

FLOOR

10/21/2016 - SPECIAL ORDERED

BILL NO. 31-0480

Thirty-first Legislature of the Virgin Islands

October 21, 2016

An Act ratifying Major Coastal Zone Permit No. CZX-42-09 (L&W) issued to the Virgin Islands Port Authority to authorize construction of a cargo facility at the Gordon A. Finch Molasses Pier facility on the St. Croix south shore

PROPOSED BY: Senators Neville James, Novelle Francis, Jr.
Terrence Positive Nelson, Nereida Rivera O'Reilly,
Sammuel Sanes and Kurt Vialet

1 **WHEREAS**, the St. Croix Committee of the Virgin Islands Coastal Zone Commission
2 issued Major Coastal Zone Permit No. CZX- 42-09 (L&W) on September 2, 2016, to the Virgin
3 Islands Port Authority; and

4 **WHEREAS**, Major Coastal Zone Permit No. CZX-42-09(L&W) authorizes the Port
5 Authority to construct on the south shore of St. Croix seaward of Parcel No. 1, Plot nos. 2, 6, & 7,
6 Road Plot No. 8, Parcel Nos. 10 & 11 and (Reclaimed Land), Estate Blessings, Christiansted, St.
7 Croix a cargo facility at the Gordon A. Finch Molasses Pier facility consisting of:

8 1. Construction of a 120'-wide steel and concrete bulkhead with a 4.5' elevation and an
9 associated cargo marshalling area;

- 1 2. Placement of 250 linear feet of riprap vestment at 1 mean sea level;
- 2 3. Dredging of approximately 11,000 cubic yards of bottom material to a depth of 16
- 3 feet;
- 4 4. Construction of a 21,000 sq. ft. general purpose building and ancillary driving and
- 5 parking areas for administrative cargo functions; and
- 6 5. Construction of a new access roadway and closure of the exiting roadway; and

7 **WHEREAS**, in addition to the development activities authorized, Major Coastal Zone
8 Permit CZX-42 (L&W) authorizes the Port Authority’s continued use and occupancy of the 560’
9 by 70’ bulkhead known as the Molasses Pier, 61,600 sq. ft. of water area, and 7,532 acres of filled
10 submerged land identified as Parcel Nos 10 and 11 (Reclaimed Land) Estate Blessings,
11 Christiansted, St. Croix; and

12 **WHEREAS**, the Honorable Kenneth E. Mapp, Governor of the Virgin Islands, approved
13 Major Coastal Zone Permit No. CZX-42-09 (L&W) on September 14, 2016; and

14 **WHEREAS**, the Virgin Islands Code title 12, section 911 (e) requires ratification by the
15 Legislature of the governor’s approval of coastal zone permits issued under section 911; Now,
16 Therefore,

17 ***Be it enacted by the Legislature of the Virgin Islands:***

18 **SECTION 1.** The Legislature ratifies the Governor’s approval of Major Coastal Zone
19 Permit No. CZX-42-09 (L&W) for the development and occupancy authorized in section 2 of the
20 Permit seaward of Parcel No. 1, Plot Nos. 2, 6, & 7, Road Plot No. 8, Parcel Nos. 10 and 11
21 (Reclaimed Land) Estate Blessings, Christiansted, St. Croix, Virgin Islands.

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BILL SUMMARY

This bill ratifies Major Coastal Zone Permit No. CZX-42-09 (L&W) issued the Port Authority for the development of a cargo facility at the Gordon A. Finch Molasses Pier and the continued occupancy of submerged and filled lands identified in the Permit.

BR 16-1501, October 21, 2016

DRAFTER'S NOTE

An analysis of this bill was not performed. However, I did observe that the application materials seem quite stale, inasmuch as the application is dated August 6, 2009, the Environmental Assessment report is from 2009 and is date stamped as received by DPNR on August 7, 2009, the Sediment Sampling Analysis is dated May 21, 2013, and the Water Quality Certificate dated December 2, 2015. If the Permit is in fact time sensitive, the time lapse between August 2009 and September 2016 should be explained.

The Permit authorizes dredging. The Permit, however, does not impose a reclamation fee for dredging as required by the CZM Act. Unlike rental fees, reclamation fees cannot be waived. Absent an analysis of the Environmental Assessment, compliance with the CZM Act cannot be determined at this time.