

Potter Rebukes Governor Bryan Over Summer's End Dispute, Citing Law and CZM Authority

Senate President Milton Potter pushed back against Governor Albert Bryan Jr.'s criticisms after the Legislature denied Summer's End a permit renewal, saying the project's permit expired in 2021 and only CZM has authority to reinstate it.

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Senate President Milton Potter. By. V.I. LEGISLATURE.

The clash between the executive and legislative branches over the controversial Summer's End marina project intensified this week as Senate President Milton Potter rebuked Governor Albert Bryan Jr. for what he called "personal attacks and inflammatory comments" following the Legislature's rejection of a permit renewal request.

“The Governor's personal attacks and inflammatory comments are unwarranted,” Senator Potter said, responding to Governor Bryan’s [sharp critique](#) after lawmakers voted against extending or renewing the Summer’s End permit in Coral Bay, St. John.

Potter insisted the Legislature’s position is rooted firmly in law. “The law is unambiguous,” he said, pointing to Chapter 12 of the Virgin Islands Code, section 910, which requires that “any development or construction approved by a coastal zone permit shall be commenced within twelve months from the date such permit is issued. Failure to commence development or construction within such period shall cause the permit to lapse and render it null and void unless an extension is granted by the appropriate Committee of the Commission or the Commissioner.”

According to Potter, because the developers failed to begin construction within 12 months of their permit’s issuance in 2020, and because they never applied for an extension from the Coastal Zone Management (CZM) Commission, their permit is now “expired, null and void.” He noted that the St. John CZM board, the chair of the territorial CZM commission, and the commissioner of the Department of Planning and Natural Resources all agreed with that conclusion.

“The Governor's effort to bypass CZM is a direct violation of federal Coastal Zone Management law, which designates CZM as the only body authorized to make such determinations,” Potter asserted. “Any attempt to sidestep this process places federal funding at risk and renders the approval meaningless before the Army Corps of Engineers,” he added.

At the heart of the dispute lies a simple question: why, over the past four or five years, did the developers not return to the CZM Commission for an extension or renewal? Their failure to do so, Potter argued, means the consequences of inaction rest squarely with them. “No one should be rewarded for negligence,” he said.

The Senate president also rejected Bryan’s claim that lawmakers are anti-development. “The Legislature has not killed jobs nor stifled opportunity,” Potter countered. “It has upheld the law and the integrity of our institutions.” He added, “We must require compliance with territorial and federal law rather than shortcuts that invite litigation and embarrassment.”

Potter reminded the public that lawmakers are bound by their oath of office. “They did not take an oath to circumvent the law for one developer at the expense of others,” he said.

Reiterating his position, Potter emphasized that the CZM Commission remains the only body with authority over development permits. “No amount of rhetoric can change the fact that without CZM review and approval, this project cannot and will not proceed,” he said.