

**MINOR COASTAL ZONE MANAGEMENT PERMIT NO. CZT-1-06W**

1. **AUTHORITY.** This permit is issued by the Commissioner of the Department of Planning and Natural Resources and is administered and monitored by the Department pursuant to Title 12, Chapter 21, Virgin Islands Code. As herein, "Permitter" is the **GOVERNMENT OF THE VIRGIN ISLANDS** and the "Permittee" is **CHRISTIAN KJAER**.
2. **SCOPE.** This permit supercedes minor CZM permit No. CZT-39-87W, and allows for the continued use and occupancy of an existing 62'1" long by 4'10" wide pier with a 15'10" long by 4'10" wide concrete bulkhead, along with 1000 ft<sup>2</sup> mooring area. This structure is located seaward of parcel No. A Remainder, Great St. James, and extends out into St. James Bay.
3. **TERM.** The permit is effective upon its signing by the Commissioner of the Department of Planning and Natural Resources, the Governor of the Virgin Islands, and upon ratification by the Legislature of the Virgin Islands or by the Committee on Planning and Environmental Protection if the Legislature is not in session. As used herein, the "Effective Date" or the "date hereof" means the date of such ratification. This permit is for a definite term, ten (10) years, and shall not constitute a property right. This permit will expire ten (10) years after the effective date. The Permittee shall have the option to renew the permit before the expiration date pursuant to V.I. Code Ann. tit.12 § 911(d)(2) for an additional ten (10) years.
4. **DOCUMENTS INCORPORATED BY REFERENCE.**
  - Exhibit A – CZM Application dated 10/23/2005; modified 4/21/ 2006**
  - Exhibit B – Minor EAR dated September 28, 2005**
  - Exhibit C – Drawings dated September 22, 2005**
  - Exhibit D – Copy of Expired CZM Permit No. CZT-39-87W**
5. **GENERAL CONDITIONS.**
  - (a) **Liability.** The Permittee agrees to assume full and complete responsibility for all liability to any person or persons, including employees, as a result of its control of the area described in Paragraph 2 of this permit, and all improvements thereon (which area and improvements are herein after referred to as "the premises") and to hold the Permitter free and harmless from civil or other liability of any kind during the time the Permittee is in control of the premises pursuant to this permit.

- (b) Personal Property and Damage. All personal property of any kind or description whatsoever, located on the premises will be there at the Permittee's sole risk.
- (c) Assignments or Transfer. This permit may not be transferred or assigned except as provided in V.I. R & REGS tit.12, § 910-15.
- (d) Permit to be displayed. A placard evidencing the permit shall be posted in a conspicuous place at the project site during the entire period of work.
- (e) Reliance on Information and Data. The Permittee affirms that the information, and data which he/she provided in connection with his/her permit application is true and accurate, and acknowledges that if subsequent to the effective date of this permit such information and data proves to be false or inaccurate, the permit may be modified, suspended or revoked in whole or in part, and that the Commissioner may, in addition, institute appropriate legal action.
- (f) Development to be Commenced Any and all development approved by this Coastal Zone Management Permit shall be commenced within twelve (12) months from the date this permit becomes effective. Failure to perform any portion of the work within such period and thereafter until completion of construction will cause the permit to lapse and render it null and void unless the Commissioner grants an extension.
- (g) Notification of Completion. Upon completion of any activity authorized or required by this Coastal Zone Management Permit, the Permittee shall promptly so notify the Director of the Division of CZM ("The Director") and where the service of a professional engineer was required in undertaking the activity, a certification of compliance provided by the project engineer that the plans and specifications of the project and all applicable Virgin Islands Code requirements have been met, shall be filed with the Director.
- (h) Inspection. The Commissioner or his authorized agents or representatives shall have the power to enter at reasonable time during projects working hours upon any lands or waters for which a Coastal Zone Permit has been issued. The Permittee shall permit such entry for the purpose of inspection and ascertaining compliance with the terms and conditions of said Coastal Zone Management Permit. The Permittee shall provide access to such records as the Commissioner in the performance of his duties under the Act may require the Permittee to maintain. Such records may be examined and copies shall be submitted to the Commissioner upon request.

- (i) Conditions of premises. The development authorized by this permit shall be maintained in a safe, attractive and satisfactory condition and in accordance with the description, plans or drawings approved by the Commissioner.
- (j) Restoration of Area. The Permittee, upon revocation or expiration of the permit, shall upon order of the Commissioner, and in his sole discretion, remove all structures authorized by the permit and restore the area to its original condition, and/or modify such structures, and/or comply with any directive of the Commissioner in satisfying the original permit condition in such time and manner as the Commissioner may direct.
- (k) Notices. All notices sent or required to be sent hereunder must be sent certified mail, return receipt requested. If addressed to the Permitter, same shall be sent to the Commissioner of the Department of Planning and Natural Resources, Cyril E. King Airport, Second Floor, St. Thomas, VI 00802 or to such place as the Permitter may herein after designate by certified mail. If addressed to the Permittee, same shall be sent to Dr. Sidney J. Comissiong, [REDACTED] Box 306813, St. Thomas, VI 00803, or to such place as the Permittee may hereinafter designate by certified mail, return receipt requested.
- (l) Non-waiver. One or more waivers by the Permitter of any covenant or condition of this permit shall not be construed as a waiver or breach of any subsequent or other covenant or condition, and the consent or approval of the Permitter to or of any acts by the Permittee requiring the Permitter's consent or approval shall not be construed as approval of any subsequent similar act by the Permittee.
- (m) Revocation. It is specifically understood that all foregoing covenants and agreements, as well as other terms and special conditions hereby agreed to by Permittee, are to be well and faithfully kept by Permittee and that any failure by Permittee to keep same will result in revocation of this permit.
- (n) Other Approval. If the development covered under this permit requires separate and distinct approval from the United States Government or any agency, department, commission or bureau thereof, then no development or occupancy is allowed under this permit until such permits or approvals have been obtained.
- (o) Abandonment. If the Permittee abandons, deserts or vacates the premises or discontinues its operations at the premises for a period totaling six (6) consecutive months, then the permit will terminate automatically and be rendered null and void.
- (p) Signatures on the Permit Document. The applicant shall sign and return

the permit document to the Department within sixty (60) days of receipt thereof. Failure to return the signed permit within the time period specified herein will be considered a rejection of the terms and conditions of the permit and will render the offer of the permit null and void, unless a written extension is requested and granted.

- (q) Damage and Repair of Premises Described in Paragraph 2. In the event of damage to or destruction of the premises described in Paragraph 2 hereof, repair work may be done only after a request to do so has been submitted in writing to DPNR. Repair must duplicate the original work and must be in accordance with applicable laws, rules and regulations.

**6. SPECIAL CONDITIONS.**

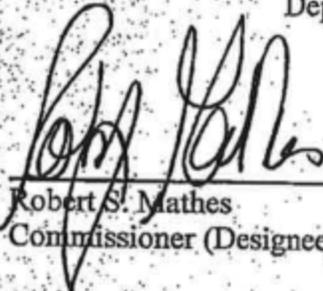
- (a) The dock is approved for private use only. No commercial activity or rental of slips is permitted.
- (b) No person shall live aboard any vessel while docked at this facility.
- (c) No fueling of vessels is permitted on the dock.
- (d) A permit placard displaying the permit No. CZT-1-06W must be placed in a conspicuous location at the end of the dock.

**7. FEES.**

- (a) A fee of Two Thousand Five Hundred Dollars (\$2,500.00) payable annually in advance shall be charged for the use and occupancy of the submerged lands area occupied under this permit. The fees are assessed pursuant to V.I. Code Ann. tit. 12, § 911(f). Certified or bank draft checks shall be payable to the Department of Planning and Natural Resources, five (5) days after the Legislature ratifies this permit.
- (b) The annual fees payable under this permit shall be adjusted at the commencement of the second (2<sup>nd</sup>) year of the permit term in accordance with the increase of the Consumer Price Index as established by the US Department of Labor, Bureau of Labor Statistics for "All Items, All Urban Consumers (1967-100%)", (the "CPI") as follows, provided, however, that in no event shall the annual fee under yearly adjustment be greater than 150% of the Two Thousand Five Hundred Dollar (\$2,500.00) fee during the initial sixty (60) months of the term of the permit.
  - (i) The CPI as of the first (1<sup>st</sup>) month of the second (2<sup>nd</sup>) year of the

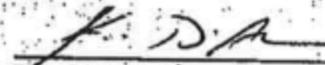


**Government of the Virgin Islands**  
Department of Planning and Natural Resources

  
Robert S. Mathes  
Commissioner (Designee)

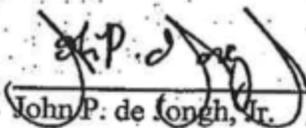
**PERMITTOR**

5/22/07  
Date

  
Kevin F. D'Amour  
Attorney-in-fact for Christian Kjaer

**PERMITTEE**

4/11/07  
Date

  
John P. de Jongh, Jr.  
Governor

**APPROVED**

10/12/07  
Date

\_\_\_\_\_  
President of the Legislature

**RATIFIED**

\_\_\_\_\_  
Date

Or if the Legislature is not in session,  
the Committee on Planning and Environmental Protection

\_\_\_\_\_  
Alvin L. Williams  
Chairman

\_\_\_\_\_  
Date

TRANSMISSION VERIFICATION REPORT

TIME : 04/08/2011 11:13  
NAME : DPNR EXEC OFFICE STT  
FAX : 3407755706  
TEL : 3407755706  
SER.# : BR0G9J956252

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