



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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TESTIMONY

**THE COMMITTEE ON GOVERNMENT SERVICES, CONSUMER AND
VETERAN AFFAIRS ON BILL NO. 31-0333**

Good morning Senator Justin Harrigan, Sr., Chairman of the Committee on Government Services, Consumer and Veterans Affairs and other sitting members of the Committee, the 31st Legislature, and to the listening and viewing audience.

I am Dawn L. Henry, Commissioner of the Department of Planning and Natural Resources. I have here with me today, Althea Grant, Director of Business and Administrative Services and Howard Forbes Sr., Acting Director of the Division of Environmental Enforcement.

I am here before you today in full support of Bill No. 31-0333 - An Act amending title 25 Virgin Islands Code, chapter 16, section 405 relating to the mooring and anchoring of vessels in the Virgin Islands to provide for increases in the fee schedules.

Title 25 Virgin Islands Code, Section 405(a) states in pertinent part:

"All owners of vessels shall pay an annual fee of five dollars (\$5.00) per foot of vessel, based upon the deck length, to the Department for the use of mooring".

DPNR's Division of Environmental Enforcement is in support of the increase from \$5.00 per foot to: \$10.00 per foot for pleasure vessels, \$15.00 per foot for live-a-boards/houseboats and \$20.00 per foot for commercial registered vessels. All mooring fees shall be paid annually.

Title 25 Virgin Islands Code, Section 405(e) states in part:

“The Department shall determine and, after public hearings, shall adopt regulations as set forth in Section 403 establishing reasonable mooring and anchoring fee schedules”.

Title 25 VI Rules and Regulations, Section 405-5(c) states:

“Fee for anchoring permit”

The fee for a long-term anchoring permit shall be \$2.00 per foot of vessel length per month”.

The Division is in support of amending anchoring fees for boat live-a-boards/houseboats and commercial vessels from \$2.00 per foot per month to \$3.00 per foot per month.

One correction I would like to bring to your attention is the environmental impact fee. In Bill No. 31-0333 there is no fee associated on the mooring and anchoring fee schedule. DPNR proposes to eliminate this fee at this time.

Also, although Bill No. 31-0333 does not address late fees and Marine Event Permits, DPNR is requesting their inclusion in the fee schedule. DPNR vetted both of these fees through the public hearing process held on all three islands.

Title 25 VI Rules and Regulation, Section 405-10(a) states:

“Late fees”

“All delinquent payments of mooring fees result in a late charge of \$25.00 per mooring each month”.

The Division is requesting to increase mooring late fees from \$25.00 to \$75.00 per mooring per month and the addition of anchoring late fees of \$25.00 per anchor per month. Again, both of these fees were part of the agenda during the public hearings.

The Division also issues Marine Event Permits for (boat races, regattas, fireworks, etc.) free of charge to the permittee. The Division requests the implementation of a \$100.00 permit fee for administrative costs and an additional \$500.00 fee if the permittee requests the Division’s marine assets to be deployed to provide a safety zone for the event.

The projected increase in revenue from Bill No. 31-0333 will supplement the day to day operational costs of the Division, which have continued to rise throughout the years. For example, in 1992 the Division's budget was \$739,598.00 as compared to the 2015 budget of \$1,268,589.00. Note that these fees were initially implemented in 1992, and have not been increased since their inception. Senators, that amounts to twenty-four (24) years with no increase in fees whilst operational costs have increased yearly. Operational costs such as fuel, vessel maintenance and storage, and utilities. I am happy to announce that one of the Department's increase cost is personnel due to the officers receiving pay increases. With the full support of the Governor, Officers received an entry level salary increase from \$24,500.00 to \$28,500.00.

The need for an increased marine presence has grown due to the enforcement needs of the boating community as well as responsibilities such as Homeland security initiatives and an increase in transient vessels visiting the Territory. Bill No. 31-0333 will help address the Department's need to hire additional officers, to better maintain its fleet of vessels, and to assist in providing much needed marine presence throughout the territory.

DEE Officer responsibilities include:

- Recreational boating safety enforcement and inspection
- Marine Search and Rescue
- Fisheries enforcement and inspection
- Serve notices of violation for other Divisions within the Department
- Officers also augment the Virgin Islands Police Department and Federal Agencies when called upon
- Homeland Security Initiatives

In trying to accomplish its many missions, DEE presently has ten (10) officers in the territory, five (5) in each district. The Division is understaffed. It often proves challenging for the officers to serve the nine (9) divisions within the Department, conduct adequate marine patrol, and assist the VIPD when called. Optimally, the Division would like to have compliment of fifteen (15) officers per district. The Division has no dedicated marine unit. With the fee increases, we hope to create teamed units in each district in order to provide daily marine patrols. Finally, DPNR is requesting that if the committee votes to allow for the fee increases that pursuant to Section 405(e) the new fees commence for the 2016 registration cycle effective July 1, 2016.

The Division of Environmental Enforcement is tasked with many responsibilities with limited resources and is required to fulfill many tasks and obligations in addition to required Federal mandates. The Division's primary functions are to enforce all environmental rules and regulations, boating safety, and permitting laws of the United States Virgin Islands, and to protect, conserve and preserve the natural resources of the Territory.

This concludes my prepared testimony and at this time I am available to answer any questions you may have.