

To: J.P. Oriol, Honorable Commissioner, Department of Planning and Natural Resources, jp.oriol@dpnr.vi.gov
From: Friends of Round Bay
Date: March 18, 2021

Dear Commissioner Oriol,

The Friends of Round Bay is comprised primarily of 80+ property owners surrounding Round Bay and/or residents of the three large homeowner's associations on the East End of St John. Friends of Round Bay is united in its mission to **preserve and protect Round Bay**. We are aware that planning efforts are underway to define and clarify land and water use in the Virgin Islands and believe that the considerations outlined in this communication are extremely relevant to the current discussion. We believe strongly that land and water use of the East End of St. John and Round Bay in particular should reflect the ecological and historical significance of this area - which will be lost for all generations if not honored when developing and enforcing DPNR regulations now and in the future.

In a recent discussion, a DPNR Environmentalist referred to Round Bay as '**the most prolific and healthy area left in the territorial waters.**' The area is home to pristine reefs, sea grasses and turtles amidst a teeming underwater wildlife and ecosystem. The historic shipwreck, the *HMS Santa Monica*, lies in Round Bay. The schoolhouse ruins are designated a historical landmark and efforts are underway to obtain funding to preserve that location. The St. John Historical Society notes that East End is significant for its history as a free community prior to emancipation. Friends of Round Bay suggests that plans for the use of this area be centered around these assets and that any activities promoted focus on education and eco-friendly, **non-motorized boating** activities.

Friends of Round Bay appreciates the efforts of DPNR over this past year in enforcing Boating and Anchoring Regulations, but these efforts are falling short and have not slowed the violations. We request DPNR to continue and even increase this engagement that will result in ongoing protection of the Round Bay area. **Friends of Round Bay proposes a partnership with DPNR that will recognize the ecological and historical significance of the land and water of the East End of St. John and continue to protect the important sensitive area of Round Bay.**

Subchapter 404 of the current 2019 USVI Code Title 25, Chapter 16-Mooring and Anchoring of Vessels and Houseboats, stipulates that '**a vessel or houseboat is permitted to moor or anchor only in those areas designated by the Department' and stipulates that 'the only designated bays in the waters surrounding St John are Coral Harbor, Chocolate Hole, Cruz Bay and Great Cruz Bay.'**

DPNR regulations state in Chapter 15, 295.2 that Round Bay is designated a "Restricted Area." This section goes into detail defining the measures laid out to protect the area. Round Bay is not now and has not been since at least 1992, a designated

mooring and anchoring bay. **The current COVID-related Executive Orders, have reinforced the existing regulations that stipulate anchoring in Round Bay is strictly prohibited.** Nonetheless, as DPNR is aware, boats of all sizes continue to pour into this area for both day and overnight use, blatantly ignoring the Executive Orders and the efforts of DPNR to communicate to boaters the regulations prohibiting anchoring.

Friends of Round Bay continue to witness daily violations that are causing destruction of the reefs and wildlife areas, posing safety issues for swimmers and snorkelers, as well as interfering with the peaceful existence of this very **historical and rural residential neighborhood.** Violations, all of which are documented in pictures, videos and attestations, involve:

- anchoring and dragging anchors in the coral reefs and sea grass areas,
- excessive wake with jet skis, water skiing, and boats racing through areas where swimmers and snorkelers frequent and over shallow coral reefs,
- damage to the Federally protected 240-year-old wreck of the HMS Santa Monica
- dumping raw and treated sewage, refuse, and fuel,
- making excessive noise with stereos and amplified music and party goes - day and night,
- lighting up the bay at night like a small city with rigging and spot lights, including one boater that recently made a bonfire on a residential beach,
- setting up tables, umbrellas, and chairs in residents' backyards,
- trespassing on residents' property beyond the tree line, sitting on decks, smoking near open windows, cutting through homeowners' yards, and leaving trash,
- posing imminent danger on a daily basis to swimmers and snorkelers.

And these violations are occurring during a time when no boats should be anchored out in the bay!

While some of the boat captains have responded positively to reminders of the regulations, there remain a concerning group that have become aggressive, repeat violators and that, thus far, appear to have no intention of abiding by the DPNR regulations or the Executive Orders. In addition to those violations noted above, some captains are anchoring vessels over 100' in length with anchors as large as three small vessels and lighting up the bay like a city at night. When DPNR does come out to clear the bay of illegal boaters, many return as soon as DPNR leaves.

Friends of Round Bay would be interested in knowing how many citations DPNR has issued and how much in fines has been collected. We estimate that this could total many thousands of dollars per week, increasing DPNR funding that can be used for increased enforcement as well as serve as an effective deterrent of future illegal activities.

Our Friends group has many active members that are willing to devote the time and energy to protect Round Bay. We have outlined problems and several action steps that

we would like to jointly implement with the approval of DPNR that will reinforce the current regulations and assist DPNR in enforcement. Specifically:

1. **Problem:** Many boaters do not appear to realize or acknowledge that anchoring is prohibited in Round Bay. Even before the Covid restrictions were implemented, there was a lack of clarity about whether short term anchoring was allowed. Boaters most frequently anchor illegally close to (and sometimes on) shore, in shallow areas and too close to the reefs. Boaters are causing irreparable damage to the Federally protected historic shipwreck, *HMS Santa Monica*.

Solution:

- DPNR needs to clarify the regulations regarding anchoring in a restricted area. Friends of Round Bay interprets the regulation as prohibiting anchoring and requests that DPNR embrace this interpretation due to the profound harm that is being inflicted.
- Post a sign "No Anchoring in Round Bay" on the cliff facing the water on the government house property.
- Post a floating sign over the shipwreck that marks its location and states the prohibition of anchoring along with the cost of the fine that will be imposed.
- The regulations need to be strictly enforced due to the sensitivity of the area.

2. **Problem:** Boaters continue to anchor daily and overnight even after warning. Many return day after day, week after week. Boaters are posing a high risk of injury to swimmers and snorkelers on a daily basis. There are too many reported near misses. Too many of the current boaters appear either inexperienced or simply are disregarding basic boating safety regulations and/or common sense.

Solution:

- DPNR can enhance enforcement by utilizing the webcam on Jay and Athena Swartley's property above Round Bay to identify violators;
- DPNR can appoint deputy assistants among the residents to distribute information approved by DPNR that educates the boaters. Friends of Round Bay will produce the fliers and submit to DPNR for approval;
- **DPNR must increase enforcement before someone gets injured or killed.**
- DPNR must utilize fines to help to fund enforcement.

3. **Problem:** Boaters dump sewage both raw and treated in Round Bay. Some charter boats are licensed to carry passengers but do not have any bathroom facilities. Boaters throw trash over board and on the land. Boaters are using residents back yards as latrines and leaving waste.

Solution:

- DPNR must utilize fines to correct the behavior and to clean up the area.
- **All charter boats should be required to have holding tanks before they receive business licenses to operate.**

4. **Problem:** Many charter and pleasure boat businesses incorrectly list Round Bay as an anchoring and mooring option. Additionally, several boaters report that they were

told by National Park Rangers and boat businesses that they can anchor and use personal watercraft such as jet skis and water ski boats in the restricted waters of Round Bay.

Solution:

- Friends of Round Bay will develop and/or correct educational and other written materials pertaining to Round Bay that are currently being distributed by charter and pleasure boat business.
- Friends of Round Bay seeks a written communication from DPNR that allows us to provide education to the publishers of boating materials, charter and pleasure boaters that outline the regulations. Friends of Round Bay will write this communication and submit to DPNR for approval.
- Friends of Round Bay will distribute education materials to the NPS personnel to ensure that the National Park is clear about the rules for boating in Round Bay including the prohibition of water skiing, jet skiing, etc.

Friends of Round Bay envisions a plan that will encompass both land-based initiatives, such as a restored schoolhouse that will be used to educate Virgin Islanders and tourists alike of the cultural and historical significance of East End and the wonders of the nearby marine environment with a protected Round Bay that preserves the *HMS Santa Monica* and protects the prolific ecosystem and threatened species and allows for eco-friendly non-motorized waterborne activities so that this extraordinary resource can be enjoyed by future generations of Virgin Islanders. We are firmly united in our mission to preserve and protect Round Bay before it is too late.

Boaters have use of the entire National Park which encompasses $\frac{3}{4}$ of the island, as well as the four additional bays of Coral Bay Harbor, Cruz Bay Harbor, Great Cruz Bay and Chocolate Hole where they can moor, anchor, and bring charter guests. Please help us preserve one of the only sensitive areas left in the Virgin Islands that remains rural and residential.

Sincerely,

Friends of Round Bay