



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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**Office of the Commissioner**

February 14, 2022

Senator Hubert L. Frederick  
Chair, Committee on Economic Development & Agriculture  
& Consumer Protection  
St. Thomas, VI 00802

**RE: FY 2025 UPDATE FOR THE DEPARTMENT OF PLANNING & NATURAL RESOURCES**

Good day Senator Frederick, Chair of the 36<sup>th</sup> Legislature's Committee on Economic Development and Agriculture, other committee members, non-committee members and legislative staff present, and members of the viewing and listening public, my name is Jean-Pierre L. Oriol, Commissioner for the Department of Planning & Natural Resources (DPNR). We are present today to present the following updates at the Chair's request:

- Overview of DPNR's mission, structure and operational issues such as staffing levels, recruitment challenges and vacancies;
- Concerns on federal funding and any loss due to delays or non-compliance;
- Updates on programs focused on air and water quality monitoring, wastewater regulation, review of development projects and compliance efforts;
- Discussion on enforcement capabilities, staffing constraints, major violations and whether legislative support is necessary to improve compliance efforts; and
- Examining major policy initiatives, interagency collaborations and public outreach programs aimed at promoting sustainable development and responsible resource management

**DPNR Overview**

DPNR's mission is vast - to protect, maintain and manage the natural and cultural resources of the Virgin Islands, through the coordination of economic development, in collaboration with local, federal and non-governmental organizations, enabling present and future generations to live safer, fuller lives in harmony with their environment and cultural heritage. The department's responsibilities include, but are not limited to: the protection of fish, wildlife trees and vegetation; air and water pollution control, including drinking water; preservation of archaeological, architectural, cultural and historical heritage of the US Virgin Islands; safe operation, as well as mooring and anchoring, of motorboats; overseeing the reduction of impacts related to earth change activities; the administration of laws relating to construction and repairs of structures; recognition and promotion of the arts as a vital aspect of US Virgin Islands culture; and the promotion and implementation of library services for all residents of the territory. In addition, DPNR is the agency responsible for coordinating the territory's long-range planning efforts.

To meet its mandates, the department is comprised of 12 divisions, most of which receive federal funding to achieve the protection goals outlined in local and federal law. We have 158 individuals working in the department; however, we need to be around 200 employees to achieve full efficiency. Although for FY 2025 we've received just over \$49M in federal awards, only \$18M of that is for operations; the balance is for pass through funding to the Territory's utilities as we serve as the recipient for the funds awarded from the US Environmental Protection Agency (EPA).

Recruitment is a significant challenge for the department, as it is across the Government of the Virgin Islands. Those issues are two-fold – availability of human capital, and compensation packages. As most of our grant funding is based on formulas that are derived by things such as population, linear shoreline miles, number of registered vessels, rather than the cost of living, the appropriations to the Virgin Islands have been static for decades (i.e. my CZM division received roughly the same \$1M/year from NOAA now that it did in 2000; my DEP division receives the same \$2M/year from EPA now that it did in 2000). Without significant increases by the grantor agencies, the awards absorb the increases in salaries for the employees, resulting in the reduction in the amount remaining for new employees. Most of the time a position may have to be cut in order to make the salary competitive enough to attract new employees. At DPNR though, we are not deterred. Since the start of the fiscal year, we have hired six (6) new employees, we anticipate two (2) more starting in March and one (1) in April. We are also in the process of interviewing for three (3) positions that the posting recently closed for, we have two (2) positions currently posted online and we have another four (4) positions we are awaiting OMB to clear for us to be able to post.

#### Concerns on Federal Funding and any Loss due to delays or non-compliance

With all that is happening in Washington, DC right now, there is cause for some discomfort when it comes to funding that has been awarded to DPNR from the previous administration. Many of the awards we received focused on improving the Territory's resiliency to the impacts of climate change, and some of the allocation levels were secured due to our status as "underserved communities of the United States." That said, of the \$100M+ in federal funding awarded to the Department, only approximately \$4M of this has officially been "paused" by one grantor agency. The funding is across several grants and effects projects related to resiliency to climate change and biosecurity. As a result of the "pause," we have delayed bringing on board a new employee as well. Lastly, with respect to the issues in the federal government, although we have only received confirmation of a "pause" on two specific grant programs, the recent loss of many federal employees (both fired and opting to retire) still leaves us with concerns as some of the recently departed were new grant specialists whose responsibilities included processing reimbursements or advances to the GVI. We have already experienced where reimbursements were processed in a day, that it has taken as much as a week to approve our drawdown requests.

With respect to the ability for us to spend federal funds received, the Department maintains a significantly high rate of spending our federal dollars. Unfilled vacancies are the primary reason federal funds will be stagnant; however, my staff is adept repurposing those funds and creating projects to fill a need. At this time, the Department is not in danger of losing any funding due to noncompliance.

#### Updates on programs focused on air and water quality monitoring, wastewater regulation, review of development projects and compliance efforts

There are five (5) divisions within the Department that regulate development activities – the Planning Office, the Divisions of Coastal Zone Management (CZM), Environmental Protection and (DEP) Permits and the State Historic Preservation Office (SHPO). In FY 2024, the Division of CZM processed 143 new minor permit applications, 32 modification requests, 30 Repair and Maintenance requests, 8 major permit applications and 16 Federal Consistency Determination requests related to the recovery projects. The Division of Permits processed 1184 applications – 878 Electrical, 475 Plumbing, 15 Mechanical, 153 Demolition, 197 Flood, 6 Wireless Facilities and 123 Renewable Energy. Approval of these applications include provisions that minimize impacts to our air and water quality and protect our indigenous and endangered species.

In addition to our regulatory divisions monitoring potential impacts from development projects on our air and water resources, we do conduct weekly beach water quality monitoring at 33 sites across the Territory and every Friday we advise the public on whether or not the beaches meet our standards. The public has come to rely on this information as they plan their weekend activities.

#### Discussion on enforcement capabilities

I previously discussed some of our personnel issues; however, I will reiterate that additional personnel across all our divisions is necessary for the Department to execute its mandate. Notwithstanding our limited personnel, we continue to patrol and monitor across the Territory. Since last August, we have issued over \$60,000 in monetary penalties to respondents for violations of our development laws.

Many of our regulatory laws are outdated and not effective to respond to the issues we are tasked with. For example, a zoning violation is \$75, must be pursued by the Attorney General's Office, but only AFTER a leave two notices of non-compliance are issued to the property owner – extremely ineffective. The only way to correct this is through legislative action. The Department has identified several provisions within the Code where updates need to take place.

#### Examination of major policy initiatives for sustainable development

In December 2024, the 35<sup>th</sup> Legislature approved the Comprehensive Land and Water Use Plan for the Territory. This plan is a comprehensive approach to sustainable development over the next 40 years. It identifies certain policy changes that must be adopted in order to achieve the vision that was created; it provides island-specific recommendations that are in line with the goals created for each of the districts. As we have stated on many occasions before, the Plan is the visioning document that provides a guide to the goals we have created for ourselves. There will be several items that we will need to come to the Legislature for in order to achieve the goals we have set in the plan. Again, I would like to thank the 35<sup>th</sup> Legislature for their deliberation and approval of the plan last December.

That concludes my testimony. I am here to respond to any questions you may have at this time to the best of my ability.