

## WRITTEN TESTIMONY ON BEHALF OF 555 MADISON INVESTORS V, LLC

The Honorable Senate President Novelle E. Francis, Jr., members of the Committee of the Whole of the 35<sup>th</sup> Legislature, and legislative staff in attendance at this hearing – good day.

My name is Alex M. Moskowitz; I am a partner in the law firm of Dudley Newman Feuerzeig LLP and we are counsel to 555 Madison Investors V, LLC (“555 Madison”). I am accompanied today by Cristina Blackburn f/k/a Cristina Zubillaga, the representative of 555 Madison. We appear today on behalf of 555 Madison with respect to the Legislature’s consideration of 555 Madison’s Minor Coastal Zone Permit No. CZMIW0002-23 that was approved by Governor Albert Bryan, Jr. and the Coastal Zone Management Commission for the construction of a private dock, reverse osmosis intake line, and submerged land lease. 555 Madison’s intent is to have a dock where they can keep their boat when they are at their residence and have the boat out of the water off site when not in residence.

The Coastal Zone Management Act provides a comprehensive program for the management, conservation, and orderly development of the coastal area in the Virgin Islands. While the CZM Act is intended to bring environmental and ecological concerns to the forefront of development in the coastal zone, the basic goal of the Act is to promote economic development and growth in the coastal zone. 12 V.I.C.

§903(b)(2). The Act requires construction to incorporate mitigation measures to lessen or eliminate the environmental impacts to the maximum extent feasible. 12 V.I.C. §910(a)(2).

555 Madison has been diligently working with our Territorial partners at the CZM, DPNR, Army Corp. of Engineers, and the EPA over the last two years to ensure that the dock is built to protect and preserve our coastal resources. The dock meets the guidelines set forth by DPNR for the Permitting of Residential Docks and Piers as Accessory Uses in R-1 and R-2 Zoning Districts. 555 Madison has chosen a dock design that minimizes impact to corals, coral critical habitat, and seagrass. The design calls for using larger structural members to bridge across the hardbottom eliminating any pilings in critical habitat, reducing the overall number of piles, and will have fiberglass open grate decking to negate any shading impact on the seagrass.

The dock was located to provide the greatest distance from the corals and their habitat, which is how we determined the position and length of the dock in conjunction with our Territorial partners. The dock has been reduced in length and meets the EPA and Marine Fish and Wildlife request of 9' depth where the boat will be docked to eliminate prop wash concerns. There are no traditional uses of the area where the dock is going to be built. The existing bay is subject to extensive maritime use with mooring balls and boating activity from the general public and the St. Thomas Yacht Club. The site of the dock is in waters immediately offshore of a

private lot off a steep rocky cliff. The dock has been designed so it would not impact anyone snorkeling or diving along the shoreline. The dock and its use will not in any way impact the general public's use of East Cove. The dock extends less than 60ft from the rock shoreline and does not impede the use of that cove.

A 4" diameter reverse osmosis intake line will be placed under the dock decking behind the channel beam to minimize its visibility. The line will extend to the second to last pile at the end of the dock and will extend into the water to a depth of 3ft. The intake will have a 24" wedge wire intake screen which will extend to a depth of 5'. The wedge wire intake screen will reduce intake velocity to 0.5fps thereby minimizing impingement and entrapment of marine organisms.

The dock will occupy just 384 sq. ft. of submerged land and 555 Madison will pay a rental fee to the Government of the Virgin Islands of Nine Thousand and 00/100 Dollars (\$9,000) per year, payable annually in advance, for a twenty year term. Over the life of the lease, it will generate One Hundred and Eighty Thousand Dollars in new revenue for the Government. Along with generating new direct revenue for the Government from the lease, it will also potentially create indirect revenue for the Government as any dockage that 555 Madison would have rented from a private marina could instead be rented to the public, whether for private or commercial use, thereby generating additional gross receipts tax revenue.

I am pleased and grateful that Governor Bryan and his Commissioners of the Departments of Planning and Natural Resources and the Coastal Zone Management Commission share the vision held by 555 Madison for creation of this dock and, accordingly, have negotiated the scope of the Minor Permit and submerged land Lease that is before the 35<sup>th</sup> Legislature for ratification.

In conclusion, Mrs. Blackburn and I are prepared to answer any questions you may have with respect to the Minor Permit and submerged land Lease.

Thank you.

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