

Senators:

Re: Public Beach Control Under the Proposed Amended Lease

The proposed Amended Lease should be rejected because it grants Water Island Development Company (WIDC) long-term control over **EVERY** sandy public beach on Water Island; even those not associated with the proposed hotel. Map attached. While title may remain with the Government, the lease effectively places these public resources under the control of a private developer for up to ninety-nine (99) years. This is contrary to sound public policy and unnecessary for the development of a successful hotel.

Public beaches are held for the benefit of all Virgin Islanders and should remain under the management and control of the Government. Granting a private developer control over beach access and adjacent shoreline creates an inherent conflict between the public's right to freely enjoy these resources and the developer's commercial interest in providing an exclusive resort experience. Even where public access is technically preserved, private control often results in real or perceived restrictions that discourage public use.

The proposed lease is also inconsistent with the recommendations of the **2007 University of the Virgin Islands Water Island Land Use Study**, which emphasized preserving public access, protecting environmentally sensitive coastal areas, and maintaining Water Island's unique character. It is likewise inconsistent with the federal **Quitclaim Deeds** transferring Water Island to the Government of the Virgin Islands, which require the property to be used for **public purposes** and reflect an intent that these lands be managed for the benefit of the public—not placed under private control except to the extent reasonably necessary for an approved public purpose.

The Legislature has already declared, through the **Open Shorelines Act**, that the public has a continuing right to use and enjoy the shorelines of the Virgin Islands. The Act expressly recognizes that the Legislature enacted the law because of increasing attempts to restrict public use of the shoreline and states that it is the public policy of the Virgin Islands to preserve what has become a public right. Specifically, the Legislature declared that “the public, individually and collectively, has and shall continue to have the right to use and enjoy the shorelines of the United States Virgin Islands.” 12 V.I.C. §§ 401-402. The Act further prohibits any person or entity from creating or maintaining any obstruction or restraint that interferes with the public's use and enjoyment of the shoreline. 12 V.I.C. § 403.

While the proposed Amended Lease does not expressly close beaches, it places control of those public shoreline areas in the hands of a private developer for ninety-nine years. It also seeks control of Honeymoon Beach thru a License. Doing so is fundamentally inconsistent with the Legislature's declared policy of preserving public shoreline rights. Public beaches should remain under direct governmental management and accountability, not under the control of a private resort whose primary obligation is to its commercial interests. Even if the developer intends to allow public access today, future owners, operators, or lenders could impose practical

restrictions, security measures, or operational policies that discourage or interfere with the public's full use and enjoyment of these beaches.

The Legislature should require that all public beaches and shoreline areas not directly associated with the proposed hotel be excluded from the leased premises and remain under the exclusive ownership, management, and control of the Government of the Virgin Islands. A hotel can operate successfully adjacent to public beaches without requiring control over them, as is the case elsewhere in the Virgin Islands. Public beaches should remain public in both law and practice.

Thank you for your attention to this important matter,

Elizabeth McConnell

Water Island

