



# Legislature of the Virgin Islands

NO. 1110 STRAND STREET  
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Honorable  
Novelle E. Francis, Jr.  
Senate President

December 10, 2019

The Honorable Albert Bryan, Jr.  
Governor of the Virgin Islands  
Office of the Governor  
No. 20-21 Kongens Gade  
Christiansted, Virgin Islands 00820

This document was received

by the Governor this 10<sup>th</sup>

Day of December 2019

*Omeara*  
Secretary to the Governor

## RE: Major Coastal Zone Management Permit No. CZJ-04-14 (W)

Dear Governor Bryan:

The members of the 33<sup>rd</sup> Legislature received extensive testimony on Major Coastal Zone Permit No. CZJ-04-14(W), the application for Summer's End Group, LLC to construct a marina and supporting facilities on the island of St. John on October 28, 2019. After an exhaustive review of all documentation submitted, it has been determined that the 33<sup>rd</sup> Legislature is presently unable to take action on this permit as it is considered defective. Accordingly, Major Coastal Zone Management Permit No. CZJ-04-14(W) and the accompanying documents are being returned to your office.

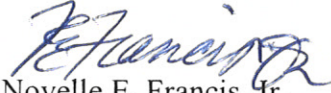
Pursuant to the Virgin Islands Coastal Zone Management Act, Virgin Islands Code, Title 12, section 911 (e), the Legislature may ratify the Governor's approval of only those coastal zone permits that have been duly approved by the appropriate Coastal Zone Management Committee. However, the permit transmitted to the Legislature was not approved by the St. John Committee of the Virgin Islands Coastal Zone Management Commission (the St. John Committee). Rather, on March 27, 2019, the permit was modified and issued unilaterally by the Chairman of the St. John Committee without a vote of approval or any other involvement of the St. John Committee. This lack of a vote invalidates the permit. Since this permit is considered invalid, it cannot be ratified by the Legislature and is therefore improperly before the Legislature.

Unfortunately, the defect cannot be resolved merely by submitting the original permit approved by the St. John Committee and the Governor in 2014. As the applicant's testimony and correspondence has disclosed, the project described and approved in 2014 is no longer the project the applicant intends to develop today. Neither the 2014 permit nor the 2019 permit truly reflects or conforms to the applicant's current proposal for the development of a marina. Consequently, Coastal Zone Management Permit No. CZJ-04-14 (W) authorizing a project that is different from the project that Summer's End actually intends to develop is not properly before the Legislature.

In short, the project as currently proposed by Summer's End Group, LLC cannot be developed under the Major Coastal Zone Management Permit No. CZJ-04-14 (W) and its accompanying plans, maps and drawings. It is the consensus of the Legislature that the marina project proposed by Summer's End Group, LLC has not been yet submitted for CZM review, thereby rendering this permit and all related processes invalid.

When a new, valid, consolidated land and water permit for the marina project is transmitted for the Legislature's ratification, I assure you that the Thirty-Third Legislature will act promptly.

Cordially,



Novelle E. Francis, Jr.  
Senate President

cc: Commissioner Jean-Pierre Oriol  
Department of Planning and Natural Resources

Attachments