



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Office of the Commissioner

December 8, 2025

The Novelle E. Francis, Jr.
Chair, Committee on Budget Appropriations and Finance
36th Legislature of the Virgin Islands

RE: TESTIMONY ON BILL NO. 36-0209 – CIVIL PENALTIES FOR DISREGARDING MARINE ADVISORIES

Good day Senator Francis, Chair of the 36th Legislature's Committee on Budget, Appropriations and Finance, committee members, non-committee members and legislative staff present, and members of the viewing and listening public, my name is Jean-Pierre L. Oriol, Commissioner for the Department of Planning & Natural Resources (DPNR). I am before you today at the Chair's invitation dated December 4, 2025, in which comments on the Bill No. 36-0209 – An Act to establish civil penalties for disregarding marine advisories and creation of the Territorial Marine Safety Fund.

As one of the lead agencies within the Government of the Virgin Islands (GVI) with the capabilities to respond to a marine emergency, I am in full support of the intent of this Bill. Over the last several years, there have been several incidents where small craft advisories have been issued, yet members of the public have chosen to still go out on the water. A recent occurrence of this was on August 16, 2025, as we were feeling the effects of Hurricane Erin, my officers had to respond to a vessel in distress in the area of Buck Island, St. Croix. A marine advisory was released the evening of August 15, 2025, and then re-released at 7:30 am the morning of August 16, 2025 with the specific caption "Mariners STAY IN PORT!" As you will see from the video provided, we had to respond and rescue two persons who thought it was a good idea to go out diving that day. These negligent actions put my officers in harms way unnecessarily, and I agree that there should be a civil penalty for such selfish actions.

While I agree overall, I do have a few comments on the specific language in the Bill. First, although not all six of the agencies listed in the bill actually issue marine advisories, I believe that Line 7 should read, "...public safety notices issued by **any of** the following agencies:" It's important to specify "any of" otherwise, if a citation were being legally challenged, it could be argued that not all six agencies issued an advisory, and therefore the respondent is not in violation of the law. Second, small craft advisories are commonly issued when marine conditions are showing swells between six feet or more, but that doesn't necessarily mean boats should not be in the water. If I understand the intent of the Bill, it is to penalize those who purposely go out in extremely unsafe conditions, like an oncoming storm or times of massive swells (numerical value to be assigned). If the aim of the Bill is to penalize negligence and willfulness, perhaps tying the advisory to the US Coast Guard port conditions could be considered. If a port is closed (i.e. condition Yankee or Zulu) then small craft should definitely not be on the water.

My next comment is on the amount of the penalty; I believe that a penalty of \$1500 would be a much more effective as a punitive measure than \$500. In addition, it is unlikely that personnel from VITEMA or VIFEMS would be the agency to respond to a distress call, and therefore there's no need to have either of these agencies included as agencies to issue citations.

My last comment on the Bill is regarding the creation of the Territorial Marine Safety Fund. As written, the fund is to be administered by the Department of Finance, but the disbursement of funds could come from DPNR, VIPD, VITEMA or VIFEMS. I think this is the perfect example of “too many cooks in the kitchen.” Overall, I’m generally not a proponent of creating new special funds; rather, there are likely existing special funds within each of the departments that penalties derived from the citations could go towards.

This concludes my testimony on Bill No. 36-0209: An Act to establish civil penalties for disregarding marine advisories and creation of the Territorial Marine Safety Fund. I am prepared to answer any questions you may have at this time.