

**MINOR COASTAL ZONE MANAGEMENT PERMIT NO. CZMIW0002-23**

- I. **AUTHORITY** This permit is issued by the Commissioner of the Department of Planning and Natural Resources (the "Department" or "DPNR") and is administered and monitored by the Department pursuant to Virgin Islands Code, title 12, sections 910 and 911, and any other provisions of chapter 21 or elsewhere in the Code that apply. As herein, "Permitter" is the **GOVERNMENT OF THE VIRGIN ISLANDS DEPARTMENT OF PLANNING AND NATURAL RESOURCES** and the "Permittee" is **555 Madison Investors V, LLC**.
- II. **SCOPE** To allow for the use and occupancy of the submerged lands seaward of Plot No 7W Estate Nazareth St Thomas VI, and for the installation of a dock consisting of a 21' x 4' section and a 7' wide by 42'-6" long dock totaling 408 ft<sup>2</sup>. This permit also authorizes the installation of a four-inch (4") diameter reverse osmosis intake line on the underside of the dock.
- The proposed project will be located on and seaward of Plot No 7W Estate Nazareth, St. Thomas, U.S. Virgin Islands (The "Premises").
- III. **TERM** This permit is effective upon its signing by the Commissioner of DPNR, approval by the Governor of the Virgin Islands and ratification by the Legislature of the Virgin Islands, pursuant to V.I. Code title 12, section 911. As used in this Permit, the "Effective Date" or "the date hereof" means the date of such ratification. This permit will expire **TWENTY (20) YEARS** after the Effective Date. This permit is issued for a definite term of 20 years and shall not constitute a property right. The Permittee shall have the option to renew the permit within ninety (90) days before the permit expires and the fees are subject to negotiations. This Permit shall be renewed only if the requirements of title 12 of the V.I. Code, section 911 are met.
- IV. **DOCUMENTS INCORPORATED BY REFERENCE**
- Exhibit A: CZM Minor Permit Application Form L&WD-2 received June 12, 2023
- Exhibit B: Environmental Assessment Report dated June 12, 2023; supplemented May 28, 2024
- Exhibit C: Plans dated April 15, 2024
- V. **GENERAL CONDITIONS**

- A. **Liability** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of



its control of the area described in section II of this permit, and all improvements thereon (which area and improvements are hereinafter referred to as "the premises"), and to hold the Permitter free and harmless for civil or other liabilities of any kind during the time the Permittee is in control of the premises pursuant to this permit, or for any liability occurring after such time if the liability is a result of Permittee's past control of the premises.

- B. Personal Property and Damage All personal property of any kind or description whatsoever located on the premises shall be there at the Permittee's sole risk.
- C. Assignment or Transfer This permit may not be transferred or assigned except as provided in section 910-15 of the Virgin Islands Rules and regulations.
- D. Permit to be Displayed A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire work period.
- E. Reliance on Information and Data The Commissioner has relied on the information and data provided by the Permittee and the Permittee affirms that the information and data it provided in connection with its permit application are true, complete and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data prove to be false, incomplete or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal proceedings.
- F. Development to be Commenced Any and all development approved by this Coastal Zone Management ("CZM") Permit shall begin within twelve (12) months from the date this permit becomes effective and shall be continuous until completion. Failure to commence work within such period and continuously construct thereafter until the completion of construction shall cause the permit to terminate automatically and render it null and void, unless the permittee requests an extension in writing and demonstrates to the satisfaction of the Commissioner that good cause exists for granting such extension.
- G. Notification of Completion Upon completion of any activity authorized or required by this CZM Permit, the Permittee shall promptly notify the Director of the Division of CZM. Where the services of a professional engineer were required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- H. Inspection The Commissioner or their authorized agents or representatives shall have the power to enter at reasonable times upon any lands or waters in the coastal zone for which this CZM Permit has been



issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of this CZM Permit. The Permittee shall provide access to such records as the Commissioner in the performance of their duties under the CZM Act may require the Permittee to maintain. Such records may be examined, and copies shall be submitted to the Commissioner upon request.

- I. Conditions of Premises Any development authorized by this permit shall be maintained in a safe condition and in accordance with the description, plans, and/or drawings approved by the Commissioner, and all applicable Virgin Islands laws and regulations.
- J. Restoration of Area The Permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and in their sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures or site, and/or comply with any reasonable directive of the Commissioner in satisfying the original permit conditions in such time and manner as the Commissioner may direct.
- K. Notices All notices sent or required to be sent under this permit must be by certified mail, return receipt requested. If addressed to the Permitter, same shall be sent to the **Commissioner of the Department of Planning and Natural Resources, 4611 Tutu Park Mall, Suite 300, St. Thomas, US Virgin Islands 00802**, or to such other place as the Permitter may hereinafter designate. If addressed to the Permittee, same shall be sent to **555 Madison Investors V, LLC c/o Cristina Blackburn 1000 BlackBeards Hill Suite 10, St. Thomas, VI 00802**, or to such place as the Permittee may hereinafter designate.
- L. Non-Waiver One or more waivers by the Permitter of any covenant or condition of this permit shall not be construed as a waiver of a further breach of the covenant or condition. The consent or approval of the Permitter to or of any acts by the Permittee requiring the Permitter's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- M. Revocation A violation of any provision of the permit shall result in revocation of the permit.
- N. Other Approval If the development or occupancy covered under this permit requires separate and distinct approval from the United States Government or the Government of the Virgin Islands, or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- O. Abandonment If the Permittee abandons, deserts or vacates the premises or discontinues its operation at the premises for a period totaling six (6)



consecutive months, the permit will terminate automatically and be rendered null and void.

- P. Damage and Repair of Premises Described in Section II In the event of damage to or destruction of the premises, described in section II hereof, repair work may be done only after a request to do so has been submitted in writing to the Department and written permission has been granted by the Department.
- Q. Signatures on the Permit Document The Permittee shall sign and return the permit document to the Department within sixty (60) days of receipt of the permit. Failure to return the signed permit within the time period specified will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless the Permittee requests a written extension, and the Department grants the written extension.

## **VI. SPECIAL CONDITIONS**

1. The Division of Coastal Zone Management (CZM) shall be notified at least 72 hours prior to the commencement of the development activity authorized.
2. All other federal and territorial permits required to build and operate the dock structures must be obtained and maintained.
2. The Permittee's dock shall be for personal use only and no commercial craft may use or be docked overnight. The docking of vessels is limited to vessels under 40 feet (ft) in length.
3. The Permittee shall not allow any cleaning or fueling of vessels on the dock.
4. No swim ladders shall be affixed to the dock, and the dock shall not be used to provide access to swimmers.
5. Monitoring, assessment and maintenance of structures shall occur at least semi-annually, and inspection records shall be submitted to DPNR upon request.
6. A water quality certificate must be applied for and obtained from the Division of Environmental Protection prior to construction.
7. The Permittee is required to submit a lighting plan for review that is consistent with the Division of Fish and Wildlife specifications as it relates to turtle nesting beaches within thirty (30) days of the receipt of this permit.

8. The Territorial Pollutant Discharge and Elimination Systems (TPDES) permits must be applied, received and must be maintained for the brine discharge from the reverse osmosis system prior to occupancy and use of the dock.
9. The Permittee shall in the event of the threat of any severe weather event, remove the motor vessel to a different location for the duration of the event.
10. The use of stationary continuous propelling for maintenance dredging is prohibited.
11. The permit authorizes only the work as described in Section II of this permit; no other work is allowed.

**VI. FEES**

The rental fees for the use and occupancy of the submerged lands as described in Section II are assessed pursuant to 12 V.I.C. § 911(f) and have been negotiated with the Permittee pursuant to 12 V.I.R.R. § 910-5(e). The initial payment under this permit is due upon receipt of the effective permit, and subsequent payments are due on the anniversary of the effective date. Without further notice or demand, payments are to be made to the Department of Planning and Natural Resources.

1. A rental fee of **NINE THOUSAND AND 00/100 DOLLARS (\$9,000)** per year, payable annually in advance, shall be charged for the use and occupancy of the submerged lands covered by the scope in Section II of this permit.
2. Upon the fifth (5th), tenth (10th), and fifteenth (15th ) anniversary of this permit, the rental fees payable under this permit shall be adjusted in accordance with the increase in the U.S. Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), U.S. city average series for all items, and shall be calculated using the CPI Inflation Calculator on the U.S. Department of Labor, Bureau of Labor Statistics' website ([http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm)) using the previously calculated year as the Base Year for comparison, provided, however, no adjustments in rental shall be increased more than 15% over any preceding lease year.
3. Upon the twentieth (20th) anniversary of this permit or at expiration, the rental fees shall be adjusted pursuant to the increase in the CPI-U in the manner described in paragraph 3 of this section, and every year after, until a renewal permit is approved or the Permittee vacates the Premises in accordance with section V, subsection J, of this permit.
4. In no event shall any rent determined in any of the above manners be reduced below the annual rent of the previous year.




5. In the event that any installment of rent or any other charge due from Permittee is not received by Government within ten (10) days of the date due, Permittee shall pay to Government a late charge calculated at 10% of the total amount then past due.
  
6. In the event of an assignment or transfer of this permit pursuant to 12 V.I.R.R. § 910-15, the Assignee may be required to negotiate the fees at the discretion of the Division of CZM, pursuant to the provisions of 12 V.I.R.R. § 910-5.

**IT IS EXPRESSLY UNDERSTOOD** by the parties hereto that the title holder to all submerged lands which is altered or occupied on the basis of this permit is in the Government of the Virgin Islands, and the Permittee shall have no right or interest therein, of any kind whatsoever, other than such rights as are expressly set forth herein, and that this instrument is not a lease.

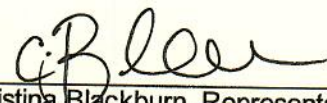
**IN TESTIMONY WHEREOF**, the parties herein have hereunto set their hands and seals on the days and years appearing herein below.

**DEPARTMENT OF PLANNING AND NATURAL RESOURCES  
PERMITTOR**

  
\_\_\_\_\_  
Jean-Pierre L. Oriol  
Commissioner

25-Oct-2024  
Date

**555 Madison Investors V, LLC LIFE LLC  
PERMITTEE**

  
\_\_\_\_\_  
Cristina Blackburn, Representative

09/26/2024  
Date

**APPROVED  
GOVERNOR OF THE VIRGIN ISLANDS**

\_\_\_\_\_  
Governor

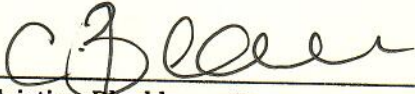
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Date

**RATIFIED  
LEGISLATURE OF THE VIRGIN ISLANDS**

\_\_\_\_\_  
President


\_\_\_\_\_  
Date

I, Cristina Blackburn, Representative of 555 Madison Investors V, LLC am duly authorized and empowered to sign this Permit on behalf of 555 Madison Investors V, LLC.

  
Cristina Blackburn, Representative  
Madison Investors V, LLC

09/26/2024  
Date

SWORN AND SUBSCRIBED before me  
this 26<sup>th</sup> day of September 2024

  
Notary Public  
**Jeannette J. Casey-Murray**  
Notary Public  
NP-764-24  
My Commission Expires: July 16, 2028  
St. Thomas/St. John, U.S. Virgin Islands

