

August 7, 2019

VIA ELECTRONIC MAIL

Yvonne Tharpes, Esq.
Legal Counsel
Legislature of the Virgin Islands
Capitol Building, Charlotte Amalie
P.O. Box 1690
St. Thomas, VI 00804

Re: Summer's End Group, LLC and CZM Major Water Permit CZJ-04-14(W)

Dear Attorney Tharpes:

We, James Owen Phillips and Genoveva Rodriguez, are the legal owners of Parcel 13 Rem. Estate Carolina, Coral Bay, St. John. We purchased the original parcel in 1996 and subsequently subdivided portions over the years, all while retaining ownership of the original parcel's entire waterfront.

Our son, James Peyton Phillips, who acts with unequivocal oversight of our estates, recently contacted your office to inform, amongst other things, that the Summer's End Group, LLC and their managing member, Ms. Chaliiese Summers, no longer have our authority to apply for permits or conduct any development on our property, or within the attached water rights of our parcel.

It has come to our attention that, without notice and at the 11th hour, Governor Bryan has signed the "CZM Major Water Permit" for the Summer's End Group, LLC, thereby passing the burden of the permit approval to the Legislature. Under public overtures of impropriety by the St. John CZM committee, this permit was approved in October 2014. Shortly thereafter, the first of three legal actions against Summer's End Group, LLC and the CZM Commission was filed. The essence of these actions ranges from legal concerns regarding administrative process and violation of property owners' rights, to substantial concerns about the viability and environmental impact of the proposed project. It is imperative to understand that until Judge Dunston renders a decision on the matters, any action by the Governor or the Legislature gravely undermines His Honour's authority and practice, further questioning the very fabric of our territory's laws.

It is also imperative to remind ourselves that in 2016, the Virgin Islands Board of Land Use Appeals ("BLUA") ruled the two separated permits, one for water and one for land, needed to be consolidated by Summer's End Group, LLC as they pertained to a single project. This has been improperly ignored by the applicant for over three years, questioning the very purpose and authority of our territory's judicial and legislative bodies.

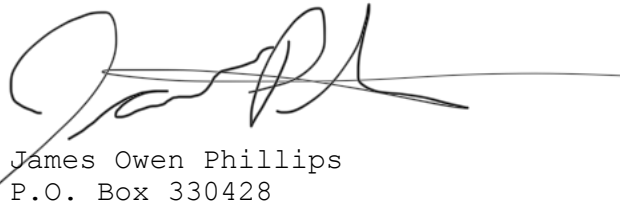
It is our understanding that CZJ-04-14(W) will not become effective unless and until the Legislature ratifies the permit. We write to make clear that should the Legislature undertake this action and ratify this contested and improper permit, the Legislature would not only ignore the concerns raised above, but would also strip us of our rights as the legal owners of our parcel, depriving us the privileges and protections memorialized in the Revised Organic Act. Furthermore, such action and ratification would clearly infringe on

our civil rights and due process as outlined in 42 U.S. Code Section 1983. Combined, these laws lay forth some of the most sacred and inalienable gifts to our society. We simply ask to be extended the same rights and protections you would ask to be extended to yourself. It would be consequential to ignore our request in that we fully intend to vigorously fight for our rights and protect our property with every possible action and resource available to us.

We also implore the Legislature to consider the broader, ethical concerns often overlooked. Over 22,000 people signed letters of concern regarding the project. Over 8,200 signatures were offered on petitions against the project. At best, Summer's End Group, LLC has provided inconsequential numbers of proofs (less than one-percent of the above) for support beyond its managing body and select investors who have come and gone. We respectfully remind the Legislature that its mandate essentially empowers its body to protect and embolden the community of the Virgin Islands, as well as the universal and equal rights of its members. Not those of a select few.

It is our hope that this letter expresses the seriousness of the matter and sheds light on the numerous legal and ethical grounds on which to charge against CZJ-04-14(W), compelling the Legislature to either deny, or not to consider this permit until all outstanding legal disputes and challenges have been resolved.

Sincerely,



James Owen Phillips
P.O. Box 330428
Coconut Grove, Florida 33233
Phone: 305-562-0175
eMail: jamesphillipsvi@gmail.com



Genoveva Rodriguez

cc: Attorney David Bornn, Chief Legal Counsel to the Governor
Senators of the 33rd Legislature
Jean-Pierre Oriol, DPNR Commissioner
Marlon Hibbert, CZM Director
Vonetta Norman, CZM Counsel
Attorney Matthew J. Duensing, V.I. Legal Counsel (Owners)
Offices of Holland & Knight, LLP, U.S. Legal Counsel (Owners)