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DEPARTMENT OF PLANNING AND NATURAL RESOURCES**

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Written Testimony on Bill No. 36-0074

Establishment of the Virgin Islands Roadside Property Maintenance and Vegetation Act
to the Committee on Housing, Transportation, and Telecommunications

36th Legislature of the Virgin Islands

by Jozette J. Walker, Assistant Commissioner

Department of Planning and Natural Resources
on behalf of Commissioner Jean-Pierre L. Oriol

Good morning, Honorable Senator Marvin Blyden, Chair of the Committee on Housing, Transportation, and Telecommunications, committee members and non-committee members present, legislative staff, fellow testifiers, and the viewing and listening audience.

My name is Jozette J. Walker, Assistant Commissioner of the Department of Planning and Natural Resources (DPNR), and I appear before you today on behalf of Commissioner Jean-Pierre L. Oriol to provide testimony on Bill No. 36-0074, which would establish the “Virgin Islands Roadside Property Maintenance and Vegetation Act” and, among other things, authorize the Department of Public Works, in consultation with DPNR, to grant temporary exemptions in extraordinary circumstances such as natural disasters or severe weather events that have caused overgrowth.

The Department understands and appreciates the bill’s public safety objective. Overgrown roadside vegetation can obstruct visibility, interfere with utility infrastructure, and create hazards for motorists, pedestrians, and emergency access. However, DPNR has significant concerns with the bill as drafted, particularly with respect to agency roles, environmental risk, permitting implications, and the management of vegetative debris after cutting or clearing occurs.

First, the bill creates jurisdictional ambiguity by inserting DPNR into an exemption or waiver role even though DPW is the agency responsible for implementing roadside maintenance and vegetation control under the framework contemplated by the measure. DPNR’s proper role is regulatory, not operational. The Department’s responsibility is to oversee environmental compliance, land disturbance, erosion and sediment control, and related permitting thresholds where applicable. It is not the agency that carries out roadside maintenance. For that reason, the proposed exemption language creates blurred accountability, and therefore we request that DPNR’s role in the oversight of this program be removed from the bill.

Second, this concern becomes even more pronounced in post-storm conditions. When the Governor declares a state of emergency following a natural disaster, normal procedures are often suspended or streamlined to allow agencies to restore access and protect public safety as quickly as possible. In that context, roadside vegetation clearing needed to reopen roads and restore safe passage would more logically fall under DPW’s emergency authority and implementation responsibilities, rather than a separate waiver structure involving DPNR.



The Committee's agenda on Bill No. 36-0074 reflects that this bill primarily concerns roadway maintenance, utility obstruction, and interagency operational impacts, with DPW as the central implementing entity.

Additionally, DPNR is concerned that, absent careful limiting language, this bill may produce unintended consequences beyond public roads. A broadly worded temporary exemption could be misread by some property owners as authority to engage in clear-cutting or aggressive roadside-adjacent vegetation removal on private property without proper authorization. In the Virgin Islands, such activity can destabilize slopes, remove root systems that hold soil in place, increase erosion, accelerate sediment transport, clog guts and stormwater conveyance routes, and contribute to downstream degradation of coastal and marine waters. Those are not abstract concerns in a small-island setting. They are foreseeable consequences of vegetation removal when undertaken without environmental safeguards.

For this reason, if Bill No. 36-0074 moves forward, it should expressly state that roadside vegetation maintenance must be performed using tools and methods that do not result in significant soil disturbance. Selective trimming, pruning, and cutting are different from grubbing, uprooting, grading, scraping, or broad-scale clearing. The bill should therefore make clear that any temporary exemption does not authorize earth disturbance, root-zone destruction, or slope destabilization without the otherwise required environmental review and permitting. Regular vegetation maintenance that rises to the level of brush clearing or earth change should remain subject to applicable oversight through DPNR.

Accordingly, DPNR respectfully recommends that Bill No. 36-0074 be amended to:

1. Remove DPNR's role as a co-administrator of roadside exemptions in § 13.
2. Specify that any temporary exemption under the Act shall be limited to periods in which a State of Emergency has been formally declared within the Territory due to a natural disaster or severe weather event.
3. Distinguish between routine maintenance and post-disaster operations, with routine activities remaining subject to applicable environmental permitting thresholds and post-storm debris management falling under DPW and VIWMA operational responsibility.
4. Require that all vegetative waste generated under be handled via lawful debris-management, or other approved disposal methods.
5. Revise the penalties in §12 from a property lien to a series of citations and proceeding to a lien if unpaid. For example, the corrective action should be a 15- or 30-day notice, followed by a citation. For example, a citation of \$500 for the first offense, \$750 for second offense, and then \$1000 per offense afterwards. The compliance period between citations should be no more than 14 days, and the citations become cumulative. A \$1500 property lien will be ineffective from a process standpoint, but the cumulative citations can be reported to the Office of the Lt. Governor as a lien.



In closing, the Department supports safe roads, safe utility corridors, and efficient post-storm response. However, in the Virgin Islands, roadside vegetation policy must be drafted with care. Cutting vegetation can affect slope stability, drainage systems, watershed health, coastal water quality, fire risk, landfill burden, and agency enforcement responsibilities all at once. Bill No. 36-0074 should therefore be revised to preserve DPW's operational authority, protect DPNR's regulatory role, and account for the full lifecycle of vegetative waste management.

Thank you for the opportunity to testify. I am available to answer any questions the Committee may have.