

# Bill No. 36-0209

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2 An act amending Title 23 Virgin Islands Code, Chapter 10 to establish civil penalties for disregarding marine advisories and to create the Territorial Marine Safety Fund



PRESENTED BY

**Daryl D. Jaschen**

**DIRECTOR**

**VIRGIN ISLANDS TERRITORIAL  
EMERGENCY MANAGEMENT AGENCY**

Submitted to

**SENATOR NOVELLE E. FRANCIS, JR., CHAIRMAN**  
*Senate Committee on Budget, Appropriations and Finance*  
Earle B. Ottley Legislative Hall in St. Thomas, Virgin Islands  
December 15, 2025

3 Good afternoon, Senator Novelle E. Francis, Jr., Chairman, Committee on Budget,  
4 Appropriations, and Finance, other committee members, 36th Legislature Staff, and  
5 those in the viewing and listening audience.

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7 I am Daryl D. Jaschen, Director of the Virgin Islands Territorial Emergency  
8 Management Agency (VITEMA). I am here today to provide testimony to Bill No.  
9 36-0209, an act amending Title 23 Virgin Islands Code, Chapter 10 to establish  
10 civil penalties for disregarding marine advisories and to create the Territorial  
11 Marine Safety Fund, dated September 29, 2025, sponsored by Senator Hubert L.  
12 Frederick.

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14 VITEMA supports Bill No. 36-0209 to establish a penalty for any person who  
15 disregards an official marine advisory and causes the deployment of emergency  
16 response resources. As to what constitutes an official marine advisory for the  
17 waters of the US Virgin Islands, the National Weather Service located in San Juan,  
18 Puerto, which is an agency within the National Oceanic and Atmospheric  
19 Administration (NOAA), is the only authority VITEMA recognizes and  
20 coordinates with to advise boaters of deteriorating marine conditions or to pass  
21 along marine advisories, costal hazards warnings, or other weather related notices.

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23 The area of responsibility for the National Weather Service in San Juan to provide  
24 weather forecasts, to include marine advisories, encompass a rectangular ocean  
25 area within the following coordinates; North latitude 19.5 degrees to South latitude  
26 17.0 degrees which is a range of 167 miles North-to-South and East longitude 64.0  
27 degrees to West longitude 68.0 degrees which is a range of 270 miles East-to-

28 West. This rectangular area includes the land masses of Puerto Rico, Vieques,  
29 Culebra, all the US Virgin Islands, and all the British Virgin Islands.

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31 These advisories include an effective date and time, area of coverage, details of the  
32 type of marine hazard, and an anticipated expiration date and time, which may be  
33 extended by the National Weather Service if conditions continue to remain  
34 hazardous.

35 Distribution of these advisories are done through various official media outlets  
36 such as the National Weather Service webpage at [www.weather.gov](http://www.weather.gov), Facebook,  
37 and for media outlets, they can request access to a NWS Puerto Rico weather  
38 products application called Slack for mobile devices and desktops. Special  
39 sections focus on weather related watches, warning, and advisories based on  
40 geographic areas. NOAA, NWS, and the Federal Communications Commission  
41 maintain a weather radio all-hazards (NWR) Emergency Alert System, which  
42 includes more than 1000 transmitters, covering all 50 states, adjacent coastal  
43 waters, Puerto Rico, the U.S. Virgin Islands, and the U.S. Pacific Territories. NWR  
44 requires a special radio receiver or scanner capable of picking up the signal.

45 Broadcasts are found in the VHF public service band on one of seven frequencies  
46 (MHz). For the US Virgin Islands, the NWR transmitter is located on the east end  
47 of St. Thomas, with broadcast frequency 162.45 Mhz, covering a range of  
48 approximately 40 miles. The NWR transmitter operates a recorded weather  
49 message 24-hours a day, and relays weather watches, warning, and advisories at  
50 the same time as the announcements are published on NWS-PR website. The  
51 National Weather Service in Puerto Rico also maintains, as part of its Emergency  
52 Alert System, the ability to broadcast watches, warning, and advisories to  
53 smartphones which are connected to cell towers. For the marine community,

54 broadcast coverage is limited to the signal strength of the tower. The US Coast  
55 Guard Sector San Juan also broadcasts the NWS-PR watches, warnings, and  
56 advisories on VHF Marine Channel 16 and Channel 22A.

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58 While VITEMA posts the NWS-PR weather watches and warnings automatically  
59 for subscribers to its Alert VI, advisories require human action and are not  
60 automatically sent. VITEMA's focus for advisories is land based events and is  
61 usually limited to heat, flood, and drought related weather events. Marine  
62 advisories, if broadcast, are around coastline conditions, such as rip currents.

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64 Of special note is the British Virgin Islands Department of Disaster Management  
65 receives its official weather advisories from the Antigua and Barbuda  
66 Meteorological Service based on a Memorandum of Agreement. Any calls for  
67 marine rescue in the British Virgin Islands are made through their Police marine  
68 units and volunteer marine rescue group. Marine calls for emergency response  
69 beyond 12 miles from the BVI coast are responded through a MOU with the US  
70 Coast Guard in Sector San Juan.

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72 While the US Coast Guard Sector San Juan does not publish its own marine  
73 advisories for the public, it does use a technology called Rescue 21, which is  
74 an advanced command, control and communications system covering Puerto Rico  
75 and the U.S. Virgin Islands, basically a maritime version of 911 which facilitates  
76 better communication in emergency situations. Rescue 21 allows for direction  
77 finding, which if a boater in distress has a VHF radio, and mariners are supposed to  
78 have one in their vessels, when they click it on and call Mayday, the US Coast

79 Guard antennas will cross reference that signal and pinpoint the location up to 20  
80 miles off the coast.

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82 Other measures used by the US Coast Guard to curtail marine traffic during times  
83 of hazardous marine weather conditions is to publish the Marine Safety  
84 Information Bulletin or MSIB which announces deteriorating port conditions. The  
85 MISB is used during tropical storms and hurricane threats, and ranges from Port  
86 Condition Whiskey, where tropical storm force winds are expected within 72  
87 hours, to X-Ray, to Yankee, and finally to Zulu, where tropical storm force winds  
88 are expected within 12 hours and the port is closed.

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90 As to any monetary penalty to boaters who require assistance or rescue, during  
91 times when a marine advisory has been issued, VITEMA is not a regulatory  
92 enforcement arm of the government will look to agencies such as the Department  
93 of Planning and Natural Resources (DPNR) and the Virgin Islands Police  
94 Department (VIPD) for their input to this bill.

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96 Thank you for the opportunity to present testimony on Bill No. 36-0209, and again,  
97 VITEMA supports this Bill. I am prepared to answer any questions any members  
98 of this committee may have at this time.