

Good morning Delegate Christiansen, Chairperson of the House Subcommittee on Insular Affairs, other committee members, and the attending and listening public. I am Robert Mathes, Commissioner of the Department of Planning, and Natural Resources and Natural Resources Trustee for the US Virgin Islands. I am here today to provide testimony on H.R. 59, which seeks to convey certain submerged lands to the Government of the Virgin Islands and to expand the territorial seas of the Virgin Islands. On behalf of the entire Department, I wish to express our appreciation and gratitude to you, Delegate Christiansen, for this effort and for the chance to provide input on the measure.

The Government of the Virgin Islands supports the proposed expansion of both submerged lands and the territorial waters. The combined effect of this proposal would be to expand the jurisdiction of the Department in the marine environment significantly. By our calculations, this represents an expansion of 500 percent of the Virgin Islands' marine jurisdiction seaward. That's 500 percent more marine resources for our benefit, utilization, management, and protection.

As the Natural Resources Trustee for the Virgin Islands, this expansion provides greater mechanisms for natural resource restoration in waters that currently do not benefit from those powerful and important provisions of the federal Oil Pollution Control Act of 1990 and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. Under present federal law, restoration to natural resource damages can only be pursued by states and territories or in federal waters of elevated protection such as a national marine sanctuary. The submerged lands and waters in consideration do not benefit from this restoration potential at present.

I'd like to note that the Department is also closely monitoring the progress of the Coral Reef Conservation Act Amendments of 2007 (H.R. 1205) and a similar bill in the Senate (S.1580) which seeks to provide state/territorial natural resources trustees with additional authority and mechanisms for restoring the marine environment. Regardless of the Coral Reef Conservation Act Amendments' final outcome, the expansion of the jurisdiction of the Virgin Islands seaward increases the environmental protection and restoration potential of those waters and submerged lands.

The expansion proposed in H.R. 59 would also present major expansion requirements for existing regulatory programs. Specifically this expansion would affect the Department's programs to protect and manage water quality, manage fisheries and essential fish habitat, protect endangered or threatened species, manage submerged lands and marine ecosystems, and perform maritime law enforcement activities. The Department would clearly require additional marine related resources to manage the significantly expanded jurisdiction.

The Department respectfully offers the following suggestions to enhance the Subcommittee's proposal:

- a) Expand the eastern and western boundaries proposed in Section 1 for the expanded submerged lands to the eastern and western boundaries of the proposed territorial seas. In other words, connect the submerged lands between St. Croix and the Northern Virgin Islands via the eastern and western boundaries of the proposed expanded territorial seas. This would add additional jurisdiction and provide for simpler delineations at sea—something that both mariners and resource managers would benefit from when it comes to navigation and complying with rules and regulations.
- b) Explicitly include the waters above the submerged lands expansion in Section 1 so that the territorial seas are also clearly expanded between St. Croix and the Northern Virgin Islands.
- c) Clarify the “miles” in Section 2 to mean “nautical miles”, the standard by which maritime navigation occurs, and to be consistent with the language currently defining the territorial seas to three nautical miles. Without such clarification the interpretation between nautical and statute miles could mean a difference of more than 9,500 feet at 12 miles.
- d) Explicitly include the submerged lands in the expansion of the territorial seas in Section 2.
- e) Public Law 93-435 conveyed the land from the line of mean high tide to a distance three geographical miles from the coastlines of the territories (this also included Guam and American Samoa). Congress listed some exceptions, such as the Buck Island Reef National Monument. Clarify that this expansion of Virgin Islands waters and submerged lands does or does not include those exceptions listed in Public Law 93-435.

The Department strongly supports making the waters and submerged lands between all US Virgin Islands one. The expansion of jurisdiction will allow the Government to exert control over activities that occur in the coastal waters and on the sea floor, such as fisheries activities, scientific studies, and offshore development such as telecommunications conduits, mariculture or energy production. Expanding the Territorial Waters will dramatically lessen the risk of future federal closures. Right now, the Virgin Islands fishing industry receives the bulk of attention, but this proposal will allow the Virgin Islands to maintain control of that and other unforeseen issues that may impact its surrounding waters for generations to come. The submerged lands and waters can have great value not only for fisherman but also for scientific research and possibly development, as technology improves.

The DPNR recognizes that this expansion would bring additional responsibility to the Government of the Virgin Islands and in particular, our Department. It will require additional resources to manage and regulate. However, we believe that our current approach to fostering positive working relationships with both fishermen and seafarers alike will facilitate the effective management of an expanded territorial sea. This, combined with the additional resource protection and restoration mechanisms afforded to the state/territorial Natural Resources Trustee under present and proposed federal law,

presents an excellent opportunity for both the Government and people of the Virgin Islands and the federal government and people of the United States of America.

Thank you for the invitation to attend and participate in this very progressive and important process. We are a resource at your disposal for this endeavor.