

November 17, 2025

The Honorable Milton E. Potter
President
36th Legislature of the Virgin Islands

via email: mpotter@legvi.org

Dear Senate President Potter,

This correspondence is sent on behalf of the St. Thomas Committee of the Virgin Islands Coastal Zone Management Commission, in its review and assessment of major Coastal Zone Management Permit Nos. CZMJL0017-25 and CZMJL0018-25 for the development of solar farms in Estate Bovoni and Estate Fortuna, respectively, to communicate the STT Committee's findings for justification of BR#25-0914 and BR#25-0915 requesting the approval by the Legislature.

President Trump's Executive Order No. 14315 titled, "Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources" aim is to end tax incentives by the end of the year for "proven reliable" energy sources, by repealing and modifying wind, solar, and other green energy tax credits. This action taken undoubtedly has a massive effect on green energy-based projects, which may have had years to develop, will rapidly speed up their timelines given similar current projects within the territory. We are left at an crucial point where the potential for an alternative energy source to be added to our electrical grid system could be derailed and with the constant power interruptions in the territory due to high fuel cost and lack of adequate power supply capacity to ensure proper scheduled maintenance of key pieces of equipment could potentially leave us in dark one day, that continues to affect the social and economic balance in the territory.

The STT Committee acknowledges that the department's request before the Legislature is unconventional, and inconsistent with certain provisions and the procedural process that allows for public participation in decisions affecting coastal planning conservation and development; however, we recognize that the specific situation we are faced with is of vital importance to the territory economic, social, and welfare growth or longevity for energy independence. The CZM Commission is empowered under Section 910(e) to in a manner required by law and after public hearings, adopt such supplementary regulations pertaining to the issuance of coastal zone permits as it deem necessary and including modify or adopt additional regulations or guidelines to carry out the provision of the chapter, which would look at ways in creating a formal expedited permit review process that is applicable and consistent to the provisions of the CZM Act. Moreover, the STT Committee would like to ensure to the 36th Legislature that although a waiver of the application process is being requested, the projects have been thoroughly reviewed to best of our ability by the staff and the Committee, and as is required by 12 VIC § 910(a)(2), the projects as proposed are consistent with the goals, policies and standards provided in Sections 903 and 906 of the CZM Act, and that the development incorporates mitigation measures to substantially lessen and adverse environmental impacts that could be caused by the development.

The developer seeks to construct two solar arrays - one in Estate Fortuna that will produce 44 MW and have 50 MWh of battery storage, and one in Estate Bovoni that will produce 13 MW and have 10 MWh of battery storage. The goal of the project is to supply clean, renewable energy to the VI Water and Power Authority (VIWAPA) at a significantly lower price than the cost of liquid propane or diesel fuel, thereby reducing the cost to customers and facilitating VIWAPA scheduled preventative maintenance or corrective actions for energy stabilization and diversification. This is directly consistent with the goals specified in 12 VIC § 903(b)(2)

which states that the program is to “promote economic development in the coastal zone and consider the need for development of greater territorial concern by managing: (1) the impacts of human activity and (2) the use and development of renewable and nonrenewable resources so as to maintain and enhance the long-term productivity of the coastal environment.” It is a matter of fact that reliable, low-cost power is a major factor in the survival of small businesses in this territory; moreover, a major household expense across the territory is electricity. The development of these solar fields and subsequent supply of power using renewable resources is in the overall interest of the public, and as such, the STT Committee supports the development.

The Staff Recommendations for each of the developments provided as attachments to this correspondence will show that developments are:

- Developments are uses provided as a matter of right in each of the zoning designations, and therefore consistent with Title 29, Chapter 3 (VI Zoning Code);
- Proposed methods of land clearing (mulching the vegetation to two inches (2”) and leaving the majority of mulch as ground cover, using the balance for berms), and set backs of forested land are consistent with 12 VIC § 906(b)(1), which requires that developments to conserve significant natural areas for their contributions to marine productivity and value as habitats for endangered species and other wildlife, are designed to minimize adverse impacts to water quality; and
- Special conditions recommended serve to achieve the goals and policies applicable to the requested development.

Given all the facts regarding the request before you, because of the presidential Executive Order 14315 that created these conditions and puts the developer primarily at risk of potentially losing key funding for tax credits if development is not “substantially built”. The developer has proven to the STT Committee the ability to demonstrate compliance with the permit requirements, having delivered two similar projects in the district of St. Croix and has secured significant investment to improve the power infrastructure for the territory. With the proposed request before this Legislative body – the St. Thomas Committee of the Virgin Islands Coastal Zone Management Commission unanimously issues its consent for the Legislature to approve BR#25-0914 and BR#250915 for the development of solar facilities in Estate Bovoni and Estate Fortuna, subject to the approved conditions.

Should you require any additional information, please feel free to contact us through Mr. Marlon Hibbert, Director of CZM, at (340) 774-3320 or by email at marlon.hibbert@dpnr.vi.gov.

Sincerely,



Jawanza Wallace-Hilaire
Chair
STT CZM Committee