



Committee on Disaster Recovery, Infrastructure & Planning

Legislature USVI

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- 0:00:00 here this afternoon first i would like to first make it clear that this hearing is not about one application bill number 36 0211 if implemented will impact our entire territory so my first question will be for the commission of um dpnr sir orio could you give me a breakdown on the microbreweries and micro distilleries that we have here in the Bananas are ready, that is presently licensed.
- 0:00:43 Good afternoon Senator Joseph and to the people of the Virgin Islands. We do have four licensed micro breweries and they are situated in the historic districts in in the mixed zones business commercial. But could you give me the breakdown in districts like? We have the C commercial, the B3. We also have P public zoning. Okay, and what's the current zoning for micro breweries?
- 0:01:22 Right now, they're allowed as accessory to restaurants. So they're not allowed as a matter of right. Oh, do you guys have the necessary staff to monitor these breweries? We coordinate with the Department of Licensing and Consumer Affairs. So there's staffing, you know, between the different agencies that would review. But DPNR, our role is to review for zoning compliance. And what's the need for them to have these micro distilleries in residential era? What's the need?
- 0:02:10 Well, it's because agricultural activity is also allowed in the residential R1, R2 zones. So the intent is to allow for those working farms to have the accessory microbrewery, micro distillery functions. I mean, because I look at when we as locals try and do nails or something from home, it's an issue. A person can't have a nail store at home because we have a reason, but now we're willing to allow in the same neighborhoods distilleries. So, Senator, I would say to that specific comment, no, because we've actually come before this body. asking for the legislature to allow a lot of those home-based businesses to take place. And even in what we're looking to do in terms of more allowances that can be at the department level rather than at the legislative level to allow some of those home-based businesses that we see more and more frequently to be allowed as uses subject to condition rather than having to come and request a variance from the legislature.

- 0:03:28 And as the current land and water use plan allows for microbreweries in residential areas? Again, the plans doesn't talk about uses in a very specific manner. What it does state is that, again, it promotes certain ideas, particularly those of mixed use, and it also talks about updating how we go about the activities that are allowed as a matter of right or subject to condition. And that's what we're saying. One of the goals for the department is to narrow or shrink the table of permitted uses from this very long, very specific listing of things that can't contemplate all activities into something that allows more mixed uses, but that they are relatively combined together.
- 0:04:29 Okay, not trying to leave the I'm trying to stay open on the subject because like I said it's for the whole territory because when we look at the space that you have left in St. Thomas and you stand the table microbreweries all around the place what's or in an agricultural land so what's gonna be left for food production I think what this is doing senator is actually giving the farmers a choice right like they they can choose what they want to grow nobody's saying that you have to grow cane to then support distillation of spirits or anything like that nobody is telling a farmer what he can or can't grow one minute what we're saying is that if you choose to actually grow something that can in fact be distilled after that then you have the option to make that happen on the agricultural grounds itself okay good and as it pertains to the water barrier in Frederick State and I know a lot of individuals are here today prior to prosperity farm operation operation I heard you spoke about the other gut and the color the water have the water in that era been that color prior to any of this going on yes senator any any standing water near in agriculture like no well any standing water right open environment the breakdown of organic material is what cut turns the color brown like and and you can go to any pond or anything like that that that fully has water and see all of that so to directly attribute it what's going on there specifically to venice like I I don't I don't agree with I I didn't use any names I just asked if the color the water that's prior prior to this operation going in place we have a lot of people here from frederick said they could say for
- 0:06:28 themselves i mean like it's the water is way darker than it used to be before like i said for me environmental wise i am strong on the fact that if we talking about tourist dollars and breweries or regardless of what the key thing is to protect when the runoff come so if we we're gonna end up with a compound problem with a third compound within they will run off I don't want because if something do happen in Frederick State in on be a boy now I'm problem it gonna be St. Croix Frederick said Rainbow Beach because presently right now it's like the harbor of Charlotte Amali it's It's not for swimming, because of what?
- 0:07:26 You're saying the Waters and Fredericks that are not for swimming? No, no, no, no, no, no. I left from St. Croix. Oh, if it happens. I'm saying what's going on in Charlotte and Mali, how about people can't swim? I don't know. I mean, what? I don't know if I'm following. I want you to say, why people can't swim in a harbor? Well, I would say that it's more an industrial type of use.
- 0:07:58 It's a harbor, right? Like, that's what it is, but I can't if. So, I would say this. That if we actually tested Charlotte Amelie Harbor for whether or not it was safe for swimming or not, I don't know that it's going to fail. Or it could fail on certain areas, right? Direct discharge, waste management is there. We've had that problem.
- 0:08:30 We couldn't even take a boat out for over two years because the water was being discharged, right? storm water mixed with garbage everything like that up from the thing was going directly where the boat was. So yes, we could it. But I don't know that if I'm on the point over by Villa Olga over by Frenchtown The point I wanted to get to is that we have to make sure that we're protecting those water barriers. That's my point. Because if we don't we're going to have the same problem. That's my point.
- 0:09:04 We agree on that and one of the reasons why the department tests the beaches along Frederickstead on a weekly basis is to make sure that it's safe for swimming for our residents. We test it every single week to make sure it's safe for our residents. So that's not lost on the department. I just want us to make the appropriate step forward and not waiting for it to reach to the sea. I want us to start to monitor what we're doing prior to getting crossed to the sea because we could try and get that done when they get to the sea too late that's my point thank you madam chair for the time thank you thank you thank you thank you for your response thank you senator joseph i just want to follow up on a couple of things that um um senator joseph raised but i do want that last question about charlotte emily Harbour and that was a real Crucian question. You didn't realize that though?
- 0:10:16 That was a real Crucian question from this point of view. Yes when Crucians go to St. Thomas we see the economic activity. We all do. I go now as a senator and I go, wow, they have a lot of economic activity going on over here, boy. And then I come to St. Croix, right? And the question about the beach being not swimmable all of a sudden makes me happy to be from St. Croix. That's why I said it was a crucial question, because there is something about crucial that we need to admit. We actually love the environment. That's the bottom line.

- 0:11:03 We love the environment, but don't then make us feel as if we don't want economic activity. And I think that's what most of the people in here really want to get across. It's not As if we don't want to, and so that was a really good point you brought up at the end, Senator. Senator, and to follow up to, the microbreweries are allowed as accessories right now to restaurants, but not as a matter of rate. That's correct.
- 0:11:32 Are they different from what would happen if this bill were passed? Would the distillery be comparable to what we are seeing now on St. Croix? Yes, the way we're proposing them, because, again, we're putting a cap at 100,000 gallons of actual product. How many are the ones doing now, the ones that we have now on St. Croix? And you said four license. You mean four territory-wide or St. Croix and Namaste? Territory.
- 0:12:05 Territory-wide. So how many on St. Croix are licensed? I'd have to look that up, Senator. How many, well let me ask this, how many, we have the one in Sanfam. I mean this is public record, right? So let's go through them. We have the one in Sanfam, that's a licensed one. Yeah, so they're licensed, Letterback is licensed, but it's in the industrial, or it's on the P, but it's in the industrial complex.
- 0:12:41 Right, okay, and then isn't there one in Christensen? You have St. John Brewery. That's in Christenstead? Yes, you have the one on the boardwalk as well, the Christenstead. In Christenstead? Yeah. So then that's not licensed then? No, they're there. They've been there. They were actually one of the first ones. So we have three licenses. Three over here, yeah. Over in St. Croix. Right? And then we need to identify. I mean, we need to know the data. We need to know.
- 0:13:16 That's without street. That little artisanal one, yeah. Oh, that's right. There's that one also. Yeah, they're doing the- So all those, are they what would fit into the micro? That's what I'm trying to get at. They would then fit into the definition of the micro brewery and micro distillery. Correct. As a matter of right. As a matter of right. Okay. The question that was asked about residential, and you said that you want to give working farms that are in residential areas the ability to also have these micro distilleries and breweries. But why? Do we have to have them in residential areas? Why have them? I'm against. Okay. I already tell him my vote. But Maryse is known for her no vote, isn't she? So my thing is, convince me that we have this vision of expanding alcohol production within residential zones or agricultural zones, but let's use residential for us.
- 0:14:41 Yeah. So, Senator, the way I think about it, again, is through the rules and regulations, right, we come up with what's the size requirements, those types of things. Like, you have to meet certain requirements using the size one. If you have two acres or more of land, right, and you have the ability to have a separate processing unit to make, like, a small craft beer or what have you on your property, right, using anything that you grow, greenhouse, whatever, then just like the Senator mentioned, we're here all the time asking for home-based businesses, variances for home-based businesses, correct? And so this is just, again, an extension of home-based business, right?
- 0:15:31 But do we want? My point is... It sounds like you don't. So, you know, but but again, like that, that's the thing is, you know, you you if you have the land space for it and you have and you can meet other criteria, then why should you not have the opportunity? Okay, let me ask you this like this. These facilities are providing or producing for the local population or tourists coming into the territory?
- 0:16:15 I think the production right now, it can be for both, right? I think any craft, distillery, brewery that you do, it gets first and foremost its momentum from your local population. That's what makes it popular. Then if they get to be large enough where you can now actually start some type of distribution, that distribution first starts on your shelves at home, in your own supermarkets.
- 0:16:49 And if you get successful, then maybe you have a little bit of export. But most craft, it starts off locally based, getting a following, and then all of a sudden it expands. And that's been the nature of it, at least from my experience with it. Okay, let me, is Ms. Braxton still on the line? I want to, this is a question that's related to, hi, I just want to ask this question because you are, you have a distillery. Did the idea of having a distillery for you begin because you are a farmer or was it because you wanted to get into this particular industry?
- 0:17:39 And then, of course, you have to grow. Well, I don't really know that much about you. Maybe you need to tell me a little bit. Yeah, can you just, I want to know how this, for you, it began. Actually, for me, it began in engineering school, 1987. I'm a, you know, I'm a retired civil structural engineer. I'm going to be honest. um we used to make moonshine on campus as engineer students in the 80s okay so everybody came to me as the liquor lady you know um so that's how that essentially you know worked um for me so i've always wanted to do it after i retired from the government um but essentially it was a craft and arts you know and my family is from guyana even though i'm born here My family is from Guyana, Essequibo, and my great-great-grandfather used to make alcohol in Scotland and in Guyana, so in Essequibo. So for me, it was in my blood to do it. But to answer your question, this is something that I'm passionate about. So when I decided to retire from government, I decided that this is what I was going to do with my retirement. And I'm now retired

16 years from the government. So I wasn't a farmer.

0:19:09 Now I'm a farmer because I do own farmland in California. I own 20 acres, you know, and here I just also built my second distillery. You know, the one I'm in right now is in a residential area, but the area is zoned. We're zoned for mixed use in this area. but the other area which is in the city per se in farmingdale a wealthy community i have a farm distillery you know in new york we've passed the laws whereas you can have a farm distillery but you don't have to actually be on the farm but we have strict environment environmental protection laws here you know as i'm listening there's certain things that that are in place because new york it stripped you know and we still you know we keep everything in control even the the craft distilleries every craft distillery no matter what has venas or we call it stillage we have that no matter what now what you do with it is you know some of us reuse it for our wash or our mash a lot of us there's a company that'll come in and filter it and buy it from us because they can reduce the footprint it's called um the sage you know they they come in and they'll buy it from you because they know they can sell it for a thousand you know thousand dollars per gallon they'll buy the distillage from you so there's so many uses that you can do and and we haven't had any particular problems because we have the strong environmental protection and certain things that we must meet you know we have sewers here like my farm distillery has a sewer so i have to make sure that nothing goes in the sewer you know epa comes and they check you know but i have a holding tank okay in the back 800 gallon but i'm also treating it whereas you know you can reduce you know the acidity by using our real water it's just the education this this mechanism you have to put in place in order to make sure it doesn't harm your neighbors right right you know in terms of that and and i make vodka rum you know a gin you know you you name it you know but in whiskey and and and vodka is come from the grain that's an even harder um commodity to to to manage and

0:21:38 get rid of in terms of the wastewater and stillage for molasses in and sugar cane it's easily you know remediated you know so that is just putting checks and balances and putting some controls and understanding how to make sure it doesn't hurt your waterways your waters your your environment and and there's an easy solution to it honestly okay thank you for that thank you for that Ms. Braxton, but she emphasized strict environmental regulation, and I'm glad that I got that information.

0:22:19 In addition to that, Commissioner Oriel, that's what I was talking about when the bill is encouraging this particular industry. That's what I was saying, but not everybody want to produce the whiskey, the gin, the different things, because as Ms. Braxton said, she had a passion for that. So I'm going to move on, and I'm going to come back to you because I have a specific question, but I want to move on to Senator Potter for his line of questioning.

0:22:59 Oh, no, you're the sponsor. Sorry. Let me recognize Senator Kenneth Gittins, non-committee member, but I'm glad he's here because I was relying a lot on Senator Johnson for my Frederick Stead information. So I'm glad you're here. The next person will be Senator Marvin Blyton. Senator Blyton, are you there? Yes. Go right ahead, sir.

0:23:29 Thank you so much, Madam Chair. Very good afternoon to my colleagues, listening to you and audiences, central staff. And good afternoon to the testifiers and thank you for your testimonies. But before I go there, I want to thank Ms. Charles for her comprehensive testimony. She brought up a lot of very pertinent points and also brought up some suggestions in terms of amendments. I myself, Madam Chair, have some amendments to this piece of legislation because um there's a lot of questions and there's a lot of um in my opinion policies that dp and i spoke to in their testimony that i feel need to be embedded in the test in um in the bill and i believe some of my other colleagues also have amendments to add to the bill so for sure it's a good bill but i don't think it's ready for prime time at this time um these are all the concerns that was brought up today, especially from Ms. Charles. Let me ask, so in respect to DPRNR, my line of questioning will be mainly to DPRNR in respect to the different issues and areas, for instance, like wastewater, the handling of it, runoff and erosion controls vapor animation and rum fungus we have not talked about fungus um thus far today coastal zone triggers you know um noise retail activity than public facing events so we have several areas for dpi now so um come with the commissioner or how are you doing today i'm doing well senator okay very well let me ask you um can dpi or not confirm whether micro distilleries and micro breweries generate high strength waste water similar to traditional distilleries,

0:25:24 including acid with extremely high organic loads? Yes, Senator. Again, the process is the same, it's just at a much, much smaller amount. Okay, very well. And based on the USVI, no one relies on on-site waste water systems, for instance, septic, et cetera, and limited municipal service coverage, can DPR now ensure that no R1 operation discharges or leaks process wastewater into soil or drainage pathways? So I can never make a 100% guarantee on that, Senator, the same way I can't guarantee that every new house, their septic isn't going to fail at some point because they failed to pump it out. So what you can do, though, for example, if you're not connected to the municipal waste system and you're having the treated effluent, is that you could ensure that they, like as part of the rules and regulations, we can ensure that they have a separate wastewater treatment system that solely deals with the distillery, thereby lessening any household

chlorine, whatever that you would be doing from your house that impacts the actual system.

- 0:26:38 Okay, with that being said, does DPR now support amendments requiring that pre-treatment of sewage connections be mandatory before a permit is issued? So again, I feel that rules and regulations should be rules and regulations, not necessarily in code. Because if there becomes better technology in the future, those things can be adopted without having to come back to the legislature okay let's let's talk to um runoff and an erosion because i know while i was at st croy this weekend i did go and take a look at the area and yeah there is a problem there is a problem as of right now as we speak and the young lady i just spoke to her operation, Ms. Braxton, in terms of having strong, strong environmental protection laws and especially enforcement. And you spoke to us having six officers. I think that's critical, critical to this piece of legislation in order for anything to occur moving forward. So let me ask you, though, in terms of runoff and erosion controls, Will DPR now require applicants to demonstrate that post-development run-offs does not exceed pre-development conditions?
- 0:28:01 Any development that goes through, wherever you change there, you have to include first what your erosion control plan is, Senator. And any development that's more than one acre is required to do something called a SWIP. if it's non-agricultural cultivation. If it's agricultural cultivation, then you have to turn in something called a soil conservation plan. You show all of your buffers against the property lines. You show how you're treating your stormwater, how you're directing it. All of those things are required to be submitted to the department, and that's already in the existing law.
- 0:28:45 Okay, very well. Thank you for that. Let's go to our wrong fungus, Because we know that given history of rum fungus proliferating in neighborhoods near ethanol-emitting rum facilities here in the territory, the DPR now agree that on-site aging in residential districts should be prohibited unless ethanol vapor control systems are installed. Do you agree with that? So we would agree with that. And again, the rum fungus issue is long-term storage of it, right? So if you control the amount of storage as well as how long, the rum fungus issue, again, it was prominent here, particularly in 2012 and 2013.
- 0:29:28 But we've been having rum in the territory since the 1700s. So it's not that, again, it's not a chronic issue. they identified exactly what the problem was in 2012 and 2013 to the point where they had to decommission the storage tanks on those industrial facilities. But it's not something that we've been hearing about since 2013. Well, with that being said, does DPR now have the capacity to verify vapor control equipment performance annually as required in amendment? If it's included in the development plan, Senator, then we'll have to review it for those things.
- 0:30:07 Okay, very well. My time was called, but as I say, we need to have further discussion. There's a lot of questions that I have along with my colleagues that I look forward to having further discussions. Thank you so much, Madam Chair, for the time. Thank you, Senator Blyden. Going back to the Charlotte and Amalie Harbour, is that waterfront industrial public? What's that? That area? is W2, Waterfront Industrial.
- 0:30:37 Industrial, Waterfront, Industrial. And where the concern here today is Prosperity Farm. Let's not pretend as if that's not it. I don't know why, you know, we're saying, oh, this is for the entire Virgin Islands. Moving right along. Point of information Senator Johnson. Thank you very much Madam Chair. My point is to Commissioner Orio, based on the line of question of my former colleague there, you spoke about the buffer and different conditions that farms should be meeting. Do you know if prosperity is meeting those conditions and terms? For their farming, yes, because it's zoned A1. So for the farming and they do have a buffer off of the the edge of the road I think what's the but as a as a so for the farm but there are areas where again there has been penetration that we've identified where the berm needs to be redone we've spoken to them directly and that's based on the investigations that have happened since the the breach from from from the the October 23rd I believe so the buffers that they had was pretty much not working and that's why you had that breach I don't know that I'd say specifically it again there's intense rainfall moves a whole lot of stuff senator but there was a breach it was identified we've asked them to repair the berm there's still ongoing dialogue
- 0:32:28 in terms of some other corrective things that can happen. And I just want to ask him this question because I'd asked him only for some results. Did you get the results on the testing that we asked for earlier? So as a matter of fact, Senator, yes, all the results and the data that goes with them are posted publicly on our website for every single week. Well, he still didn't answer my question because my question really was was prosperity, there was a \$7,000 spike. Points, sorry. Okay.
- 0:32:58 So my question was, most of the testing that you were doing, you were getting 300, 400. That went to 7,000. Okay. And my question to you was, have you ever seen those numbers, those alarming numbers of that 7,000 in any of your other tests? Thank you very much, Madam Chair. He answered yet. So, no, I haven't seen 7,000. I can't say that I actually look at the numbers until there's an actual chronic issue, right? Because when it's passing, it's passing. I don't need to really look at the numbers. But you haven't seen none with 7,000. No. Thank you very much.
- 0:33:35 All right, thank you, Senator Johnson. Senator Frederick, point of information? Thank you very much, Madam Chair. My question was in reference to containment of the discharge. From the photograph that we saw today, I noticed there's no

formal containment system in place. It's just like a hole in the area with dirt, and that's it. Is there any rules that says that when you have discharge of that quantity, not necessary from the storm runoff, but whatever it is that's being discharged from that plant, should it be in a containment form and then that way could be treated like the other testifier said online? Is there any way we could do that? So if I'm understanding the question correctly, The DPNR regulates the property when it's either being developed under development or has been developed and then there's issues coming off of it, right? So is that the property in question right now where we're seeing the staged water? If it is not under current development, like let's say there's no permit issued for it, or because, again, I think it was mentioned that it's not on the distillery property, but rather the property that's next door.

0:35:12 If that property is not under development, then there's nothing for me to regulate because there is no development action that has been issued on there. Now, what we can do is try and create corrective actions in tandem with the owner of the property. If there's an issue that is coming off of there and it must be addressed, then we can reach out to the owner and try and fix or solve the issue. But I can't regulate something that is not under development controls. My only other question is, why would you have intake and outtake pipes terminating at that point if it wasn't intentionally designed for that runoff? So again, part of the issue that's going into all of this is where's the origin point for those? There are some people here that want to say that it's originating on the property that the distillery is on. And if you walk the entire length of it, it seems to be coming from even before the headlands before the distillery property. So, again, there's certain information that's out here as if this is absolute, this is where the infraction is occurring from. And, again, there are people that are reviewing all of that, the distillery disputes all of that. They've presented information and that's why we're in the administrative proceeding right now.

0:36:44 Thank you very much Madam Chair. So if there's, you're welcome Senator Frederick. So if there's harm to the environment and the alleged culprit is not the culprit really, then do you go and find out who is causing that damage? Exactly Senator, because I can't, there is no environmental line, line, all of chapter 12, that says if a property is not in development or as after development has occurred, that if there's some type of impact that is taking place, that I can actually cause, bring cause on them a regulation for them to correct the thing. I have to actually get them to do it voluntarily or work with them to correct it.

0:37:36 That's where I was going with you, that in fact, and you just answered the next question, which is there is nothing in the books right now in the law. Because again, if water from development is taking place 40, 50, let's say a mile away. Right. And the guts are all bringing all of this stuff and it goes on to an undeveloped property. Right. Right? And now I'm going to say the person at the end of that, that's his fault? No, no, no. If he complains, I'm actually looking at it differently. If it comes to my property and it's destroying my property, then who do I, don't you have a responsibility to protect me as a landowner who's not causing that issue?

0:38:20 You see what I'm saying? I understand that, and that's the thing, right? The natural tributaries, right, guts. Got it. They run and they bring everything on there, but that's the thing is that every single regulation in terms of being able to enforce something on somebody in Title 12, it's because they have taken an action that needs correction. I got it. And if there is no action being taken, it's just the natural process of water flowing from the top of the hill coming down, who are you going to blame that on? The man who developed it on the top of the hill. But you have to prove, you got to be able to prove what he doing today is absolutely what is making its way onto that bottom property.

0:39:12 I understand that, but you're making it sound, and I don't want you to make it sound to the public as if we can't prove that. You know what I'm saying? Don't make it seem as if we cannot prove that. If it's miles and miles, Senator, that means that there's going to be a bunch of properties contributing to it. I understand. If it's something that's right here and then now you're looking across the street, we can absolutely prove that. That's without question. But Commissioner Oriel, and I have to go to Senator Viale for his turn.

0:39:44 If I own that property, and prior to Mr. Joe building his mansion up the hill, I was not having any problems below, can I not then say that I've never had this problem before, but he's now building this mansion at the top of the hill, Commissioner Oriel, and it's causing damage to me? you're still saying that I have no recourse because of that rich Mr. VLA building out at the top of the hill. We're going to Senator VLA because he's been patient.

0:40:22 So what I'm saying, Senator, is if Mr. VLA is in construction. Right. I could go there and say, hey, your construction is having a downward impact. You can. Absolutely. Okay. Because the property is in development. That's what I'm saying. If it's in development, I have absolutely the power to do that, right? If I can say he's 10 parcels away, but we know based on whatever color is coming off of him, we know this is the only thing getting developed with that color. I can absolutely draw that straight line.

- 0:40:59 Okay. What I'm saying is that on a property that is completely undeveloped, where there's now a bunch of tributaries contributing to that water flow. And then that stagnant issue, right, there's no one to assign on that stagnant thing. Even for the property owner itself, he hasn't done anything. He hasn't done, right, I understand. But you agree with me, though, if we can show that- Absolutely. That wealthy Mr. Viale at the top of the hill. Senator Joseph, you have a point of permission, and then I definitely go into Senator Viale.
- 0:41:32 Since we're on the subject, this question is for the Commission as well. Thank you for the time, Madam Chair. Has DPNR ever cited any distillery or brewery for any environmental violations? We haven't issued a citation, but like I said on the Prosperity Distillery, We have issued findings and then also non-compliance, which some of them are in challenge. So that's the only citation I've ever had to give to any of these distilleries. And St. John, St. Thomas, no other.
- 0:42:18 Yeah, nothing that comes to mind, Senator. Thank you for your response. Thank you, Madam Chair, for the time. Thank you Senator Joseph. Senator Viola, I want to say this to you. I saw a clip of your father's birthday celebration, and I just want you to notice, you know, when I used to go through, and we live in a community where I can, I feel free to say this, because it's a small community, but your father was one of those handsome men that I would see in Richmond Post Office. just just so you know i mean every time i went you know i and this is like whoa years when i was like 10 years old so you can imagine he was he was like 40 40 50 whatever and i was i boy yes so tell him happy birthday for me yes your turn good afternoon colleagues good afternoon to the testifiers good afternoon people at the Virgin Islands. Good conversation thus far. A bit different. I think this conversation started some four years ago. That was only limited to agricultural land. The bill goes beyond agricultural land and goes to waterfront and residential and and some other areas at the at that last occasion good attorney reams was my opponent then and now he's is one of the proponents of this new legislation but in in looking at the bill and the bill doesn't speak i know that a lot of the discussion today is going to reference
- 0:44:11 prosperity farm but this bill references the virgin islands overall okay speaking about residential waterfront a number of different properties i read the bill and before i speak about the bill ms charles you are also very active four years ago and i commend you for your consistency okay you have consistently fought against the development so in no way am i upset in any way because you're doing what you're supposed to do and as I tell this body on a regular basis opposition creates good legislation everybody can't agree and just be jumping up opposition creates excellent legislation so the points that you made are valid in terms of environmental protection they are very valid and it is something that this body needs to look at I read the bill bill, and the bill is poorly constructed. The bill is just broad. It gives leeway, literality to everything. It doesn't restrict or have real good environmental protections for the people of the Virgin Islands. So from the time I saw the bill, I said, there's no way that this bill could pass the way that it has been constructed. The bill needs to be totally rewritten. Totally rewritten. And in rewriting the bill, we must put in those environmental concerns that Ms. Charles spoke about. Not reference for prosperity or anything, but overall for the Virgin Islands. How you dispose of your wastewater. We heard the lady from the mainland say that they have holding tanks, but we have to legislate it. So I hear senators saying, well, they're doing this or why we could do this or that, this is a legislative body. We don't write the law, so we have to dictate in the law that this is what they must follow. This is what DPNR must put in place before any micro distillery or micro brewery is operating. Now, the sad thing is, is that we already have them operating. So don't let you know, actually, they're happening. Mutiny, Leatherback, Boardwalk, Artisan, St. John, and they are coupling St. Thomas, they're already operating. So one of my first question- Three minutes. In speaking to myself is that we need to find out what's operating.
- 0:46:43 We need to find out the volume that they're producing on a regular basis. we don't even know if they're craft or they're beyond craft. So we need to have those parameters on the table or that data on the table so that we can know exactly what is happening. What is the zoning, the present zoning for these areas where this other stuff is? How are we going to deal with it? How is the permitting conducted? How is it enforced environmentally by DPNR. What do we need to do to this legislation to really be able to now craft a bill that is going to regulate everything? Because to the public, it's being done. The focus is on one, but it's being done. So we need to make sure that we now go back and we say, okay, well, we're going to put this into the code. I pulled up Florida with craft distillery. i mean florida has a whole section a craft distillery craft brewery to down to how much you could drink you could consume on the property that it could only be tasting in this room you could only consume maximum they have all of that so so we did this legislation out there so we need to regulate and structure what we want in the virgin islands with the input of dpnr they're the experts and we could also get other individuals that will be able to tell us environmentally what we need to mandate that dp and our is going to monitor from the time i heard holding tank and all of that i i could like that type of stuff because then you have no discharge but we have to make sure that we protect the soil and the water but we also have to make sure that we expand the economy. A boat could be done. She stressed repeatedly, the distiller. Strict environmental laws in New York. One of the problems the Virgin Islands have is our enforcement of laws. That's on the government of the Virgin Islands, a lack of enforcement.

So we can continue for lack of enforcement and sometimes lack of enforcement that is not codified so you

0:48:59 don't even know what you're supposed to do because we have no laws. In this particular area we can't continue to use that as a reason why development can't take place. Because you flipped and I'm not going to even go to the distilling part because whoever owns prosperity farm and I know who own it, you gotta comply with the laws of the Virgin Islands. We're going to put the laws in place and then he must comply. It's not a choice, but if flip sides absent the distillery, I don't know any facility being used more than Prosperity Farm. I saw all the opposition there dancing, drinking, having a good time, everybody there. Weddings being held, this being held, that being held. So we need to make it right because it is being utilized every single weekend and during the week time and we can act like it's not an attribute to the tourism market we can't act like it's not a good excursion we can't act like we don't want to increase the amount of ships coming to frederickson so the local taxi drivers and local excursion could be able to make more money but we have to have a comprehensive discussion as to how we are going to make this right. Not a just no, or just a yes and to do it anyhow, but a discussion as to how we're going to protect the waterways, the soil, and still have development that will employ people, and we can move this forward. I don't necessarily agree with this two years wait. I think we need to sit down, and I will be calling for that, that the legislature sit down, and if we need to get some additional expertise, we get it, and we create a bill that has in all the protections environmentally, we give a copy to DPNR, and they will be a part of the discussion, and then we see what

0:51:04 we need to tweak and we move forward. I really didn't have any questions because I really wanted to put that on the record. Thank you so much, Madam Chair. Thank you, Senator Ville. I guess I'm the only person who has never been to Prosperity Farm. No, you're not the only one. Well, because I believe the Senator just said to me that, or to us. Well, to me, I felt it was to me. Things happen in there every weekend. We're talking about the same Prosperity Farm. Mr. Reims. Yes.

0:51:45 That was for you, Attorney Reims, yes. Yes. Their operate, what's going on at, for the benefit of the one of many Crucians who have never been to Prosperity Farm, tell us, what's going on at Prosperity Farm now? Okay. Prosperity Farm is, of course, on the location of the old plantation club that my parents, my grandparents, you know, went and danced at and saw Sparrow and everything else there. That's what that building is, that big building you saw. What they're doing right now is they're doing everything that's in Title VII, Section 192, Sub 8, agro-tourism, food farm events, weddings, the things that happen.

0:52:35 What is it zoned now? It is zoned A1. A1. But if you take a look at it. And they're doing everything, and remember we're talking to the public. Yes. So when you say title, da-da-da-da-da-da, people don't understand, so let's break it down. In 2011, the legislature passed something called the Fishermen's and Farmers and Consumer Assistance Act. And it's an act that passed in 2011. And there was a section of the act that says what farmers can do on a farm property. And there's a long list of stuff, and it starts with agro-tourism. And the question is, how do you define agro-tourism? There's no specific description of that.

0:53:13 But what Prosperity Farm has done, it has taken the broadest definition of agro-tourism and the broadest definition of farm-food event, and that's what they're doing there. You know, if you look up farm-food event in Google, you know what comes back? The Ag Fair. Okay? That's a farm-food event. OK, so the question is, if the legislation says you can have a farm food event and AgFair is a farm food event, as far as Prosperity Farm is concerned, they can do whatever AgFair does. OK, until somebody tells them that their broadest definition of agro-tourism should be narrowed.

0:54:00 OK, and how do you narrow a definition with legislation? Right. Right. But right now it says they can do agro-tourism, okay? And when you're a businessman and you've invested \$18 million in the development of a business and you see a law that says you can do agro-tourism, are you going to self-limit? No. Of course you're not. Unless maybe you're Maurice James and you don't want to harm the environment.

0:54:29 Well, you know, the question is, okay, there is no harm. Attorney Reams, when you make a statement like that, it makes the public think that then you'll stretch it to right before it becomes criminal. You understand what I'm saying? Okay, let me tell you. There's been a question that's been asked a couple of times here. How did this black water get in the beach area? And I'll tell you exactly how it happened. storm stormwater runoff from up gradient comes down toward the water some of it passes from in the far eastern part of prosperity farm goes across the road to pemberton's land it goes through pemberton's land and if you go to pemberton's land you will be standing knee deep in black water So don't tell me it comes from the prosperity side.

0:55:29 But the reason why it hasn't happened so much in the past, okay, is because of these major rain events. A major rain event caused the migration of stormwater runoff across Prosperity Road onto Pemberton Land, from Pemberton Land out to the beach. And that's why it is anticoci bacteria, because it is human and animal waste. That is animal waste that you're

seeing in that black water. Thank you, Attorney Moose. I'm going to stop you at that point because Commissioner Oriel, he actually went where I was talking about where here we have one landowner saying the other landowner action, even if it's not in development, is causing harm to the environment.

0:56:23 But I'm going to, Senator Vialli has a point of information. But before I, Senator Vialli, I want to say that what Attorney Reims said is basically what you were saying before. And I think we need to impress on ourselves that if we don't put in place legislation, right? To curtail, then yes, you'll go as far out as you can. But Senator Vialli. And you sort of read my mind.

0:56:54 The interpretation of the lies of broad interpretation that's being used. And the broad interpretation at times conflict with what DLCA believes should be in place or what should be required. So my position has been to the DLCA commissioner, well, tell us what we need to do to fix the law. If you believe that somebody is violating and they're using a broad interpretation to say they could do this and that, are you saying that they should not be able to do this and that? then let's fix the law. Let's amend the law. You have council. This government has council. The central government has council. So every single department, whether it's DPNR, DLCA, and there's a loophole that allows somebody to do something that you don't believe should be done, then let us amend the code. And in doing this bill, that is going to be in reference to our microbreweries and distillery, if we need to amend the code on those areas so far to define what could be done and what can't be done then let's do that i wanted to pay for as much license as possible okay if they're having uh if they're going to sell liquor they need a liquor license if they're going to have entertainment they need a license they need a license here it will be revenue generation for this government and instead of fighting fines on a regular basis being issued and reissued and reissued we have a law that clearly states what can and cannot be done, and it's clear. And it's the job of this body to do that. Thank you so much, Madam Chair. Thank you, Senator. Senator Dwayne DeGraff, point of information. Thank you. Thank you, Madam Chair. Those are some of the things that I mentioned to the Commission in regards to size lot, parking restriction, noise ordinances,

0:58:39 monitoring of air and noise and different things. But you know what really made me get to this point information i think is based on what attorney rames said is where the people of this territory always seem to be second to everybody else because they have money and that shouldn't be a statement we should let pass because somebody have money they could do what they want hey i vehemently against uh that statement in regards to us putting it on and the book says yes we have to fix what we have to fix but this is what it is we are faced with in our territory where people come here and dictate what they want because they have money and us who are here fighting and own these properties are giving into it not me thank you for the time madam chair senator johnson your point of information i have to make this point because attorney reigns just made a comparison that that's that's way off nobody to agriculture could have any brewing any rum anything that's not local not soda and anything so don't use this attorney we are going around escorting it saying that what asphalt is doing is just as good as agriculture it is not it is not as good as agriculture fear because because of fear don't allow you to have no kind of soda rum or none of of those products there. And I need to ask that Tony, one question. Earlier in that line of question from one of my colleagues, you said that prosperity, I mean William and Punch doesn't have no vaness in their property. Have you tested that property?

1:00:25 It's the wrong question. You're telling me how to ask my question? Yes. You came here and testified today, and I did a line of questioning for one of my colleagues. You said, am I right? Didn't you say that there's no vaness in that property for William & Punch? Will you allow me to answer the question, or will you cut me off? I'll cut you off if you don't answer my question. I answer a very straight question. I know there's no Vanass on that property because no Vanass leaves Prosperity Farm.

1:00:59 How many times do I have to tell you that? Did you test William & Punch? No Vanass leaves Prosperity Farm. Did you test William & Punch? Because without a test, you can't come to these people at the territory and say that there's no Vanass in William & Punch property. Until you test it. It doesn't leave the farm. You can say it any way you want to say it. It doesn't leave the farm. It doesn't leave the farm. What proof do you have of that? Well, the people think they don't, when, we, law and order. He's playing verbal games with me. Let's do this. When, when the senator asks the question. Okay. And Attorney Rames, you've been in courtrooms.

1:01:45 and you know that you know. Ask the answer. When he asks you the question, he simply wants you to answer the question. Of course. Don't begin an argument and debate with him. Okay? Yes, Kev? I'll try. I'll try. Okay. What proof do you have that none of the runoff from Prosperity Farm goes into William & Punch? I don't have any proof thank you thank you very much question what do you have that the run-off goes down to William and punch I have proof from an aerial photo row that it's generated right there on the property I don't remember which exhibit it is if they could bring it up and slide to it I will show you where It's right there on Prosperity Farm from the October 10th discharge to the February 3rd one, where you see it directly on the property, concentrated, where it comes through the culvert that goes

under the road, back onto Prosperity Farm again, and right there, that's on the property, see the cane right there? Where did that come from? It settles right there.

1:03:08 And then it crosses the culvert back onto Prosperity Farm again and then continues down into William and Punch property behind Rainbow Beach. And I could say one other thing. I find it so much of a conflict of interest that we have the commissioner of a regulatory agency here defending a private individual individual that the proof is there, who is polluting. And just to close here, just want to close on this. No, but this is what I'm going to say though.

1:03:46 No. The, and this is to Ms. Charles, you have what you believe, and I need to say it like this, is proof or evidence, right? that's your belief. This is not a court of law, first of all. And the commissioner, you're perfectly correct, is tasked with enforcing. And what it seems to me right now that's making me uncomfortable is that they don't have the enforcement capacity to discover or prove what you as a citizen is saying, your pitch has disclosed. Because at this point, we're just talking about allegations on your behalf.

1:04:39 You understand what I'm saying? Go ahead, and I'll let you respond to what I just said. Because saying that commissioners enforcement, I agree with you, but clearly I think every single one of the senators in here know that they don't have the enforcement capacity that's needed, right? Because this wouldn't be happening if based on what Ms. Braxton said about New York being strict. Did you notice how many times she said that?

1:05:07 Okay, so you can respond to what I said, and then we're going to go to Senator Francis for his six minutes. Except Senator James, it is a fact. Google it, that any time you distill sugar cane, you get venice. Okay. You will find in responses to DPNR from the farm that they do have venice distributing in the land watering the cane. Okay. But if you're watering your cane with venice, when it rains, that venice is concentrating there first. Then it rains enough.

1:05:52 For the benefit of the public, tell the public what the venice is. You tell them. Venice is the waste. When you put sugar cane juice, they put it to ferment first. And then they put it in a still and it is distilled. for every one liter or every one gallon of that distillate that comes out the still that goes in and then come out 10 to 15 gallon is waste right okay and that that is the venice and i i'd like to say i've never heard in through my studies that um sex breadfruit mutiny mutiny is also operating i don't think their zones to do what they're doing they're supposed to be illegal too But, however, it's not every product that you distill creates Vanass. It comes from strictly sugar cane.

1:06:46 Okay, good point. Yes, it does. Strictly sugar cane. Okay, good point. Senator Johnson, quick question, because we want to go to Senator Francis for any other senators who haven't had the opportunity to ask questions. Thank you very much. It's not so much a question, but I heard the commissioner talking about every time you get these runoff, you don't get this rusted water. My family owns that pan in Frederickset and Wim. And all my life, everything that run off comes to that pan. And that thing never come rusted water. I'm 65 years old. And we've been swimming in that pan as little boys, little girls. And they have never had rusted water come down from the hill that we know comes down that goes to that pan. And they had cows right there, too.

1:07:32 And we had cows on the property. Yeah, and some cows ever. Never seen that rusted water. So I have to believe that that is coming from the venice when I see this rusted water. Thank you very much, Mr. Chair. All right. Thank you, Senator Johnson. Senator Francis, this is your six minutes. Thank you for your patience. Thank you very much, Madam Chair, and good afternoon to everyone. And certainly thank you for your testimonies. I want to say to you, Ms. Alice Charles, thank you for your strong advocacy. I've seen you throughout this territory. St. Thomas, St. John, and certainly here in St. Croix. And, you know, I believe that your research, your stick-to-itiveness is certainly commendable, and I want to thank you for that. I think that your perspective as well brings some high points. I believe truly that, you know, let's be clear about this bill.

1:08:24 It does not, you know, bring any food security improvement. i don't see how this bill really adds to food security improvement and it aims to allow for microbreweries and micro distilleries to operate in residential zones and um you know i want to go to the commissioner of dpnr because i know that we have worked tirelessly to put in place this comprehensive land and water use plan and to just really ask him if this bill was to pass if in fact this will comply and comport with the land and water use plan as currently written if can you repeat the question for me please senator i'm asking if this bill is not as currently written if it's passed would this comply with the comprehensive land and water use If it is passed, yes, Senator. And how so? And again, because what you're doing is creating more mixed use that's taking place already in the territory, right?

1:09:33 I said it in my testimony. You can look at the R's, the A's, how many uses as a matter of right there are, And then how many specifically geared to those specific things like agriculture, 63 uses, but there's only seven specific to agriculture that are taking place in there. So it is going towards more mixed use, which is one of the things that we see in the Comprehensive Land and Use Plan, that because of our finite areas, we're going to have to create more mixed but

compatible uses. So, yes, it would be consistent.

- 1:10:11 And in that determination, are we also looking at agricultural land for that purpose? In this particular bill, yes, we are. And again, it's just to create an option for the farmers that choose to pursue that. And follow up to that question, how do you separate or define craft versus a micro distillery or micro brewery? So in the definition that's here as part of the code, it's 100,000 gallons or less. that's what's being proposed yes yes and do you believe that that's fair i mean when you talk about a small craft or micro and brewery you think a hundred thousand gallons isn't excessive yes i do not believe it's excessive you don't or do i do not believe you do not believe it's a micro scale that it is excessive very well um three minutes commissioner i mean i'm sorry attorney rames yes please have there been any contemplation or consideration of of this um at least a distilling aspect of this this farm be placed elsewhere no no and there's reasons why the when the corn when the cane is squeezed and it produces cane juice that deteriorates very quickly I mean it's been taught some talk about you know it'll last five hours or it lasts three hours or four hours or five hours but the fact of the matter is it has to be processed on site in order for it to be viable if it can't be chucked off-site. If it's chucked off-site, it'll be spoiled by the time it gets to where it's going.
- 1:11:47 Ms. Charles, you wanted to wait on that? Yes. Robert Apfel, I have him recorded where he said it's good for five to six hours. Once it's juice, it's good for five to six hours. There's no way on St. Croix, they're going take you to get five to six hours and also the comprehensive land and water use plan when they talk for mixed use about mixed use it says for food it says for food well pull it up right now and we'll see pull it up right now we'll see it says for food not alcohol yeah well you know essentially I mean if you if If you're talking about producing the cane juice at the field, and then transferring the cane juice to a truck, and then trucking it off to some remote location, and then untrucking it from that location into some processing facility, and then beginning the fermentation then, and you don't think that's going to take enough time for that cane juice to deteriorate, it will deteriorate. And so it, you know, and that's why, you know, this particular cane juice needs to be processed on site and that's why it is processed on site what what is currently done with the cane juice right now is there an agreement with christian rum or the audio for the purpose of no no in fact um it's very interesting this this farm produces sorrel uh six six different types of liqueur banana liqueur sorrel liqueur um there's six different kinds of liquor that it produces um it doesn't produce rum it produces a gin it produces a vodka and it produces three three other kinds of spirits that are essentially infused with distilled fruits so it's your testimony that
- 1:13:39 distilling is actually being done at the site at this time the distilling is being it is agricultural processing that's going on at the site you have a the the agricultural product at the site and this is the nature of the of the issue I talked about earlier if a person who has a cane farm okay and has 300 acres of cane under production and the law says that you can do agricultural processing on your farm how do you process cane okay now if you want to change the law change the law But right now it says you can do agricultural processing on your farm. How do you agriculturally process cane? And it's the same exact discussion we had earlier with respect to the issue of what is or what is not agro-tourism. Or what is or what is not a farm food event. Why would you think that a reasonable businessman, whatever business you're in, my business, your business, Plaza Extra, Why would you think that these people will self limit when the when the wording of the legislation allows them to interpret it broadly and the only entity that can stop you from interpreting a statute incorrectly?
- 1:15:06 there's two entities that can do that the court which can say you are being overbroad I read that all the time in legislation in litigation or this body which can tell you no that's not the way you should interpret this this this particular piece of language in a statute I mean it's not me that passed the statute when in 2011 when you put the word agritourism or of course dpnr as well in terms of the regulations there's no doubt about that but when you put agrotourism in that law in 2011 what did you mean and I'll tell you what a businessman who puts 18 to 20 million dollars into his business I know what he thinks it means what he thinks it means is he thinks it means everything that agrotourism it's if you look up agrotourism the definition agrotourism here that's what it means no no definitely not wrong my time was called definitely not wrong no Before we go on, just real quickly, in regards to the conversation about banning Roundup, Commissioner, do you have a position on that? Are you a supporter of Roundup being banned?
- 1:16:15 I don't have a position on that right now, Senator. You don't? Time. Can I say something about that? When Mr. Coughlin brought the complaint to us about Roundup, we banned it on the farm that same day. When he wrote a complaint last Friday, and when he went to the town hall, it's the first thing he said. He said, I had a problem with the Roundup, and then I got a letter from them saying it was banned. So it has been-what do you want us to do?
- 1:16:44 It is banned. Hold on, hold on, hold on. This is my time. I mean, Senator, again, before to say I would have an opinion on it, I got to fully go. I would lean towards it because, again, I know that it's resulted in several lawsuits and those types of things. I recall when we had the incident in St. John about 15 years ago, and where we as a result, because again, it's not that that substance is illegal. It's that the application of how it was being done was done improperly, but it still yielded the

legislature, is that brohildamide or something like that, if I'm not mistaken?

- 1:17:32 So, again, it is used, it is widely used in termite treatment, all those things, but it has to be used in a specific way. And in that particular instance, it was not. We found all kinds of wrongdoing in terms of the operations of the company. And the legislature had put forth the bill to ban it. But again, it was one company was improperly using it as opposed to the substance is like it cannot be used at all. And there are applications for it, you know, even here in the territory, but the choice was made to ban the thing. Very well. I do have a bill draft in to support banning it, or at least having a discussion of allowing for some restriction.
- 1:18:23 Absolutely. Thank you very much. I'm here for the time. Thank you. Thank you, Senator Francis. Thank you. I will now recognize Senator Carla Joseph for your six minutes. Thank you so much, Madam Chair. This is a very vital and important discussion and a pleasant good day to everyone. I want to start off first with you, Commissioner Oriel. I read your testimony. and as a good chairwoman does say sometimes she says words matter and I've heard that before too and I looked on page three of your testimony in the last paragraph and it says here is the second to last sentence in the last paragraph the department recommends that any approvals issued pursuant to this act, and I'm suspecting that you are referring to Bill number 360211, should it become an act, be reviewed for consistency with a comprehensive land and water use plan and adopted agricultural preservation strategies. Why wouldn't you or the department prior to the approvals assure that whatever permits are issued are consistent because it seems like now instead of you actually looking at the approvals of the review and giving the approval you you're actually going to approve it and then we the permits and then review it afterwards if this piece of legislation is enacted. At that point, Commissioner, just my understanding, and I'm not a lawyer, it seems that it isn't beneficial. It's not going to be beneficial to the people in the surrounding areas if you have already approved
- 1:20:40 the permit how it's all so for consistency and all of the work that has been done uh to actually with the hearings for the comprehensive land and water use plan would be for naught it would not mean anything this plan is not going to meet anything if you are going to review the approvals after for consistency with a comprehensive land and water use plan. I mean, I just want to understand how your thought process was with that. Sure, Senator. Because I'm not understanding. Yeah.
- 1:21:15 So right now, there is no permit before the department for approvals, right? We're talking about when we would allow for what we would, We're asking for the zoning designations to allow these microbreweries and micro distilleries as a matter of right. But we still offer that as part of a process that they would go through. And again, it's spelled out in the previous portion of the testimony where, again, there is a period that could take up to two years for the department to have public hearings and create the regulations. these entities would then be permitted under. So it is after those regulations are promulgated that then any review consistent with those regulations must then meet whatever the criteria that we've identified in the comprehensive plan on. So that's the order.
- 1:22:20 Okay so so this is not clear. So this should be prior to approvals they need to be consistent and with the comprehensive land and water use plan is that what you're getting at yes as part of the regulations that we set out they would be consistent okay yes and so i understand it now that you've cleared it up because how it's written here isn't how it can be interpreted it look like approval and then they have to be consistent uh with the um The comprehensive. Now, I want to go and ask a question relative to the aquifers in the area. Commissioner, are you familiar with the U.S. geology geological survey that was done in 2024 by I think it was funded by the Department of Interior. How many of the aquifers in in St. Croix exist under farmland?
- 1:23:22 I don't know that off the top of my head, Senator. I wish I had shared this map, but a significant amount of the Kings Hill aquifer exists in the Frederickstead area and along the waterways where I think, you know, our agriculture farmland. And I know the commissioner isn't here. So I have grave concerns relative because of what has happened in St. Thomas with pollutants contaminating our natural aquifers and seeping into the soil and potentially damaging the crops. And I can't also support that happening, because we have experienced it in St. Thomas, and we have a super fun site that you're aware of in Tutu.
- 1:24:23 We are trying to have a level of food sustainability, food security, because we import so much. We have our landfills that is climbing up higher. When is it going to become a time when agriculture and farming and feeding our people becomes a priority for us? That's my concern. We already have this agriculture plan. The University of the Virgin Islands have invested, and these government taxpayers have invested millions of dollars into this. And here we are today looking at putting something in there that can potentially contaminate our natural aquifers and the like. I really have some deep concerns about that, knowing that your department is strapped relative to enforcement and there is a lack of enforcement in your department. I remember Hanson being, my telling you about it many years ago. So with the traffic there, I want to, I want to, Madam Chair, I don't know if my time was called, but I want to ask Ms. Braxton. Thank you so kindly,

Madam Chair. Ms. Braxton, I know you stated that you have a distillery in New York that is in a residential area. How close is your nearest neighbor, your nearest neighbor in that residential area to your distillery? One block. The structure of their house. One block. One block. One block.

1:26:10 One block, and then there's a property right behind my property. There's a whole street right behind my property. So this particular block, just this particular block is zoned for mixed use. you know and it's just one block within the in in within the residential area and that's what they zoned it for okay just tell me how much is a block um by acre or square footage because i'm not familiar your block may not be like our block here in the virgin islands i know you have about so think about it i'm i'm in 5 000 square feet 50 by right 50 by 50 by 100. so i'm so that's not even 43 000 you know 40 was it 46 000 for an acre so just think about a block is about because new york everything is tight we don't have the land like you guys do but here we don't have the land we're not locked here we don't have the land right so here so entire block is probably about an acre but my lot is 5 000 my lot is 5 000 square feet because i'm in a 50 by 100 long way okay thank you so much i appreciate that and i appreciate your testimony today thank you so much madam chair thank you thank you senator joseph for those carla joseph for those questions um it's good to know when you compare you know different places and we speak to different things that the size attorney reams yes please i you and i need to look at this section um title 7 you said title 7 vic section 192 is that what you referenced uh 192 193 192 sub uh what is it a8 is that what it is um do you see it there i i uh i can probably find Can I hit on my phone?

1:28:22 A-8? I believe, but let me. I have it right here. I don't have it. Oh, no, no, I have A-8. What happened is the eight is very light. OK. Yes, let's you and I explore agritourism activities to include farm tours, seminars, farm classes, field days, or farm food events and farm stays. And you said that what is being done at Prosperity Farm is a farm food event?

1:29:01 There are farm food events that take place on Prosperity Farm, yes. And where does the liqueurs, you mentioned liqueurs? Yes. And the, what else? Oh, yes. Oh, it's not there. That's not where it is. No, no. That's a different section of the code that allows for. Which section of the code is that? That allows, well. Yes. Given you and I will definitely do this this afternoon.

1:29:34 No, no. There's a provision that says that you're allowed to do agricultural processing. I'm sure the commissioner knows what it is. Okay. That's what exactly. Yes. So then I went there and it says agricultural processing plant. Yes. A facility designed for the primary or complete processing of agricultural products, which by reason of bulk or perishable nature or both, should reasonably be processed close to the point of origin, but not including commercial slaughtering of animals or rum distillation. That's correct. So you can't do what you're doing there. No, no, no, excuse me, I'm sorry. You can't do what is happening. Why are you saying that? Because the bill, the bill today, the bill that you are here advocating on is asking us to include microbreweries.

1:30:27 Okay, let me ask the commissioner then. Again, Senator, that's the thing that we pointed out, right? Yeah. Is if he's not making rum, how is he breaking the law? No, no, but why are you asking? Let me ask you this, though. So why are you asking us to change the law then? No, no, no. So, because again, we're not here saying specifically for rum, right? Because we also include microbreweries. Microbreweries is doing beer. Right. So that specifically, that clause there, right? Uh-huh. It says not rum, right?

1:31:04 Which it infers that there is allowed to be some fermentation of some alcohol or spirit, but just not rum. Right. Now, in the I-zone, the definition under I-1 is where you have alcohol and alcoholic beverage manufacturing. So how can in one sentence you're saying you're allowed close to the point of origin to be able to process the feed crop, not rum, right? And then now in the other one you're saying but this is where alcohol and alcoholic beverages are made. Those two things. Okay, but that's not what I'm getting at though. I'm just simply asking if what he's doing is allowed now because that's what you're saying to me.

1:31:53 Is that what you're saying to me? The government and prosperity disagree we disagree but what he is what what they are pointing out right their argument is agricultural processing plants when you are not processing rum specifically you're saying that it's allowable in this particular area in in in the A Zone, whereas we are saying, yeah, but the alcohol, the manufacturing of the alcohol itself is only allowed in the I Zone. So you have one saying, but is what they're doing in processing the actual product from the point of origin, not producing rum, they're consistent with that definition?

1:32:55 No, because- Why not? No, no, no, no, no, no, no, no, no, no, no, no, no, no, no, no, no, no, no. Why not? No, I don't want you to focus on the rum. Uh-huh. I don't want you to, I want you to focus on- And again, we remember the government does not agree with the farm, so- Right, right. But this is the argument, this is why I say we might, we could end up in court over this, right? Okay, okay. But that's what I'm saying now is like, the objective here is not, right? And there's a lot of people who don't believe that, and I've seen it again. The objective of this legislation is not there for prosperity. No, it's not, however, however, however.

- 1:33:38 But you have to see that this conflict, it's either going to be a law change by the legislature or it's going to be a judgment by a judge. Right. It's going to be one of those two entities that are going to deal with it. Did my colleagues hear that? He said it's either going to be a change by the legislature or a ruling by the court. It can be one of those two things. One of those two things. The issue though that I have is that you want us to revise it to include microbreweries and micro distilleries now because it wasn't and it isn't in the code now.
- 1:34:33 As a matter of right, that's correct. So are you saying that what is happening at Prosperity Farm? And, you know, we keep saying it's not about Prosperity Farm, and I don't know why we're saying that. No, the objection is about, the major objection here is all about Prosperity, but it hasn't been about the bill in general. Well, there have been some portions. Excuse me, excuse me. Because, again, there's six operations right now that are happening, and they're all accessory, right? They're all accessory. And it's the operation at Prosperity Farm Accessory also. Is that what you're saying? No. Oh, thank you.
- 1:35:12 I'm going to go over to Senator Gittins for his six minutes. Senator Gittins, you're recognized for your six minutes. Thank you, Madam Chair, and good afternoon to all. I need to start out by sounding like my colleague from Frederick said. that i too am proud i'm a cousin here this afternoon with uh your presentation and uh you ring my ear every time you see me you call you text and you made me do some research so i appreciate you for that attorney rams i want to tell you to thank you for your testimony but i i need to tell you i'm a little disappointed in your representation where you're going to keep asking my colleagues, how many times do I have to tell you? I oftentimes tell people, you know, respect goes both ways, even in this chamber.
- 1:36:20 And I don't think that you would go to court and ask the judge, how many times do I have to tell you? so let's let's just turn this thing a little bit we want to work with each other we want to get things together but the bill has a lot of work to do this is one senator has been saying forever and hopefully colleagues I am really hoping and praying that i will have your support on this as i often say zoning ain't have no business in the legislature it is time for us to modernize professionalize and depoliticize this process from being within the legislature and put it within the hands of the professionals i'll talk with my colleagues on that and another at another time but i do support small businesses and economic development here in the territory and particularly on st croix we want to see things happening however economic development must be placed in the right zoning places. I truly believe so. I think we heard from Ms. Braxton online, who is in New York.
- 1:37:52 Ms. Braxton, you still online? Yes, I am. And you're in New York, correct? Correct. And in New York where you're at, you have what you call a city planner, do you? Correct. Okay. so with that city planner and within the city planning office they're going to have their regulations they're going to have their enforcement and things are going to be tight we got to stop this thing that in the virgin islands like things are just free willy We have to be serious on regulations and enforcement.
- 1:38:36 And when activity is going to carry, I keep hearing the terminology being used of industrial. When you have industrial characteristics, including chemical use, wastewater, discharge, orders, etc., it should be located in the appropriate zoning that we're talking about an area where it already anticipates and regulates those types of activities because again absent that strong regulation and enforcement capacity we're going to be up the creek without a paddle Now, there's documented evidence that we've seen or alleged runoffs reaching our nearby beaches where we swim. So this should tell you it's a red flag.
- 1:39:35 Now, Commissioner, have there been any meetings or discussions with farmers regarding their ability to use, how are you pronouncing it, VINAS? VINAS. VINAS. We have not had any meetings regarding that. They have not had any? No. Is this being used on St. Croix? Yes, it is.
- 1:40:02 So do you think that there should be some discussions with farmers? I do not see why not, Senator. Okay. So I would encourage that. And given your limited enforcement capacity, because you do have enforcement, but it is limited, how will you ensure that micro distilleries actually comply with the wastewater discharge and noise and other regulations? Because once we create what those regulations are, Senator, they will fall under the guidelines of the department. Let's be clear, wastewater treatment is something that is already regulated, right? Like, it is.
- 1:40:49 People turn in reports, everything like that, all the facilities that use it, tip these reports, those are required. Noise is something that's already regulated. It's regulated by the VIPD. It's regulated by DLCA for nightclubs and those types of things. So all these regulations that you're talking about, who's enforcing them? We have regulations on the books. So the central government absolutely does regulate. I mean, when somebody · so that's to say the regulations are there, right? If the government is not doing its responsibility, then we need to be held accountable to do the responsibility.

- 1:41:29 And that's what we're trying to do, too. But again, though, like, for example, you mentioned Vanass. Again, Vanass is an organic byproduct, right? I don't want to use your time, Senator, so I'm going to wait until your time is called. The time has been called, but I'll ask the chair to be leaving. I would like your indulgence. This is not Jean-Pierre Oriol's words. This is a scientific journal called Science Direct, right? So, Vanass is the final residue formed from the distillation of fermentation of wine to obtain ethanol.
- 1:42:05 It has brown coloration, it darkens as it is oxidized by exposure to air. It is the most important and most worrying liquid effluent in the agro-energy industry. For each liter of ethanol, an average of 10 to 15 liters of Vanass is produced. Everything Ms. Charles has said to you, right? Then it moves on. In the mid-1970s, Vanass presented high BOD, biochemical oxygen demand between 30,000 and 40,000 milligrams per liter, low pH between 4 and 5, unconverted sugars, fermented carbohydrates, dead yeast, and high content of mineral salts, which caused great environmental damage because it was being thrown directly into the rivers and harbors.
- 1:42:54 With the emergence of fertigation and new technology, this is the 1970s now, with the emergence of fertigation and new technologies for the treatment of finesse, these problems were practically solved using finesse to be used as fertilizer in sugarcane plantations and thus contributing to the increase of agricultural productivity and consequently reducing the costs with chemical fertilizers. Now, everything, this is the caveat, however, if applied in excess, it can have several negative effects, for example, on the quality of the sugarcane delivered in the agribusiness, interfering in the process of clarifying broth, especially when destined to the production of sugar. The fertigation system should be started with the observation of two essential items, the soil property and the physical chemical characteristics of the venue. So, again, it's taking an organic byproduct, reusing it at a diluted form in order to increase the agricultural productivity. But here it is, right? Again, this is agriculture industry. I wish Commissioner Peterson were here because he could speak more directly to that. But they're using an agricultural product under conditions that is going to make the soil better for this specific crop to grow.
- 1:44:25 I'll cut you there because time was called for sure, but I too wish that the Commissioner of Agriculture was here. I truly dislike having these partial conversations, so they too should have been here. So we could have also asked on that agricultural property up there, why are people being able or allowed to sell alcohol on that property when it should be for agricultural purposes? But I'll close out by asking you, why do you think it's a good idea to introduce alcohol manufacturing in an R1 and R2 residential zone? How is it consistent with the comprehensive water plan that you have? So I'm not sure you were here, Senator, when the master distiller was here, but she talked about being able, she was known as the distiller when she was in college making moonshine in her room, right? So what we're saying is that we have been coming here for years supporting variances for home-based businesses.
- 1:45:42 And so somebody brewing a little bit of beer or what have you, because, again, you hear most of the time, it starts off at my kitchen sink and then it grows into something bigger. And so what we were saying is that we're here all the time promoting home-based businesses, that this is another type of home-based business that can be done, provided that we have all of the resources. I'm so tempted to tell you to stop right there, because I don't want people to believe in. Because again, if I can make the beer at my house, but I sell it somewhere else, right?
- 1:46:22 Am I any different than somebody baking cakes at their house and selling them somewhere else or anything like that? Like, that's the process. Thank you. Thank you. Thank you for the leniency, Madam Chair. I'm not a member of this committee, but I, too, have a problem with this piece of legislation being proposed. So at the appropriate time, if the matter is not rectified here, I'll have an opportunity to vote on it. Thank you, Madam Chair, and thank you all for your testimony.
- 1:47:02 Thank you. Thank you, Senator Gittins. And so I think the problem is not necessarily the distillery or the breweries. Even though to an extent it seems as if as a society we're moving towards, you know, brewing and brewing other things other than food. How about that? We've moved away. We've gone to things that don't nourish our bodies.
- 1:47:43 I don't know if they necessarily nourish our minds, but that's another question. The issue, though, is with respect to and why Ms. Charles is here is really west we're talking about. we're talking about the sea right next door, we're talking about the discharge to the sea, the use of the sea, the land. Those are the things that I don't think necessarily you know there's an objection to breweries and distilleries. It's more the environmental factor in this situation so if if people want to have you know breweries at home or this distiller the series i guess and and are able to make money from selling those and people will buy okay but i want to ask this how many people have you had you know when a bill comes in in in front of us or someone promotes or sponsors a bill.
- 1:48:48 The question is, what is this bill trying to solve? Right? What is this specific bill trying to solve in our community right now? What is it trying to do? So I can say on my end, Senator, I've been approached over the last several years. And

again, it's about the use as a matter of right as opposed to investing in the accessory of it. Right. Like, I, you know, if you have a certain parcel and then here it is now, like you're in the business zone and you don't necessarily want to do a restaurant. Right. But again, you can't get the you can't get the distillery, the micro distillery without being accessory to something.

- 1:49:34 And so that's where at least the handful of conversations over the years that I have had, it's been based on that. Like, it requires more investment than I'm willing, that I'm capable of making right now, but not even for the piece that I'm interested in doing. Because, again, if the distillery or the microbrewery has to be accessory to the other use, then it's like you have to do. Now, people who have the finances and such to do, like, a tasting room or something like that, you know, then they're willing to make that happen, pull all of that together and then do the, you know, make the investment as both the accessory as well as what the main use is.
- 1:50:28 So that's sort of where, at least for us, where we've been approached and seeing, having to have, when we have those conversations and telling people or rejecting applications and those types of things. For people who want to do this type of business? Yeah. So you've actually had interest in other people wanting to open? Yes, and I've had a lot of preliminary, I mean, again, a lot of things are forwarded also to the zoning office because, you know, If somebody's doing something the full way, right, I would say the correct way, the first thing you do before you invest in a property is you call the zoning office and you ask, what am I allowed to do? Exactly.
- 1:51:13 And so that's where those kinds of conversations stem from. It's, hey, what am I allowed to do? Secondary conversation is, well, I would like to do this. Does this fall in? Can this work? Make it happen? And again, we don't want to be stretching the definition out of the time. And this really goes to Attorney Reims, especially before you invest \$18 million in a property. Because then if you have \$18 million, there are properties inland on St. Croix that you could have bought the property and do the distillery in those areas.
- 1:51:55 Yes, because if you come to St. Croix and you go to what's really, in terms of St. Croix is precious. I'm not going to say that, right? But there are areas that are more historically significant, more beautiful than other areas. And why not take that \$18 million and put it somewhere else on the island of St. Croix? But that's all I'm, especially when you are, especially when, listen to this, when you're near the beautiful Caribbean Sea where there is a pair bringing tourists in who want to use that beach.
- 1:52:39 Let's tie it all together. There's two things about that. First of all, there has, I can't say this strongly enough, there has been no finding that Prosperity Farm has caused any exceedance into Prosperity Beach at all. There's been no such finding. Thank you. Thank you. Okay. Now, and the second thing is that I've been a lawyer for 40 years, going on 41. That provision that you just read that allows agricultural processing of your product that you are growing except for rum means exactly what it says and it allows what Mr.
- 1:53:34 what Prosperity Farm is doing, okay? Now, that's my opinion based upon 40 years at the law, okay? And, Attorney Rames, let me stop you at that point, and that's why I said to you, then why do we need to change the law if you're doing what you are saying you can do that I disagree with, and we both know that that's your legal opinion and this is my legal opinion, and we are going to move from that. So why are you sitting in front of me then asking for the law to be revised?
- 1:54:09 A couple of things. Two answers to that question. The first answer to that question is because I respect the process. And this process of public hearings and of testimony before the legislature to get something like this done, that is something that I fully support, and that's why I want to be part of it. That's the first thing. And the second thing is, Prosperity Farm creates six different liqueurs and spirits. If they want to do a seventh one that has the word rum on it because it meets the definition of rum under Virgin Islands Code, they need this bill. There is a specific definition of what rum is in the law of the Virgin Islands. Okay, if Prosperity Farm wanted to create an alcoholic beverage that meets the criteria of rum in the legislation, in the statute, it needs this bill. Can't do it otherwise and will not do it otherwise, and I won't suggest that they do because they'd be breaking the law.
- 1:55:19 The, okay, I'm not, okay, the, I'll say this, though, when your first statement, that there hasn't been any finding, that's true, there hasn't been any finding. Okay, let me put it like this. Because I haven't been charged and convicted of stealing, that doesn't mean I haven't been stealing.
- 1:55:53 Of course. Okay, we agree on that. All right, do my colleagues want a second row? A quick one. Because the committee has to vote on this, as you know, and we have the sponsor that, yes, I see you, but we have a point of information from Senator Joseph. Thank you, Madam Chair.
- 1:56:20 This is to Attorney Rims. You first was in a pose of the whole farm situation. So other than being the attorney for the firm, convince us in this room, why, other than you being the attorney, why this switch from totally against to totally for? Okay. It's pretty simple. The chair read a provision of the law that talked about agricultural processing and what you

could do with agricultural processing. And then there was a sentence that said, except for rum, okay? Four years ago, three years ago, three and a half, four years ago, that half of a sentence was taken out and changed everything.

1:57:18 No public hearings, no discussion, no town hall meetings, no nothing, okay? It was just a half a sentence extracted, everything changed. I was opposed to what I considered to be legislating a significant issue without these kinds of significant discussions. When this bill comes up, it's done the right way. Going through the right process, getting people who are inalterably opposed, getting people who are in support of this kind of economic development, and then most importantly, getting the regulator in here to say, yes, you can do it, this is how you can do it, and these are the regulations associated with doing it.

1:58:14 That's all a businessman wants. That's all a businessman wants. He wants clarity. And I'll tell you, in my opinion, I have clarity with respect to what the chair read. Otherwise, this wouldn't be happening. I think that is clear. It's just in conflict with what some legislators or regulators believe other sections of the law say. Okay? if you are you as a legislature are creating two bodies of law that are in directly in conflict one of which says i can make money doing this and the other one says maybe yeah maybe who no no no if i'm a businessman and i think you need to teach all of your children all of the people who are coming up here. If you're a businessman, you read the law, you try to understand the law, you get a good and ethical lawyer to tell you what the law says and then run with it. Run with it. Make some money. God help me. God help me. We have taught children here that somehow chasing economic opportunity with all of your heart and soul, there's something wrong with that don't talk about me personally what you somehow we've taught people that there's something wrong with that thank you for your response madam chair thank you i want to make sure for the records equity is forever equity is forever so 18 million dollars invested is forever he back and down after you don't spend 18 million dollars just like if you have a piece of property you have equity forever thank you

2:00:21 sorry senator thank you senator joseph senator potter this is your opportunity your six minutes. Go right ahead. Thank you very much Madam Chair. Good afternoon colleagues, special good afternoon to our testifiers. During the break a long time friend of mine from St. Croix called me to ask me specifically what was my rationale for proposing this piece of legislation and i reminded him that ultimately the governor of the virgin islands proposed this bill and as being the senate president uh the process works or whereby um governor sends the bill down that he is proposing if there's an initiative that he's proposing and the office of the senate president would then perform the bill sign it to the committee of jurisdiction and provide an introduction in the committee of jurisdiction so that is why um i have sponsored the legislation here today on behalf of the governor of the virgin islands just thought i'd make that clear uh i wanted to start by asking you commissioner orio uh the bill defines micro brewery and micro distillery as up to 100 000 gallons per year why that number and what analysis supports that as small scale for placement in agriculture and residential districts so thank you for that question i'll start it senator again um when when we are looking at things that we don't particularly have here locally like defined we also partner with the american planning association which is

2:02:10 an association that you know takes root across the entire nation to see what the trends are and and again that hundred thousand is actually slightly less than what you see commonly as microbrewery a micro distillery and a number of of jurisdictions uh across the united states and so So, you know, again, we wanted to temper what that was because, again, we, you know, it's supposed to be micro in general. But I have seen, for example, even in Puerto Rico, in a particular zoning district where they're allowed 280,000 gallons as a micro distillery for where they are. so okay that's thank you for your response now does the 100 000 gallon cap apply pro license per operator or per parcel in other words what prevents an operator from creating multiple entities on one site to multiply production while still calling it micro Yeah, I would say, and this is where, again, through the regulations getting together with DLCA, I would say that if one license holder, if their operation is on a specific parcel, it'll be to that entity itself on that parcel.

2:03:53 So I think that if you have an entity, let's say if they are trying to distill in each island, they would have to have two separate licenses for them. I think the bill lacks that level of specificity. So that is something that we would also have to take a look at. Um, what stops someone from buying agriculturally zoned land and using micro distillery as the main primary business with minimal farming? Right now? Or if this bill is passed? If the bill is passed. If the bill is passed, the micro-distilling would be a use as a matter of right, Senator. I'm sorry.

2:04:48 Sorry, it would be conditional based on whatever the parameters are. But it would be the, we're creating the use conditionally, but if they meet the criteria, they would be able to undertake that without it being accessory to anything else. Correct. So they could use agriculture, prime agricultural land and determine that my primary use is going to be to do a microbrewery or microdistillery. basically the law would allow him to do that yes that's correct what but under certain conditions okay okay i um what objective tests would dpnr use to determine once um you know a brewery moves from a microbrewery or micro distillery to micro to commercial how would you if if the bill were to pass how would you make that differentiation I think that would be more in the DLCA realm but just like as an example senator you know as

part of the reporting requirements gas stations are required to report the proof the gallon sold to DLCA on a monthly basis and so that could be something that as part of the requirements that anybody that's on the micro distillery that they would have to report the micro I'm sorry the gallons produced on a monthly basis as part of their reporting requirements to DLCA okay thank you for your response I believe that the concept of the bill it is a good concept I understand the intent of

2:06:49 the bill but as usual in these with these things the devil is always in the details and I believe that there should be some greater parameters and safeguards in place which enforces a level of protections some level of protections on the front end as opposed to on the back end via the proposed rules and regulations. I think this information should be codified in my view. And there ought to be some assurances with regards to a proper enforcement mechanism. So I think the bill fall short in that regard and there are some but I think it's amendable I think this is something that can be fixed you know meeting with the individuals who are opposing it who had some very strong compelling arguments I think there's still maybe opportunity for us to have a meeting of the minds to iron out some some of the very valid concerns of the opponent to this piece of legislation.

2:08:10 Thank you very much, Madam Chair. Thank you, testifiers. Thank you, Senator Potter. Since you're expanding it to residential R1, is R1 correct? That means that you could have 50 small micro distilleries on the island of St. Croix, correct? What stops the 50 people from saying from east to west, north to south, is there a cap that's going to be put on the number of distilleries? As part of the rules are where the regs can place caps, we drafted a proposal that would go to public hearing, and so it's up to the public to let us know what they would want.

2:09:04 What's your name? Leona Plas Matthew, Territorial Planner. Thank you. Does anyone have a burning question that you want to ask? Senator Viale, go ahead. Thank you, Madam Chair. I was just going to say that there are jurisdictions that are within the legislation and place caps. They say X amount of microbreweries, X amount of microdistillery. This body has the authority to remove R1, to remove R2. I mean, we just need to have the discussion. If it's a belief that it should only be an industrial, commercial, what you're going to allow in agricultural, then you make those changes. I don't agree with the 100 feet. There should be 300, 400 feet away from the nearest residential property. there's stuff that we could put in to make sure that we satisfy the concerns of those individuals that don't want that or to satisfy that environmental impact and at the end of the day we got to deal with the wastewater and all the other issues that this would bring but i wanted to ask is there a difference between a brewery and distillery in reference to waste how much ways you generate making beer versus how much ways to generate making rum because if there's a great difference then then we need to actually separate the two and you need to have one set of requirements for beer and the next set of requirements that are most stringent for rum and vote yourself and then miss charles so um and from the department i i don't know the

2:10:53 differentiation because again what we regulate is actually the process of the disposals okay and as we move on we'll make sure that we have individuals that have that that answer but miss charles if you could answer i think thank you i think it's very important to make that distinction when you're processing sugarcane you get a different waste than when you're processing breadfruit and I hope you guys go and research it yourself and see that that is in fact the truth I'm not just talking out of the ear and they're using the word spirit loosely so circumvent I guess rum but the bottom line is not spirit or rum or whiskey or gin the fact is when you distill sugarcane you get venice when you distill breadfruit you get a different waste and mutiny doesn't have an issue with their waste and affecting nobody's land and it's the same thing with whiskey you get a different waste because whiskey normally comes from a grain of potatoes. So that's play on words, spirit and rum.

2:12:21 Hold on. I mean, I'm playing on words and I'm asking a question. No, no, I mean talking to you specifically. I've been hearing it from the attorney. I've been hearing it from Mr. Oriole. I'm just trying to get information because at the end of the day, we already have operations on St. Croix and Thomas and St. John. And when we craft in the bill we need to make sure that what needs to be included is in the bill so if the distiller for the seed because she said she makes gin vodka and rum so can you tell us and if you make rum from sugarcane can you tell us the difference in the waste process yes i make rum from the sugar cane here i buy the sugarcane granules um which is from true paint so i source from um you know going to be buying 50-pound bags. And just to correct, Vanas is just the same terminology as stillage. Again, every distillery has stillage. It's called stillage. Vanas comes from molasses and sugar cane. And it's still a stillage. That's still a byproduct. Every distillery has a byproduct of stillage, period, at the end of the day. Whether you're making rum, whether you're making vodka, we do have a waste, but we have to control that. So even if I'm making breadfruit, I'm still making a vodka, or I can make a rum. I'm still doing a distillation to 190 proof. I'm still going to have waste. I still have to put it someplace and treat it. But in terms of the amount that's there, you're not getting 100,000 gallons. You got to have a 5,500 gallon still. A 500 gallon still will never make up to 100,000 gallons within a year. That's why the TTB had put that out there. So that way we can pay less of a tax and we can get money back from the U.S. Department of Agriculture here

- in the state. That's why the craft distillery is, you know, in the law with what we do within each state. And I work on the legislative team for New York in terms of that. So just keep in mind, you know, all spirits is going to give you
- 2:14:45 a byproduct of waste. Whether it's venance, you could call it venance, you can call it distillage, you can call it donner. It's the same exact thing, no matter what. Are you knowledgeable about beer? Yes. So beer has a higher waste because you have hops. It's thicker. So remember, you're going through a fermentation. Wait a minute. You said beer has a higher waste? Yeah, because it goes through a fermentation. So here in New York, the breweries have to put their waste of beer into a different holding tank because it's not inert like distilling. So because they only go up to 12 percent. So our environmental, they come, they check it, and they put something inside of their tank, and then it dissipates, and then they let it out into the sewer.
- 2:15:51 For distilleries, because remember, when we're fermenting, we ferment up to 12% or 9%. Then we put it into our still, which now is an evaporation process. Liquor is made from condensation. That's what it's made from. whatever's left inside of your main bane marine it's just the mash itself and it goes through an evaporation at that point and at that point let's say vanas which is called a wash you are left with the byproduct you can put it back into your still you can put it back into fermentation or you can release it into a holding tank.
- 2:16:39 You add RO water or you bring it through another filtration to reduce it by 60%. And then that they allow us to put into the sewer once we reduce the footprint of it. It's a process, but it's not something that's difficult because I have an 800-gallon holding tank. And in terms of releasing a lot of wastewater, you really need to have a continuous still that's running 24 hours and discharging on a regular basis of 5,500 gallons, not with a 500-gallon still. What's the ratio? What's the percentage of waste that's generated from the product? Is 20% because waste 30%? What's the percentage?
- 2:17:27 No, but when you're making liquor, when you're making alcohol distillation, your waste will be about 70 to 80 percent. Yes, it will be. That's what's left in your still. Definitely, because you're only going to yield about 20, 25 percent of condensation with the alcohol. But what's left in your still, you have to put it into a tank and you reduce it down with RO water. That's how you do it. So you reduce it down with RO water. We have companies here that come in and will filter it for you. Or you can filter.
- 2:18:13 I have a filtration system. That's why I don't have any issues. It's just putting specific mechanisms in place to run your facility. You know, so I have this one and then I have another one. I just finished building my second one, which is a farm distillery. You know, so we have, you know, you need to go to the American Distillers Institute, which I sit on a committee for. But we have things in place that could be done in reference to that for distilling. Distilling and beer are two different things. beer and wine is they come in too and then there's distilling because it's a higher proof on the evaporation and vapor process thank you so much you're welcome thank you for those questions can I ask her a question?
- 2:19:08 you can ask me and I'll ask her she can hear you too whatever she produces the gin or the whiskey or the rum produce generates venice. Yeah, she's listening. That generates venice. My question to you is the venice from gin or vodka is the same as sugar cane venice. Are they chemical-wise made up of the same, what do you call it?
- 2:19:42 Elements. The ingredients. The same ingredients? Does Vanass, and all my studies told me Vanass comes specifically from sugarcane, stillage comes from whiskey or gin and them other items besides sugarcane distillation. Okay. Vanas, it depends on, vanas is just the same terminology as stillage. We call it stillage. So you're using cane.
- 2:20:18 I don't make gin from cane. I make rump, and then I make a cane vodka. You're going to have a waste. Now, if I make gin, guess what? Gin is made from vodka, just that you add in juniper. It's made from a wash. Whiskey is made from a grain, which is different from a wash, but it's all spillage, no matter what. Ms. Braxton, let me ask you this. Is the spillage the same from, is it different for using sugar cane as opposed to the green that you use?
- 2:21:10 I guess we're interested in the waste that comes off and the effect it has on the environment. The stillage and the venous is the same thing. It's just your vernacular. So let's just use this as an example. You're making whiskey. You're going to use corn. You're going to use cereal. Those are harsher products, and you still have sugar in it. Guess what? They're using cane sugar to put into a whiskey to make that fermentation. That carbohydrates just don't work on its own. We always have to add cane sugar to our fermentation, whether it's cane sugar or molasses, either or or agave same thing when you're getting mixto you get tequila tequila mixed with cane is called a mixto everybody's using cane sugar in their fermentation so venice or stillage dunnage it's still a waste it's just a vernacular of what you're saying but no matter what you're they're still going to get the same thing. They're still going to have the waste.
- 2:22:40 I thought that the question really was about the chemical profile of the waste that comes from cane as opposed to corn as opposed to green and whether or not they affect the environment in different ways. I thought that was what I was thinking along the line. No, I do this every single day. Until you actually do it, then you'll really know and see it.

- 2:23:16 Right. Because I have a 500-gallon still here. Yeah, okay. So I do this every single day. And we sit on the committees and we do testing. And also you have to think about the yeast. what type of yeast because remember it's the yeast that makes right the alcohol from what your byproducts i can make alcohol i can make liquor from grass outside but i gotta still add the cane sugar we all gotta add some sort of sugar to create that carbohydrate so the yeast can work you know so that's the that's the key that's why when you say venas it's still it's the same by-product. Okay. Some are higher because maybe the type of yeast you use, but we're all using cane, sugar in everything. Okay. Thank you. Thank you for, for, for that response. I just got myself. Thank you. Thank you very much. The, um, I was a science major at one point and I know that the chemical compounds, components I feel and the will be different you know right yeah and I that's what I was trying to get like I think that was that was what you were trying to ask there's no way you could get the same thing from distilling the same ingredients from distilling potatoes or grain as you would get from distilling sugarcane yeah I think sugar that's already this went to a process is is different to actually using the cane juice.
- 2:24:59 I mean, I think that's... Good point, yeah, good point. Yeah, I mean, just a little bit of science that I understand, you know what I'm saying? But I'm a lawyer now. I didn't go the complete scientific route, so I'm going to pass it on to Senator. He's a mathematician, by the way. Senator Viale. Thank you. You're switching to quick. you're just a bio major and then you switch back to law for this meeting to stick to bio for this meeting but I asked the question because I think the key element is how you dispose of the waste and your biggest concern is the vanus and also the bagasse right yes and that is what we have to address I mean there are other areas with the brewery and other stuff that come in that we have to put in those environmental concerns. So we need to figure out as a Senate how you could dispose of the venice and how you could dispose of the bagasse without impacting soil or water. And we put that in whether or not we put in that whatever waste is left back, it got to be in a holding tank and it got to be disposed at at Anguilla, truck it there and dispose it but we have to come up with what is a solution they don't have to be there if we don't want to risk anything going wrong with a property or anything going wrong with the beach because then we're defeating the overall purpose of what we're trying to accomplish so if it means trucking it you put that in place if it means that the bagasse that is too much needs to be truck to the landfill and they have a disposal agreement with the landfill then then then so be it but we need to come up with that particular solution that deals specifically with the issue so that ms charles can no longer say i think they're doing this that ms charles will say
- 2:27:03 well i saw four trucks going along the road with the waste well i feel better you get some more jobs point on the record can we agree in point on the record a little bit you'll get some more jobs correct to carry the cane from the plantate from the farm to the distillery and then to the landfill more jobs more jobs that's a company that will get that particular job no we're not on two different subject no we're not thank you madam chair thank you any other senator before we we with Senator Johnson, make it quick, you're that non-committee member, you're holding up the committee members now.
- 2:27:46 It's been a very good day. It has, it has. I just wanted to close off by saying that I listened to Commissioner O'Reilly and been living in St. Croix all my life. And I've never seen the kind of coloration going into our water. And once that, the nast and those stuff go into our water, what does it do to our coral life? which will then affect our fishermen and fishing in this territory. Can you help me out with that, Commissioner Oriel?
- 2:28:18 Sure. Any pollutant on the reefs is going to have a negative effect on the reefs. And that's why we have to very pay close attention. And as you say, I'm not a voting member here. But I'm going to always be a big voice and an opponent for these type of industry that they don't destroy or reefs or aquifer in this territory. I love going to the beach, and I want to be able to go to a beach at any time and not have to have fear about any type of contamination that's going to cause illness to anybody.
- 2:28:51 We need to look at that Rainbow Beach very carefully. It's a very beautiful beach that 90% of the tourists and local go to. And the Sundays, that's a big beach. and if that thing continue happening and Mr. Rain said that there's no proof of it but as my colleagues said not because you ain't get catch that don't mean you're the thief that effect coming from us a farm whether you want to say it or not I'm going to say it all of that rusted color water that's going down prosperity and going to now go down Rainbow Beach coming from that farm because they have never had that rusted color water going down there for my entire life that I know of. So I just hope that members of this body that's going to vote today, vote in the right way. It can't move forward how it is.
- 2:29:45 It cannot. Thank you very much, Madam Chair. Madam Chair, I could say, make one statement. You're going to get a close-in right now because we're going to, as soon as you do your close-in, we're going to recess and discuss how we're going to move forward. So this is your opportunity. I'm going to start with Commissioner Oriel. Oh, you guys had more questions? I'm sorry, I apologize. So get ready to do your 30-second wrap-up. Senator Joseph, go ahead.

- 2:30:19 Thank you, Madam Chair. I just wanted to clear up again that it's clear that whatever they're doing down in the Prosperity Farm. Because I live all my life. They have guts in Glen going towards the river to have water for nine months in a year. Sometime. And never that dark. So clearly, he's releasing it at a high concentration. That's my position. And going forward, listening to Ms. Braxton, it's clear that he needs to dilute it to a higher to a lower concentration before you do something else with the EA and truck it out like a colleague was saying but that's that's my closing and the day so thank you madam chair for the time you're welcome when it's legal to do so senator book has thank you madam chair um through the chair to the commission of dpnr in relation to the ongoing investigation um with the levels that were referenced earlier in testimony and discussion if we could please have that report immediately forwarded to the chairwoman of this committee so that we are aware of what the data sets show in addition to asking if at this point in time after this discussion if DPNR has an appetite to perform any additional assessments or reports concerning this bill or the impact of watersheds with industrial zone agricultural zone work on the lands I didn't get the last part of your questions on it I'm trying to find out if DPNR has any appetite to perform any assessments in relation to this discussion here today yes can you place on a record what type of assessments those are so I think one of the things that we'll just do to get it out the way
- 2:32:27 is test the standing water first and foremost we'll see if there's any vaness in it right let's let's answer the question it costs us something but it's a minuscule amount to do in terms of the tests again I can share the results So the soil samples that were sent to Pace Laboratory for detection on pesticide limits, again, which all came back as undetected. And I can also share, and I've already stated that if you go to our website, for each of the weeks of the beach water quality that comes out, there's also a link that you click on, and it will show you the actual lab results of what the concentrations were. And that's all publicly available as well. So dpnr.vi.gov is where you can go. And then you can just, in the search parameters, type in our weekly beach monitoring.
- 2:33:31 Thank you for the time, Madam Chair. Yeah, sure, Senator Bocas. A farmer who would engage in this type of activity would have two different licenses? You would have a farmer's license and a liquor license? Is that what would happen? That's what, for this, yes. So that's what would happen?
- 2:33:57 If you're doing the farming piece on the property, yes. Okay. Okay. Thank you, Senator Francis. Thank you. Thank you very much, Madam Chair. Again, I'm not a member of this committee, but nonetheless, I would like to continue to recommend that, in fact, there is a good opportunity for us to establish a distillery off-site. I think that the five-hour window is a reasonable time in order for us to get this and still be able to get the benefit of the farm, be able to utilize the facilities for all of the engagement that has been done most recently and still ensure that our beach is protected and our community is protected. The roundup issue is one that is something that's concerning. Those things go airborne very easily when you're doing large-scale fumigation. So I think it's important that we're able to address the roundup in particular and, again, save our community from that exposure. Thank you very much. I stand ready, willing, and able to support legislation that will be moving forward, but I still suggest that we are able to move the distillery in a remote location in the I-1, I-2, or W-2 zone, and we have that within reasonable time, five hours. This inquiry is only so big, you could get there in half an hour to 45 minutes. Thank you.
- 2:35:19 Thank you. You know, You know, isn't the Roundup issue involves a chemical that's called glyphosate? Glyphosate. Glyphosate. And I believe that the President of the United States issued an executive order saying that for defense that he's permitted the promotion and the production of that particular chemical. Michael, I believe I read that somewhere, so that's kind of interesting, well, let's leave that alone. We're going to start with, but check that out, that in fact that's happening nationally.
- 2:36:08 We're going to start with 30 seconds from the commissioner, and then we'll go to Ms. Charles, and then finally, Attorney Rames. Thank you, Madam Chair. So, again, what we are presenting is what we feel is an opportunity. And, again, the basis of it is that we are seeing certain things that have been emerging here. The office has fielded several inquiries about this particular type of industry. And then we recognize that there are areas where it's promoting use of technology, incorporation of agricultural products, local agricultural products, and the growth of the industry overall. Again, we are proposing that these things are fully sorted out by rules and regulations and not just approved blanketly.
- 2:37:16 I want to caution because a number of members in the body have just been stating that we need to include these specifics and these parameters in there. And I just want to caution that because, again, if I read Title 29, Section 228, and the 121 different uses, again, there's not specifics as to how you would undertake each one of those uses in that, right? And what we're asking for here is a zoning code amendment and some definitions to be added, but that they would be used subject to condition that we would promulgate rules and regulations for. If you look under the W-1 zone and it says you're allowed to have marinas, it doesn't say you're allowed to have marinas if you have a minimum of three acres, if you are not less than 30 feet from another marina, you have to have at least six feet of water depth. You must have your waste

treatment system.

- 2 : 38 : 26 It doesn't say all of that, right? We're dealing with the table of permitted uses and being able to have them as conditional uses subject to regulations. If I turn to Title 12, Section 186 with water quality standards, it says, In order to carry out the purposes of this chapter, the commissioner shall set standards of water quality to be applicable to the waters of the United States Virgin Islands. It doesn't state what those specific parameters are. It trusts that the department will undertake that public process and come up with those water quality standards that will then be regulations for the rule of the Virgin Islands.
- 2 : 39 : 08 And so, again, I understand that there are concerns that have been brought to place. And mind you that there are existing regulations as it relates to wastewater and wastewater treatment and wastewater discharge. There are a number of things related to the ancillary uses that we see associated with with the micro distilleries like the tasting rooms and the different events and noise and all of those activities.
- 2 : 39 : 42 There are laws that currently exist that those things cannot conflict from. So I would just encourage the legislature to know that, again, the department is here stating that if passed with the provision that we will go through a process that will include the public, that is our intent, that is our objective. We're going to make that happen. If the legislature holds to then create what those parameters are, then I believe that we still are going to be going to the public to get and incorporate comments in order to undertake that process as well if we're going to be thorough with it.
- 2 : 40 : 25 Again, I thank you for the opportunity to testify. again we see this as an opportunity that is consistent because again we we could not have fathomed all the different uses in 1972 of what would be present today in 2026 so this is just one portion but we know and are intending to do a broader more general update of the zoning code and bring that forward to the legislature thank you for the opportunity madam chair thank you one of my friends just sent me to the white house ordad president donald j trump ensures an adequate supply of elemental phosphorus and glyphosate base herbicides for national security two critical inputs essential to military readiness and america's agricultural strength we're gonna we're gonna leave that there right we live in the virgin island so miss charles we're gonna go to you we we we have to follow that do we thank you everybody for listening and um i i just want to get these points on the record i don't and one of them is they talk about public hearing there is nothing in this bill that asks for public hearing the first sentence at the top says upon public notice okay and you hear plenty here in talk and the bill says public notice big difference next thing i would like to say that if you google what's considered a micro distillery it's usually 40 to 50 000 gallons not a hundred thousand next commissioner oriole you have a responsibility to protect the mangroves and the and these virgin islands and have you checked to see the effects of the mangroves we know for a fact that the distillery have already mowed down mangroves right there at mahogany road and i'm sure there's more behind of um rainbow beach so you have a responsibility
- 2 : 42 : 53 to protect the mangroves by federal law not local federal to protect the mangroves and i'm sure there's some right there behind a prosperity beach And you talk about testing coming back negative, and I'm going to reiterate, stress it, that if you don't know what was there, because prosperity is telling you they're not spraying, then how could you get an accurate test when those tests, you have to give the lab a specific that you're looking for? Well, I did my research, and I was writing to some of these labs and reading their website and what they require. They're asking, what is it you want to find? What are you looking for? You don't just send soil and say, test it. The particle got 100 different things in the soil. You have to test this soil. we're looking for glyphosate or we're looking for atrazine or those those are the two popular chemicals that's used on sugarcane did you specify that to your laboratory that's why you probably get a negative okay and my biggest and last question is, now we know what's happening at Prosperity Farm and rum distillery. Somebody who told us in our town hall meeting that they were gonna just erect a sugar juicing machine that have now gone and built a whole distillery and operating a bar and an event center and all the things he's doing there without license what is this government going to do about that what is you
- 2 : 44 : 57 commissioner going to do about that why is he still operating why are we allowed to go there when he can't have fire certification he don't have health certificates he's battling his so-called spirits and selling them are we gonna leave this man operating and compromising our health and our environment unless he stopped distilling that venice is still going to be produced and discharged to water his skin and I don't care how much he dilute it as he's dropping it dropping it dropping it It's concentrating in the soil, it's going to rain, and it's going to run off on our beaches. The distiller said that they treat it.
- 2 : 45 : 46 In Martinique, they have big, huge pans with plants growing in it from JM, who supposedly was partnering with Mr. Apfel, and they'll step out just like a whole bunch of people step out because he said he's going to choose to do what he wants. so are we gonna leave them operating and continuing to poison the land while the legislature comes up with a solution to this problem again people we come first we vote for you guys we pay the taxes here for umteen years when

one big rich man comes and decides he have a hobby or he have whatever he have and he wants to make some more of his millions well they spend his millions to correct the problem as a punishment because it's a total disrespect of this island what is happening because of this his grand vision to have distilleries all over St. Croix because of the different soils because one soil gonna give you a different tastes to this soil. Ms. Charles, I'm gonna have to give attorney Reims all that time that I just give you. Well, so and we only give and and the commissioner has to leave. Okay. So we want to wrap up. I'm gonna wrap up in ten seconds. It was 30 seconds. Ten seconds. I just like to say thanks to everybody that contributed. Y'all are in my heart. The people protecting places. Those in front and those behind the scenes and thank you senators for allowing me and i expect that you are going to do the right thing and vote the right way for the people who vote you in okay don't let the governor come make a commit suicide and a your career because he looked like he cut it he said if you trample my legacy i'm gonna gutter you're like a fish it looks like this are you he trying to go thank you nowadays because i am not running i could tell people you know you didn't vote for me you know you didn't vote for me so don't tell me nothing well you're gonna vote for me this time either because you're gonna get a chance that's exactly it you know you didn't attorney kevin

- 2:48:17 dreams all right okay so let's let's just deal with facts here okay let's start with facts there's been one finding made of an economic of an environmental issue an issue of environmental degradation one finding and that was that there was coliform bacteria enterococi bacteria offshore at Prosperity. Where does that come from? It comes from the intestines of men or animals. That is the only finding that was made. There has never been a finding that Vanass has left that property. There has never been a finding that Vanass has been on William & Punch Beach. There has never been a finding that Vanass has been at Rainbow Beach. There has never been a finding that Vanass has been at Prosperity Farm Beach. All of these representations, all of these All of this, I can't tell you how many times Queen Mary was channeled during the town hall meeting. Oh, come on.
- 2:49:22 You know, since 1985, when I began in the law, do you know how many hundreds of millions of dollars in capital investment that was lost on St. Croix because of this kind of attitude? The Ritz-Carlton that was supposed to go near Carambola Beach, right at the bottom of the beast, the Virgin Grand that was supposed to go out at the Judas Fancy Point, the hotel that was supposed to go over by where Turtle Run is. All of the hundreds of millions of dollars of investment because of groups like the St. Croix Environmental Association, like the League of Women Voters, like entities and like companies, like very well-meaning 501c3s who say repeatedly, repeatedly, yes, I don't oppose economic development, but not here, not there, not there, not there, and not there.
- 2:50:26 We've been fighting that for 40 years, and we're still fighting the same battle, okay? Let's deal with facts. We know that there is thousands of gallons of black water on Pemberton's property right across from Prosperity Farm. And somehow, oh, my God, there's some black water by the beach. Oh, no, it can't come from there where thousands of gallons are sitting on the soil. no it can't come it's got to come from where the where the guy who has challenged melanin that it has to be his fault it has to be his fault okay because he's got money and he doesn't happen to be black okay you know I'm just tired I'm you know sorry let me just let me just say in closing let me just say this we cannot afford to throw away economic development because of speculation and because of misplaced militancy. We cannot afford to do that anymore. And it might be my kids who are advancing this issue in the future. It might not be during my time. But I will tell you, I have seen during my time hundreds of millions of dollars in capital investment do you know that the that the holiday inn that was supposed to go above the above town above David Carnegie this house there was supposed to be a holiday inn up there you know what that holiday inn is that holiday inn is in Puerto Rico the same money the same people 150 room holiday inn was supposed to go up street on up above Queen Cross Street way back it was supposed to the roads are supposed to keep on going up to a Holiday Inn okay and that that that Holiday Inn is in Puerto Rico okay how long can we expect to do this how long can we survive this okay it's time to stop it's time to accept with open arms okay economic development it's going to have an
- 2:52:36 impact and you can control the impact by excellent legislation and excellent regulations, okay, not conflicting statutes or conflicting regulations where a businessman comes in and says, I can do it because it says this, and somebody else says, you can't do it because it says that. It's pretty clear that, you know, obviously we need to do our best as a people to bring in new economic development, bring in new opportunities, but this island of St. Croix has skewed toward it can't get done for the entire 40 years of my career it's just got to change there's got to come a time when we say it can get done it will get done thank you for your time thank you attorney rames colleagues and st thomas the my committee members and st thomas We're going to do a five minute recess so we can decide how we're going to vote and we will be right back.
- 2:53:44 The committee is in recess. Thank you. We'll be right back. [3 such phrases repeated 28 times · standby audio before the proceeding, transcribed by the recogniser as speech]

- 3:07:36 Thank you. The Committee on Disaster Recovery Infrastructure and Planning is back on the right.
- 3:08:36 record, do I hear a motion? Motion Senator Potter. Thank you very much. Madam Chair, thank you very much Madam Chair. I move that bill number 36-0211, an act amending Title 29, Virgin Islands Code, Chapter 3, Sub-Chapter I, to allow small scale distilleries and breweries in certain zones, upon public notice and approval by the Department of Planning and Natural Resources, be held in the Committee on Disaster Recovery, Infrastructure and Planning, at the call of the Chair. I so move. Second.
- 3:09:21 Moved by Senator Potter, seconded by Senator DeGraff and Senator Viale. Hearing no objection, roll call on bill number 36.0211. Senator Angel L. Bolquez, Jr. Aye. Senator Bolquez, Jr. Aye, aye. Senator Dwayne M. DeGraff? Yes.
- 3:09:48 Senator DeGraff, aye. Senator Hubert L. Frederick? Yes. Senator Hubert L. Frederick, yea. Senator Maurice C. James? Yes. Senator Maurice C. James, yea. Senator Clifford A. Joseph, senior? Yes. Senator Clifford A. Joseph, senior, yea. Senator Milton E. Potter? Yes. Senator Milton E. Potter, yea. Senator Kurt Avila? Senator Kurt Avila, yea. Madam Chair, we have seven yeas. Thank you, Madam Clerk.
- 3:10:19 Bill number 36.0211, an act amending Title 29, Virgin Islands Code, Chapter 3, subchapter I, to allow small-scale distilleries and breweries in certain zones upon public notice. An approval by the Department of Planning and Natural Resources has been held in committee at the call of the Chair. The hearing on bill number 36.0211. Ordered. The hearing on bill number 36-0211 is now closed. Senator Viale, I recognize you. Personal privilege.
- 3:11:04 Thank you, Madam Chair. The committee collectively has decided that the bill needs substantial work, and a number of us have already submitted amendments to the bill, But instead of having amendments coming from all over, we're going to meet and come up with one comprehensive bill that addresses the environmental concerns raised by the people of Frederickson and those individuals who were opponents today because we think that those environmental concerns are important to make sure that we maintain the quality of life that we presently have in St. Croix. So the bill isn't dead. The bill is going to come back because we want a mixture of economic development that also goes along with making sure that we maintain the environment. So we will put in those measures. We'll be asking for input. I mean, if you have any input, you let us know. You could get in contact with your senators on this committee, submit your input to them. and we will make sure that we incorporate all of those measures into the bill to make it a real, good, comprehensive bill on craft distillery and craft breweries in the Virgin Islands. Thank you so much. Thank you so much, Madam Chair.
- 3:12:19 Thank you, Senator Vianney. Point of first-time privilege, Senator Giddens. Thank you, Madam Chair. And I came back down quickly to thank not just the people of Frederick said, but the people of St. Croix period for standing up for what you believe in and to express your concerns to the senators so that we could be able to make a decision on your behalf. So thank you to all the people of St. Croix because I know that the petition was also circulated over the weekend at the agriculture fair. So I could only imagine that there's other people with the same concerns throughout the territory. It doesn't have to be even from just St. Croix, but throughout the territory. And, colleagues, I'll be sharing with you again my proposal on removing this authority from the legislature and putting it in an area where we have professionals to handle this matter.
- 3:13:26 Thank you so much. Thank you, Madam Chair. Thank you. Thank you. I want to thank the testifiers who showed up today, the Commissioner, the Honorable Jean-Pierre Oriel, Commissioner of the Department of Planning and Natural Resources, Ms. Leah Mathieu, Laplace Mathieu, Attorney Kevin Reams, Ms. Vanessa Braxton and Master Distiller for giving us that information. valuable information we really appreciate you joining us and of course we want to thank Alice Charles Miss Alice charge from people protecting places you know as said earlier by my colleague with the good-looking father you know opposition sometimes makes legislation better sometimes it makes it better and so I definitely agree with that I think once we sit down and we put what we need together. At the call of the chair we will be hearing this bill again so those of you who are here today just look forward to us reviewing and going over the bill. I want to thank the senators who came out today, the non- committee members, your staff who also provided input, my staff, of course media, security, everyone that's central staff at the legislature.
- 3:14:57 So everyone have a good evening and thank you for a very productive meeting. The committee on disaster recovery infrastructure and planning is hereby adjourned. Thank you. Thank you. We'll be right back. We'll be right back.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

8x	Commissioner Jean-Pierre Oriel heard in this transcript as: Oriel
8x	Senator Kurt Vialet heard in this transcript as: Viale, Ville
7x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Joseph
7x	Senator Franklin D. Johnson heard in this transcript as: Johnson
7x	Senator Milton E. Potter heard in this transcript as: Potter
6x	Senator Kenneth L. Gittens heard in this transcript as: Giddens, Gittins, Kenneth Gittins
6x	Senator Novelle Francis heard in this transcript as: Francis
5x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Dwayne M. DeGraff
5x	Senator Hubert Frederick heard in this transcript as: Frederick, Hubert L. Frederick
4x	Senator Marise C. James the surname alone also matches: Javan James; Giovanni James Sr heard in this transcript as: James, Maurice C. James
4x	Senator Marvin Blyden heard in this transcript as: Blyden, Blyton, Marvin Blyton
3x	Senator Angel L. Bolques, Jr. heard in this transcript as: Angel L. Bolques Jr., Angel L. Bolquez Jr., Bolquez Jr.
3x	Senator Clifford Joseph heard in this transcript as: Clifford A. Joseph
3x	Senator Kurt Avila
2x	Senator Angel L. Bocas Jr heard in this transcript as: Bocas
2x	Senator Kurt VLA heard in this transcript as: VLA
2x	Senator Kurt Viola heard in this transcript as: Viola

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 36-0211