

**Attention Committee on Homeland
Security, Justice and Public Safety
Prepared by Emerald Beach Resort
Submitted November 8, 2024**



EMERALD BEACH

ADDRESSING PUBLIC SAFETY ON LINDBERGH
BAY BEACH



REM 5
thru 5

Saturated Environment

Itinerant Non-licensed vendors: 

Food & Beverage illegal & legal: 10

Waterports illegal & legal: 6 permanent, 9 itinerant

Chair Rentals illegal & legal: 4

Retail outlets illegal & legal: 5

AREAS OF CONCERN

01 UNSAFE WATER SPORTS & ENDANGERING SWIMMERS

02 UNAUTHORIZED VENDORS, BOOTHS, AND TRESPASSING

03 THREATS TO PUBLIC SAFETY

04 WASTE MANAGEMENT, NOISE POLLUTION AND ENVIRONMENTAL IMPACT

05 PUBLIC HEALTH RISKS

06 REQUEST FOR ENFORCEMENT

07 VISITOR FEEDBACK

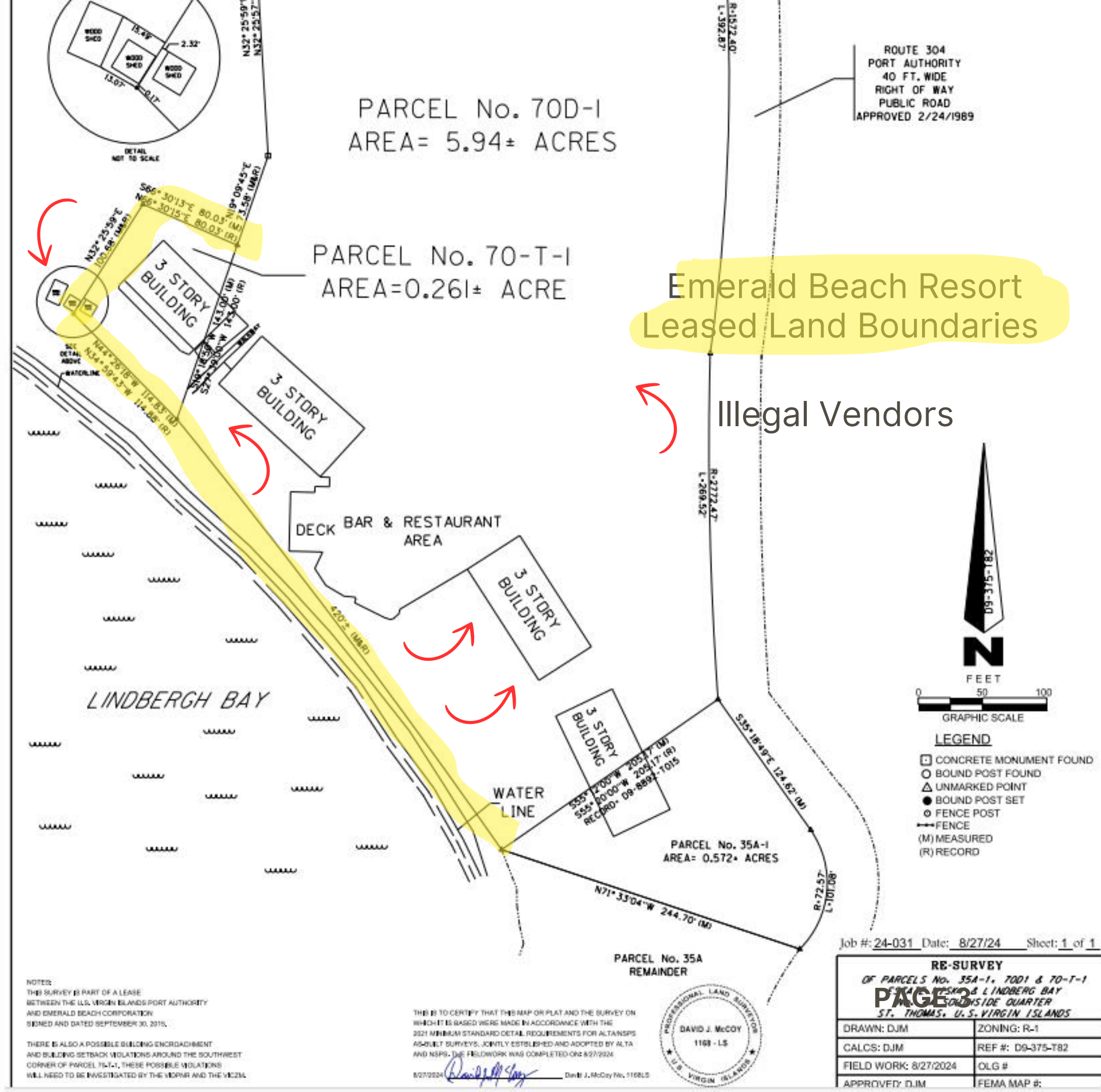
08 RESPONDING TO COMPLAINTS

OPEN SHORELINES ACT

TITLE 12, CHAPTER 10, SECTION 402

The U.S. Virgin Islands' Open Shorelines Act ensures public access to the territory's beaches, affirming 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."

However, this right pertains to personal use and enjoyment. The Act does not extend to commercial activities; conducting business on public shorelines requires appropriate permits and adherence to local regulations. Unauthorized commercial operations on these beaches are prohibited and subject to enforcement by relevant authorities.



01 UNSAFE WATER SPORTS & ENDANGERING SWIMMERS

UNSAFE & OVERSATURATED WATER SPORTS

Five to six jet ski operators actively solicit customers and conduct business directly in front of the Emerald Beach Hotel, operating just a few feet away from the swim buoys and within designated no-wake zones.



*Unlicensed & Uninsured
close proximity to swimmers
operating in no wake zones*

SAFETY CONCERNS

Need beach wide swim buoys throughout the bay--it is a public beach used by locals and is now accepting 300+ visitors a day. The vessels currently do not respect the swim buoys in front of Emerald Beach.

JET SKI HAZARDS

Numerous jet skis operate recklessly from the shoreline and through the middle of the bay.

ENVIRONMENTAL IMPACT

Excessive jet ski activity jeopardizes Blue Flag Status and disturbs the turtle habitat.



Inside Swim Buoy



Excessive Speed

02 UNAUTHORIZED VENDORS, BOOTHS, AND TRESPASSING

UNAUTHORIZED VENDORS OPERATING ON LEASED GOVERNMENT LAND OF EMERALD BEACH RESORT

David Gosine - Calypso Bay Watersports - Occupies 50% of EBR Beachfront Property

Violated agreement with hotel to become a high volume business: increasing his offerings to over 260 lounge chairs, 6 jet skis, aquabanas and a tent from which he takes food orders from another vendor. Numerous reports attest to frequent altercations. His operation remains partially uninsured, aquabanas are unpermitted and chair rental is unlicensed.

Alciann "Nicole" Enclewood - Clothing Vendor Occupies 25% of EBR Beachfront Property

Has taken over a tree on the beach to display her dresses. Takes over the guest lounge chairs and solicits business for Carr for jet ski tours. Has an itinerant license used to justify her placement.

Carr Forbes - Jet Ski Floating Sofa's

Occupies part of beach with Ms. Enclewood

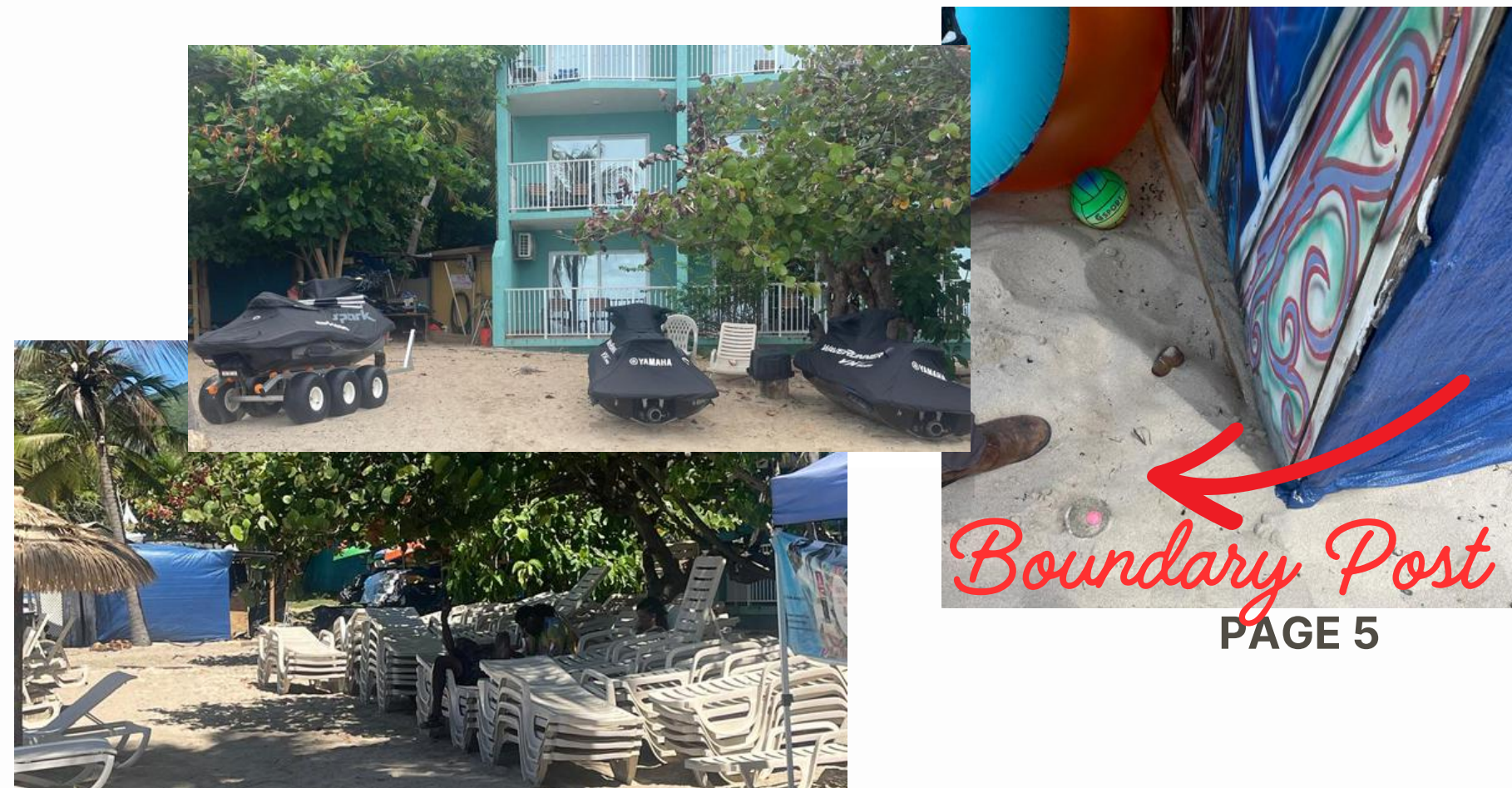
Starts tours inside swim lanes, occupies space on beach, solicits on hotel property.

Addie Samuel, Local Love

Built and kept an illegal booth 20 ft in front of hotel rooms for 10 months. He continues to operate on EBR leased property without an agreement.

Wilburt Coakley, One Love Beach Rentals

Continues to operate from 2 illegal booths - 12 inches away from EBR boundary post. His employees continue to be involved in trespassing, theft of supplies, coercive interference, soliciting at property entrance, and harassments.



ONE LOVE

Still in Business

1/8/2024

SPORTS, PARKS, AND RECREATION

Issues Letter for **Permit Violations**: January 8th, 2024 for violating original permit for ONLY Itinerant Vending of rental/sales of beach equipment and supplies.

1/8/2024

HEALTH DEPARTMENT

Issues Letter for business category Restaurant "A" & Tavern "A" **VIOLATIONS**: no health permit, unsanitary conditions, sewage, odors, waste, accumulations prohibited.

One Love passed inspection in May for Restaurant and Tavern. The Health Department is not aware that the license of One Love should've been only for equipment rental.

LICENSING AND CONSUMER AFFAIRS

DSPR sends letter to DCLA requesting to remove the structures as his agreement is being terminated for multi-noncompliances *Update*

ONGOING PROBLEM TODAY WITH ONE LOVE USING THE HOTEL FACILITIES, TRASH AND CREATING A HOSTILE ENVIRONMENT.

2/20/2024

ADDIE SAMUEL

Still in Business

11/22/2023

DPNR - CEASE & DESIST

Posted Cease and Desist Letter as there is no permit to operate. The Order is attached to booth and ripped off by what is thought to be Addie Samuel.

DPNR - NOT IN COMPLIANCE WITH CODE

Posted on the wooden structure that is still present in front of Emerald beach hotel rooms. It is believed the structure is being used for storage. Addie Samuel continues to operate - has threatened the life of Joel Kling; is seen in the newspaper as a recognized vendor of Lindbergh Bay in July 2024.

SPORTS, PARKS, AND RECREATION

Letter stating he has no proper permits to operate a business or build a booth.

Update

BOOTH WAS RESOLVED WHEN IT BURNED DOWN ON AUGUST 17TH. IT WAS BELIEVED TO BE INFIGHTING FROM ILLEGAL VENDORS. SAMUEL STILL OPERATES ON BEACH TODAY.



'Big Jelly'

Addie Samuel, owner of Local Love and known for his health conscious juices including coconut water at his Lindbergh Bay stand, picked this larger-than-normal coconut recently on the southern part of St. Thomas. The coconut weighed in at 15.2 pounds with a circumference of 31 3/4 inches.

Daily news photo by Casmore E'Bas

11/22/2023



1/8/2024



DEATH THREATS AND CONTENTIOUS ENVIRONMENT

SAFETY CONCERNS

Numerous documented threats. Multiple ignored complaints and VIPA police calls, including case #23TPA0566 on December 29, 2023 for death threats from Addie Samuel to Joel Kling.

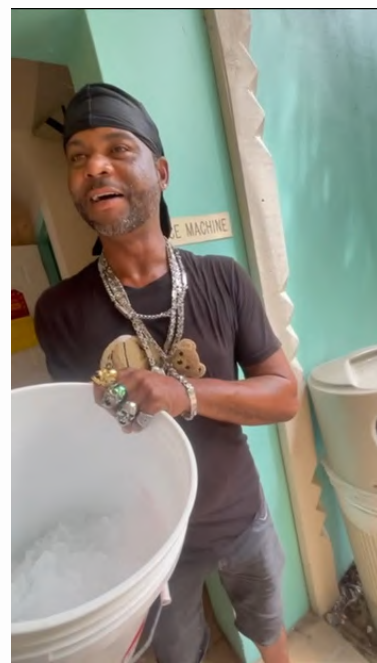


SOLICITING ON PROPERTY

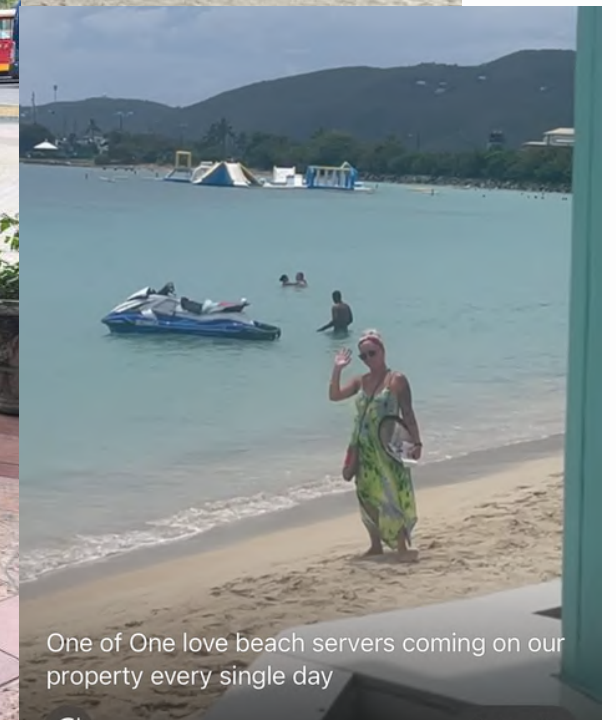
One Love employees solicit our customers on the beach, at the bar, at the restaurant and even in the lobby. This applies to all vendors on the beach currently.

USING FACILITIES AND HOTEL RESOURCES

One Love employees documented on numerous occasions stealing ice and then threatening personnel when confronted to stop.



Vendors set up business on our tree every ship day, asked daily to move, but persists and no official enforcement.



One of One love beach servers coming on our property every single day

One love servers on the beach, in front of bar and soliciting customers at our lobby.

03 THREATS TO PUBLIC SAFETY

CUSTOMER HARRASSMENT AND DRUG OFFERS

Guests have reported incidents of harassment by unauthorized vendors, including aggressive solicitation, including following them into the bathroom to “protect” them from the so called dangers of the beach, and offers to purchase illegal drugs. This behavior disrupts the guest experience and poses a direct safety threat. Repeat family business is dissuaded from returning.

NOTABLE INCIDENTS OF SAFETY

April 30, 2024: Malik Webster, known to be associated with gun violence, was arrested following a dispute on Lindbergh Bay, highlighting ongoing safety risks in the area.

February 2024: Squatters set fire to the Beachcomber property, endangering nearby buildings and guests.

August 2024: An unauthorized vendor booth was set ablaze directly in front of the hotel, creating a dangerous environment and scaring guests.

June 2024: Near Emerald Beach, a man was arrested and charged with first-degree rape, kidnapping, and possession of an unlicensed firearm, underscoring severe safety issues in the vicinity.

CUSTOMER ASSAULT INSTANCE

In 2022, two guests after checking out were assaulted on the beach. The guests have sued the hotel, claiming a lack of safety measures on the beach.

Liability and Urgent Need for Action: These incidents expose the hotel to potential lawsuits and reputational damage, as well as increasing operational costs for security. Enhanced enforcement and safety regulations are essential to protect resort guests and uphold public safety standards.



BEACHCOMBER

04 WASTE MANAGEMENT, NOISE POLLUTION AND ENVIRONMENTAL IMPACT

ENVIRONMENTAL HAZARDS

Inproper disposal of cooking oil causing rodent and roach infestations. Piling up of chairs in the evening and unsightly beach areas after the working hours.

WASTE MANAGEMENT

Tenant using our waste bins, overburdening our system.

TRAFFIC OBSTRUCTION

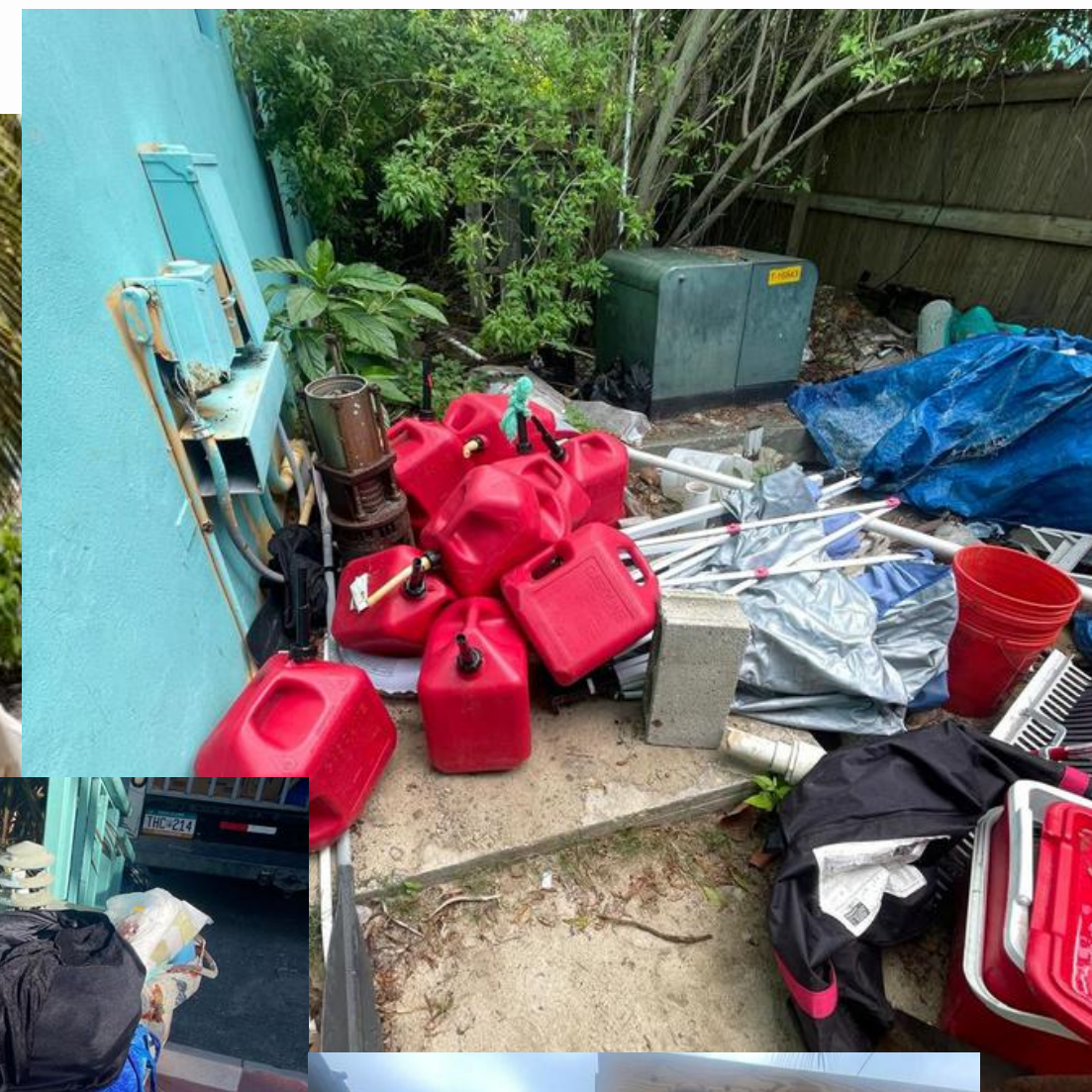
Vendor vehicles block delivery areas on a daily basis, disrupting services and creating confrontations with staff.

NOISE AND DISTURBANCE

Loud, profanity-laced music and generator noise disrupting guests.

STORAGE OF FLAMMABLE MATERIALS

With the number of motorized vehicles, Emerald Beach has called the fire department because of storage of flammable gas tanks near electrical transformer on private property. The unauthorized vendor remains in the space.



Views seen by our guests

BLUE FLAG ON LINDBERGH BAY

LINDBERGH BAY RECEIVES BLUE FLAG STATUS IN SUPPORT OF AN AREA OF PARTICULAR CONCERN (2010) & BLUE FLAG STATUS

Emerald Beach's Blue Flag status is threatened by unauthorized activity that disrupts the beach's ecosystem, including seagrass beds, leatherback turtle nesting areas, and elkhorn coral.

Sensitive Marine Habitat

Seagrass Beds Plans for development of coral nursery in Lindbergh Bay

Leatherback Turtle Nesting Sites

Elkhorn Coral

Community and Environmental Responsibility: Emerald Beach serves locals and tourists alike, and preserving its unique environmental quality is essential.

Balancing Economic Impact and Conservation: The annual 12,500 overnight guests and accompanying wedding business are vital contributors to the local economy. There's a need for strategic management to balance access with environmental conservation.

Call for Stakeholder Dialogue: We encourage discussions on whether the beach will become an unrestricted playground for day tourists, potentially undervaluing our long-term guests and events that sustain the economy.

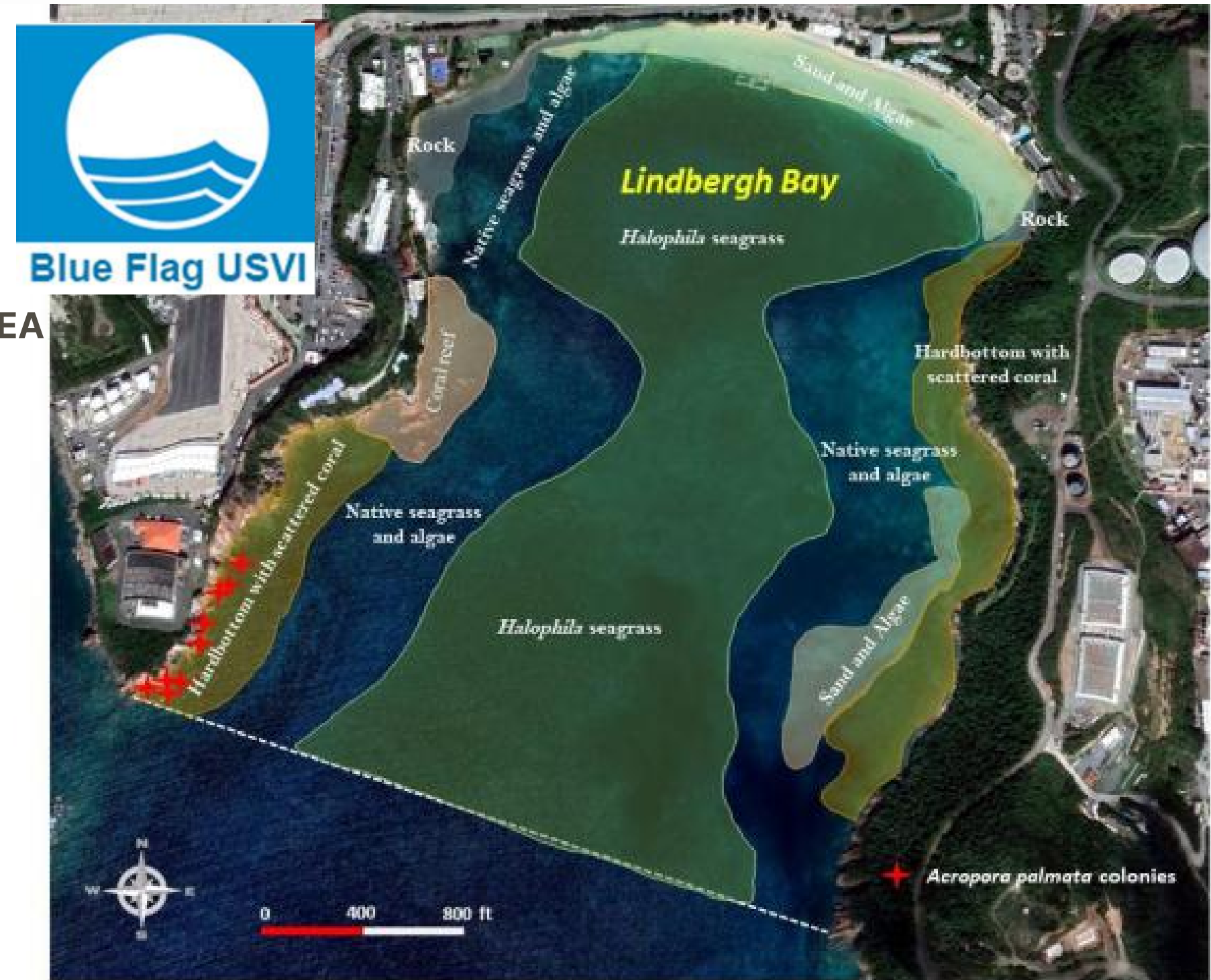


Figure 7. An aerial photograph showing Lindbergh Bay with habitat types delineated. The major habitat zones were as follows: a) unconsolidated sand, b) seagrass meadows, c) bedrock and limestone hardbottom with scattered corals and coral reef. Also shown are elkhorn coral colonies mapped.

05 PUBLIC HEALTH RISKS

UNAUTHORIZED & UNSAFE FOOD VENDORS

Numerous unauthorized vendors operate on the beach, serving food of unknown quality and safety to the public.

CUSTOMER ILLNESS

A hotel guest recently fell ill after eating from one of these unauthorized vendors. Because of their proximity, these vendors are often assumed to be affiliated with the hotel, creating a reputational risk.

NO QUALITY CONTROL ON SANITATION STANDARDS

There is no regulatory control over what is being prepared and served, leading to potential health hazards from improper food handling, storage, and sanitation.

RISK OF CONTAMINATION AND LIABILITY

Without health and safety standards, these vendors pose a risk of foodborne illnesses that can affect both guests and the local community. This also increases liability concerns for the hotel, which may be perceived as responsible for nearby food offerings.

NEED FOR HEALTH AND SAFETY ENFORCEMENT

To protect public health and prevent further issues, clear regulations and enforcement are needed to monitor and control food sales on the beach.



Improper disposal of oil waste and general garbage on our property

06 REQUEST FOR ENFORCEMENT

DLCA'S LIMITED ENFORCEMENT POWER

DLCA officers report they can only issue citations and lack authority to remove unauthorized vendors without a formal hearing. This restriction hinders effective control of illegal vendor activity on the beach.

UNCLEAR JURISDICTION AMONG AUTHORITIES

VIPA police officers have expressed uncertainty about their enforcement capabilities on the beach. This lack of clear jurisdiction undermines enforcement and leaves gaps in security.

AUGUST 2, 2024 MEETING WITH DIRECTOR CARLTON DOWE

During a Port Authority meeting with DSPR, DLCA, and others, Director Dowe was informed about illegal vendors on Emerald Beach's leased land. He committed to addressing the issue, however, he also emphasized the importance of "letting locals make a living." Since then, confrontations and interference with the hotel's operations have continued and escalated.

NON PERMITTED STRUCTURES ON BEACH

Non-permitted wooden booth built on private property just a few feet from a hotel building remained for over 10 months until it burnt down. A second non permitted structure remains just inches away from the bound post of Emerald Beach Resort property

CONTRADICTORY LICENSING PRACTICES

Despite DSPR and VIPA issuing written instructions to Commissioner Harris to deny license renewals for at least two vendors, one of the vendor's licenses was renewed almost immediately after. Additionally, the Department of Health has issued licenses to businesses illegally constructed on public land, raising questions about the consistency and legitimacy of regulatory practices.

Urgent Need for Clear Enforcement Mandates The lack of defined jurisdiction, coherent enforcement authority, and consistent regulatory policies heightens liability risks for the hotel and leaves it exposed to the challenges of unauthorized activity, reputational harm, and potential legal repercussions.

REGULATIONS & RECOURSE

PROBLEMS STARTED IN 2021

First complaint to Director Dowe - July 19, 2021
Soliciting on Property, Trash and Noise Complaint,
Predatory Business Practices, Abusing Public Access in
EBR Parking, Threats to EBR Manager

TRESPASSING

Unauthorized vendors stated they have access to
public beach & we can't ask them to stop serving our
guests and accessing and using hotel's infrastructure.
**Need from authorities to educated unauthorized
vendors about the differentiation between right to
public access and right to conduct business.**

OVERSATURATED BUSINESSES ON BEACH

The following operate on the bay: Addie Samuel, Calypso
Water Sports, CTC Charters LLC., Fun Time Rentals and
Charters, LLC., One Love, Seahorse LLC., this does not
include jewelry, clothing, drink and drug vendors.

PROBLEMS WITH ISSUING ITINERANT VENDOR LICENSES

Issuance of itinerant licenses allow vendors the perceived belief
that they can set up anywhere, including private property.



07 VISITOR FEEDBACK

Beth Ancil
Local Guide • 17 reviews • 37 photos

★★★★★ 3 weeks ago

Vacation · Couple

It's not what it used to be. We had a layover, and I was really excited we would stay again even if it was only one night. We've done two previous trips to EB. I don't know if it was because of the room location they gave us right behind all the jet skis and stuff. I didn't like seeing all the floats. It used to be a pristine beach and now it's full of floats. They had jet skis and paddle boards before but they didn't occupy half the beach. We were greeted nicely even though we were early arrivals and she allowed us to store our bags and have use of the beach and a visit to the bar for food and drink which was

Sierra Montanez
2 years ago on Google

3/5

The hotel is next to a public beach and there were alot of locals using the chairs meant for guests and also walking around the beach and restaurant asking for money. Our waitress had to ask them to leave often

Julia Thomason
3 months ago on Google

2/5

... is also a busy, crowded beach. The chairs are placed close together. Garbage cans were overflowing. **If you are looking for a tranquil beach experience, this will not be it.** If you don't mind lots of families and music this is your place. [Read more](#)



Phillip Reed
3 years ago on Google

3/5

smoke was overwhelming! There is a vacant building next door and is occupied by homeless people and they would camp below our room on a couple different occasions. Going out on the beach at night is not a good idea! Other places had security and now I know why.

Victor Collins
3 years ago on Google

... hotel is nice, great views and food. **But I have a oceanfront room and can't even go enjoy the view from my balcony because of the people smoking marijuana under the tree in front of my room.** This have been everyday since I've been here. ... [Read more](#)



**50% loss in wedding business.
NO LONGER A WEDDING DESTINATION**

smoking marijuana

SOLICITING
loud music
UNSAFE

DRUGS
HOMELESSNESS

GARBAGE

08 RESPONDING TO COMPLAINTS

RECENT ACTIONS IN THE RIGHT DIRECTION

We thank the dedicated agents and officials who have responded to our calls, often without the backing of full governmental mandates.

OCTOBER 30TH INCIDENTS

DCLA and VIPA police responded to a trespassing call; a clothing vendor was asked to leave.

DCLA acknowledged Calypso Watersports' lack of a license to rent chairs and addressed the issue with vendor David.

DPNR responded to jet skis operating within the swimming area and navigating dangerously close to swimmers.

NOVEMBER 5TH INCIDENT

VIPA officers responded to a call on illegal solicitation and trespassing but did not initially file a police report.

Officer Hodge returned to take two statements on the assault of Joel; a report number was issued after insistence.

NOVEMBER 6TH INCIDENT

A call to VIPA police for trespassing went unanswered.

Continued Need for Consistent Enforcement: While progress has been made, there remains a need for regular, mandated support to fully address these ongoing issues.

*Positive Enforcement Engagement
Room for Progress*