February 5, 2016