

Committee on HSJPS Testimony



Department of Sports, Parks, and Recreation
Commissioner Calvert A. White
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DEPARTMENT OF SPORTS, PARKS & RECREATION

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES



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Good morning, Chairperson Gittens and members of the Committee on Homeland Security, Justice, and Public Safety. My name is Calvert White, Commissioner of Sports, Parks, and Recreation (DSPR) here to provide testimony on our permit process, regulations for beach vendors, and the challenges our department faces in enforcing compliance, particularly regarding Lindbergh Bay Beach near Cyril E. King Airport and the Emerald Beach Hotel.

DSPR's Role and Permit Process

The DSPR is committed to ensuring that public beaches remain safe, accessible, and enjoyable spaces for residents and visitors alike. To support this mission, DSPR requires that any individual or business wishing to operate on DSPR-managed properties obtain a permit. This permit process is fundamental in ensuring that vendors comply with public safety standards, environmental policies, and community expectations.

Current Authorized Vendors:

Currently, DSPR has issued permits to three vendors operating on Lindbergh Bay Beach:

1. **CTC Charters, LLC** – Authorized for jet ski rentals.
2. **Fun Time Rentals & Charters, LLC** – Permitted for jet skis and beach chair and umbrella rentals.
3. **One Love Beach Rentals, LLC** – Permitted for beach chairs, umbrellas, beach equipment, souvenirs and merchandise.

(Non-Compliant Vendor)

- One Love Beach Rentals, LLC was granted a permit to rent beach chairs, umbrellas, beach equipment, and souvenirs under an itinerant vendor license, which allowed them to operate as a pop-up business with tents that were to be set up and removed daily. However, the business owner requested permission from DSPR to construct a permanent structure to address ongoing issues with their tent, particularly due to high winds. This request was formally denied in writing by DSPR. Despite this

denial, the vendor proceeded to construct a permanent wooden structure without authorization from DSPR or the Department of Planning and Natural Resources (DPNR).

- Upon discovering this, DSPR immediately notified the vendor that they were in violation of their lease agreement and demanded the removal of the unauthorized structure. Despite multiple attempts to resolve the issue through verbal and written communication, the vendor did not comply, prompting DSPR to seek assistance from the Department of Licensing and Consumer Affairs (DLCA).
- In response, the vendor's attorney sent correspondence acknowledging that the proper procedures had not been followed and requested a 30-day extension to secure the necessary approvals for the operation of the business. However, DSPR maintained that the requested extension was unnecessary, emphasizing that the department had no intention of granting permission for food and beverage operations. DSPR reiterated that One Love Beach Rentals was only authorized to rent and sell beach equipment, not to operate a restaurant or food service. Furthermore, DSPR reminded the vendor that the construction of permanent booths for a restaurant, without the proper permits, was a clear violation of the lease agreement.
- As a final step, DSPR requested that DLCA revoke the vendor's business license to operate a restaurant, citing continued non-compliance with the terms of the permit and failure to adhere to the required procedures for constructing permanent structures.

Any additional vendors operating on the beach do so without DSPR's permission. Notably, some vendors have entered into agreements with the Emerald Beach Hotel to provide services for its guests. The challenge arises when these vendors operate on DSPR-regulated beach property rather than within hotel premises, where they would fall under DSPR's regulatory jurisdiction and are, therefore, subject to our permit requirements.

Permit Process and Vendor Requirements

Application Process and Documentation: Vendors seeking permits must submit a formal application, including identification, a description of services or products, and intended operating hours. After obtaining a business license and all permits from the appropriate department ex: Health Permits, DPNR Permits, etc. they are required to provide proof of insurance listing the government as an insured party.

Environmental and Safety Standards: DSPR holds vendors to rigorous environmental and safety standards, requiring waste management practices to prevent pollution and enforcing safety standards for equipment, such as jet skis and beach chairs, to ensure public well-being.

Regulations and Oversight

Permit Display and Renewal: Authorized vendors are required to prominently display their permits at their location for easy identification by beachgoers and DSPR officials. Permits are renewed annually based on compliance with DSPR's updated safety and environmental regulations.

Designated Zones and Equipment Approval: To prevent overcrowding and protect the public's enjoyment of these spaces, DSPR designates specific areas on the beach for vendor activities. Additionally, we control the type and quantity of equipment vendors bring onto DSPR-managed properties, ensuring alignment with safety and environmental standards.

Challenges in Enforcement

While DSPR has established these regulations, we lack the enforcement authority to address violations directly. When vendors operate without permits or violate DSPR standards, our only recourse is to call upon external agencies, such as the Virgin Islands Police Department (VIPD), the Department of Licensing and Consumer Affairs (DLCA), the Department of Planning and Natural Resources (DPNR), or The Virgin Islands Port Authority to enforce compliance. This lack of direct enforcement authority by DSPR hinders our ability to respond swiftly and effectively to violations. I have highlighted the need for an enforcement arm within DSPR in the past three budget hearings. Such an internal team would enable DSPR to enforce our standards directly, ensuring immediate and consistent compliance across our parks, beaches, and open spaces. This capability would significantly enhance our oversight and allow us to respond more effectively to community concerns, safeguarding the integrity of these shared spaces.

Conclusion

DSPR's permit and regulatory processes are essential to protecting the character and safety of our public beaches, while also supporting small business opportunities. I would like to personally thank VIPD, DLCA, DPNR and VIPA enforcement for their continued assistance in the regulation of these facilities.

Thank you for this opportunity to provide testimony. I am available to answer any questions the committee may have.