

Jennifer Jones, Esq.

Redefining sustainable Development for Communities Adjacent to Submerged Lands

Biography

Jennifer Jones is the senior Legal Counsel for the Department of Planning and Natural Resources' (DPNR) Division of Coastal Zone Management. Attorney Rodriguez is primarily responsible for litigating administrative enforcement cases, defending appeals of permit actions and advising the Commissioner and the Coastal Zone Management Commission on policy issues dealing with the first tier of the Coastal Zone in the districts of St. Thomas and St. John. Prior to joining CZM in September, 2004, Attorney Jones served as legal counsel for the Division of Environmental Protection where she litigated environmental administrative actions under the Virgin Islands Water Pollution Control Act, the Air Pollution Control Act and various other local environmental statutes. Attorney Jones was engaged in private practice with the law firm of Stryker, Duensing, Casner and Dollison, one of the largest privately owned law firms on the island of St. Thomas prior to coming to DPNR. She resides on the Island of St. Thomas.

Abstract

The Virgin Islands has long recognized that its communities, particularly those along the shoreline of the coastal zone, have strong links to the adjacent coastal natural systems and are often dependent on the maintenance, health and resilience of these ecosystems and marine habitats. The local economic base of the Virgin Islands, be it fishing, tourism, shipping, or a combination of these uses, is usually tied to the natural coastal system and its health. Conversely, successful management of activities and development in these communities is tied to the health of the ecosystems and the near shore marine habitats. The challenge of maintaining the health of both the communities and the adjacent coastal systems and incorporating social justice concerns has been left primarily to the Virgin Islands Coastal Zone Management Act (CZMA). The CZMA was enacted in 1978 as the primary legal framework designed to achieve sustainable development within the first tier of the coastal zone by melding environmental concerns, economic well-being and social justice. Despite the unique concern of near shore communities and the near shore natural systems and habitats, the same goals and policies of the CZMA formulated to enforce development of inland areas within the coastal zone are used to manage development of the submerged lands. The only distinction is that some policies are tailored specifically for the coastal areas, such as siting development for water-dependent uses and protection of marine and near shore habitats. Along the coastlines of the three islands, where the demand for development is high but space is limited, the unintended consequence of the exiting framework for sustainable development has been to encourage the trend toward development of green spaces without a concerted effort to redevelop abandoned or previously developed sites. None of the goals and policies of the current CZMA are designed to encourage development of these previously used lands or potential brownfield sites. The potential adverse impacts of this trend are underscored when one considers that much waterfront or near shoreline development is accompanied by a need for dredging, installation of docks and marinas and sewage treatment plants. To some extent the proposed Voluntary Clean-up law designed to encourage the use of brownfields throughout

the Virgin Islands may help to reverse this trend. In the meantime, conservation and protection of our coastal green spaces remain vital to the health of the ecosystems and

near shore habitats and wetlands. This trend must be studied and a plan needs to be developed as to best resolve this problem. At a minimum, comprehensive siting guidelines and marine species protection policies need to be developed and implemented.