



## GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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### DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Senator Carla J. Joseph  
Chair, Committee on Government Operations  
& Consumer Protection  
St. Thomas, VI 00802

#### **RE: OVERVIEW OF THE DEPARTMENT OF PLANNING & NATURAL RESOURCES**

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Good day Senator Carla Joseph, Chair of the 34<sup>th</sup> Legislature's Committee on Government Operations & Consumer Protection, 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) and State Historic Preservation Officer for the Virgin Islands (SHPO). We are present today at the chair's request to present an overview of the department. DPNR was established in 1987 pursuant to 3 VIC §400. 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.

The department is comprised of 11 divisions all working together to execute our mandate; these divisions are: Comprehensive and Coastal Zone Planning (CCZP), Coastal Zone Management (CZM), Business and Administrative Services (DBAS), Environmental Enforcement (DEE), Environmental Protection (DEP), Fish and Wildlife (DFW), Libraries and Museums (DLAM),

Executive Office, Permits, State Historic Preservation Office (SHPO) and the VI Council on the Arts (VICA). The majority of the department's responsibilities are achieved through the administration of permitting programs authorized under Title 12, Title 25 and Title 29 of the Virgin Islands Code. Permits are issued with specific conditions and allowances, and Permittees are required to abide by the conditions set. Failure to obtain a permit, or comply with the conditions outlined in issued permits, results in regulatory actions being levied against those who have violated the requirements of the VI Code or Rules and Regulations. Fines are the primary tool used by the department to enforce permit conditions, as well as the authority to enforce corrective actions.

## FUNDING

The majority of the Department's funding comes from federal awards administered as a Cooperative Agreement, or as a grant issued to the Government of the Virgin Islands. For FY 2021 almost \$24M has been awarded to support DPNR's mission and mandates. In addition to federal awards, the department also generates approximately \$3M in revenue for operations, and we anticipate a General Fund allotment of approximately \$7.3M. Below is a table of federal resources per division for your review.

Divisions	Allocation	Percentage
Coastal Zone Management	\$ 2,105,292	8.83%
Fish and Wildlife	\$ 4,723,595	19.81%
Environmental Enforcement	\$ 707,676	2.98%
Libraries, Archives & Museums	\$ 110,042	0.46%
State Historic Preservation Office	\$ 426,676	1.79%
Environmental Protection	\$ 15,463,999	64.87%
VI Council on the Arts	\$ 301,135	1.26%
<b>Allocation by Divisions</b>	<b>\$23,839,415</b>	

As of February 28, 2021, for FY 2021 DPNR has expended \$4,660,142 in federal funds to support operations for the department. Please refer to the attached spreadsheet for a breakdown of expenditures by division.

## REGULATORY PROGRAMS

As stated above, DPNR executes the majority of its mandates through regulatory programs that authorize either development or operations through the execution of permits. Permits issued ensure compliance with National Environmental Policy Act (NEPA) guidelines – clean air and clean water regulations, protection of endangered and/or threatened species, protection of archaeological and historic resources, and consistency with coastal management policies – as well as compliance with structural guidelines. Types of permits include authorization for earthwork movement, placement and/or erection of structures, scientific research, repairs within the historic district, authorization for mooring and anchoring, just to name a few. Below is a table listing permits issued by Division through February 28, 2021.

	CCZP	CZM	DEE	Permits	DFW	SHPO
# of permits received	6	46	686	572	50	37

# of permits approved	2	15	686	400	45	30
# of noncompliance citations	8	5		134	2	8
Fees collected (\$)	\$2,183	\$856,212	\$70,667	\$974,089	\$0.00	\$0.00

As part of our regulatory authority, the department is empowered to take a number of enforcement actions. Our enforcement mechanisms primarily involve assessing penalties for development or operations without permits. The penalties range from \$75 to \$50,000 per day depending on the program; however, the majority of the penalties are in the \$100-\$2000 per day range. The process for addressing violations is varied across the department with some divisions having administrative remedies, while others having to refer matters to the Department of Justice for curing. Most violations are considered misdemeanors; however, extreme violations can result in arrest and imprisonment if pursued by the Department of Justice.

A major initiative that the Department is currently working on is the unveiling of our electronic permitting system. It will allow for applicants to submit (including payment), track and receive their permits online. The Department will be going into the internal beta-testing phase later this month and should be doing an external beta-test with selected design professionals who do repeat business with us. It continues to be our goal to launch the e-permitting system in the summer of 2021.

#### **NON-REGULATORY PROGRAMS**

In addition to our regulatory mandates, DPNR is also responsible for the operation of libraries, forts and museums, long-range planning efforts for the Territory, and the promotion of the arts throughout the islands. Library services are currently being provided to the public on the islands of St. Thomas as the Charles W. Turnbull Library, and we are pushing to resume services at the Florence Williams Library in Christiansted at the beginning of April. Both Fort Frederik and Fort Christian are currently open to the public for visitation. The Department has recently completed negotiations with FEMA on damage assessments for the libraries and forts, and we anticipate that these facilities will begin renovation in the latter part of the calendar year. They are all more or less in the architectural and engineering (A&E) phase, although the Sprauve Library on St. John will have the public bid for repairs listed by the end of this month.

The Virgin Islands Council on the Arts (VICA) continues to promote arts and culture throughout the Territory even amongst the pandemic. They have hosted several “Made in the USVI” pop-up shops in each district, they have sponsored several mural projects across the Territory and the continue to keep us entertained by sponsoring virtual music events. This month they also hosted the annual Poetry Out Loud competition, showcasing the talents of our young people in the spoken word genre.

The Planning Office continues to work diligently towards formulating a Comprehensive Land and Water Use Plan. We are finalizing the bill updating the Title 29, Chapter 3, otherwise known as the Zoning Code. We have also completed the Scope of Work for services to support land use planning efforts for the island of St. John and expect a release for bid before the end of this calendar month. Other initiatives include working with the VI Economic Development Authority and the Office of Management and Budget on a Blue Economy Plan, as well as working with the University of the Virgin Islands on the Hazard Mitigation Resilience Plan.

## **DISASTER RECOVERY**

As the Department presented testimony on March 8, 2021 to the Committee on Disaster Recovery and Infrastructure, I will not present any details; rather, I refer this Committee to the submission made for the March 8<sup>th</sup> hearing for updates.

## **CHALLENGES**

Like most departments in the Government of the Virgin Islands, a significant challenge is staffing. Over the last calendar year, we have posted positions for enforcement officers, attorneys, engineers, biologists, grant managers – some have been filled, but the majority have not. We have also lost key personnel to other departments and retirements. While we will continue to post vacancies, we are also using alternative means for personnel. We currently have three fellowship positions housed within the department; we have also contacted UVI to determine how we can have students across several disciplines fill certain gaps within the department, and hope to complete some type of agreement to engage by the summer semester. We are also taking advantage of inter-personnel agreements with the federal government as we have two (2) part-time legal counsels working with our Division of Environmental Protection to ensure the timely preparation and execution of legal instruments from the department.

Another challenge for the department is our physical space, particularly in the St. Thomas/St. John district. As you are well aware, our office spaces on the second floor of the Cyril E. King Airport, along with our St. John office spaces, were destroyed by the 2017 storms and we have been operating out of the Turnbull Library ever since. Our long-term plans for permanent office spaces are well underway. Our architects have completed the demolition package for the building in Sub Base, as well as the preliminary layout for each floor. We anticipate having the demolition out for bid sometime in April, and the final design of the offices completed in August. For our St. John offices we are nearing the end of the procurement for A&E services and expect the bid documentation to be completed within two months of finalizing a contract. The Department was also embarking on a short-term plan, which was to relocate operations to leased commercial space for the St. Thomas office. While nearing the end of the lease negotiations, the owner of the building received an offer for purchase of his building, placing a hold on the negotiations. Since being notified of this transition, we have started to look for an alternate location to serve as temporary office space for the department. With the project worksheet (PW) for the Turnbull library now obligated, it is imperative that we secure temporary office space as that facility will be under major renovation by the end of this calendar year.

Lastly, a major challenge several divisions face are the limitations with enforcement provisions in several sections of the Code. Several of our regulations related to enforcement have extremely low penalties associated with them, and further, some require that the Department of Justice prosecute for a penalty that may be a maximum of \$150 per infraction. The need to address and adjust regulations is a priority for the Bryan Roach Administration and DPNR is moving towards updating regulations in several divisions. For example, with the support received from the 33<sup>rd</sup> Legislature's appropriation, the Virgin Islands Historic Preservation Commission will be using funds to update its regulations and have the penalty provision mirror that of the State Historic Preservation Office guidelines. The Division of Fish and Wildlife has secured funding in one of its federal awards to assist with fishing regulations, to include penalty provisions. The Department is fully aware that recently the public has had a lot to say regarding enforcement and the powers that the Department should have to address violations. Some expectations are

that penalties should be raised, while others believe persons should be arrested for repetitive violations. It will certainly be an interesting conversation, but one thing is for certain – the Department will seek to amend our regulations to include the contractors and not just the property owners. The Department over the years has spent countless hours advising the contractors that an owner must provide an approved set of plans and a copy of an issued permit to be held on site prior to any development activities taking place. So, when a contractor begins a job that has not been authorized, or develops a property beyond the scope authorized in the permit and associated plans, then the contractor is just as responsible for the infraction as the owner and must be held accountable.

This concludes my overview of the department and the specified requests. As an appendix I am including accomplishments for the first half of this fiscal year for your review. Members of my senior management team and I are prepared to answer questions from the Committee at this time. Thank you.