Good morning Senator Janelle K. Sarauw Chairwoman of the 34th Legislature of the Committee on Disaster Recovery and Infrastructure, other honorable Senators of this committee, other members of the 34th Legislature of the Virgin Islands, staff of the Legislature, members of the viewing and listening audience. My name is Keith Richards, Assistant Commissioner at the Department of Planning and Natural. I appear before the Committee on behalf of Honorable Jean-Pierre L. Oriol Commissioner of the Department of Planning and Natural Resources (DPNR). Appearing with me is Austin F. Callwood, Director of the Division of Environmental Protection at DPNR.

Chairwoman Sarauw at your invitation we have been invited to provide testimony on Bill 34-0010, an Act directing the Commissioner of the Department of Planning and Natural Resources to impose a five-moratorium throughout the Virgin Islands on the issuance of building permits for the construction of gasoline stations. The Bill intent is to provide further guidance to Act 8427 which prohibits the Department of licensing and Consumer Affair from issuing business license for gasoline stations for a period of five upon the enactment. Act 8427 was signed into law by Governor Albert Bryan on January 25, 2021. In signing the Act 8427, Governor Bryan
noted that “A critical amendment is needed to properly effectuate the intent of this moratorium. While we applaud that this Bill seeks to curb the continuing development of gas stations in the Territory, this bill only imposes a moratorium on issuing the business license to operate a gas station by the Department of Licensing and Consumer Affairs (DCLA). The Bill does not stop the issuance of permits to be issued by the Department of Planning and Natural Resources (DPNR) for the development of gas stations, to include the filing of the development application under 29 VIC Section 294, or the Authority to Construct permit issued under 12 VIC Section 658. Because gas stations are deemed to be “use permitted as a matter of right” in certain zones, DPNR is still statutorily required to review any submitted applications and authorize the permit if the applicant meets the requirement of the V.I. Code. In addition, the “Permit to Operate” required for underground storage tanks is valid for up to five (5) years. Thus, any application submitted to DPNR during the five-year moratorium could result in several permits being issued by DPNR for construction and operations of gas stations or storage facilities while they will not be eligible to be licensed by DCLA. Immediate action in coordination with DPNR is necessary to impose a moratorium on the review of applications for permits for gas stations at DPNR to coincide with limitation set for the DCLA Business License.”

The language in Bill No. 34-0010 with some recommended changes will provide for the coordination necessary to allow all Government Agencies to fulfill the intent of Act 8427. Chairwoman Sarauw this completes our testimony on Bill 34-0034. We thank you for the opportunity to provide testimony on this Bill. Mr. Callwood and I remain available to discuss the proposed Bill and answer any questions the Committee may have regarding this Bill.