

The Virgin Islands Consortium

Nellie: Tibbar Energy Avoided DPNR Permitting Process, CZM Employees In St. John Moonlighting In Conflict Of Interest

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ST. THOMAS – The Senate Rules and Judiciary Committee met for the second day in a row Tuesday, this time to consider the Cabinet nomination of Dawn Henry for the Department of Planning and Natural Resources.

But the biggest news of the confirmation hearing came when Sen. Nereida “Nellie” Rivera-O’Reilly asked Henry to look into whether Tibbar Energy, LLC on St. Croix’s south shore “circumvented” the DPNR permitting process.

After the hearing, *The Virgin Islands Consortium* asked Rivera-O'Reilly if she could explain further and she said that Tibbar Energy "was granted a Coastal Zone Management major permit without the proper vetting." Tibbar Energy is a "biomass" industry company that turns plant material into a biogas that can be sold to utility companies.

"Tibbar Energy, LLC began construction before issuance of their CZM major permit," Rivera-O'Reilly told *The Virgin Islands Consortium*. "This is well-documented, even by Tibbar. DPNR staff reported to a citizen that construction costs were divided into two parts so as to be under a threshold amount, to enable Tibbar to move forward."

Rivera-O'Reilly said Tibbar Energy compartmentalized the construction in order to qualify for Economic Development Authority funding.



construction completed," she explained. environmental permitting and

Dawn L. Henry, Esq., commissioner

designee of DPNR

But Rivera-O'Reilly began her second round of questioning with another surprise, asking Henry if her agency has a conflict of interest policy in place, because some DPNR employees are working for the very "construction and consulting" companies they are supposed to be inspecting. *The Virgin Islands Consortium* asked the veteran St. Croix senator to explain.

“St. John has been particularly affected by this problem, with DPNR staff ‘moonlighting’ as consultants for projects here, and then no enforcement results for violations of DPNR rules on projects that they are working on,” she said. “‘Selective enforcement’, in other words. This has been a particular problem involving employees of the Coastal Zone Management program, involving numerous projects; but, other DPNR staff as well.”

Last month, even CNN asked Gov. Kenneth Mapp and Henry if DPNR will turn over a new leaf, given that a previous commissioner at least once removed has gone to jail for improprieties and an enforcement officers has faced gun and drug smuggling charges. Henry told the committee yesterday that job number one will be to correct DPNR deficiencies as cited by the U.S. Environmental Protection Agency.

The EPA’s Inspector General said DPNR has failed to monitor water and air quality in the territory and failed to enforce regulations, despite the fact that the federal agency had given DPNR \$4.6 million to carry out such duties since 2014.

Henry said she will try to correct the deficiencies – including what the EPA said was allowing the Virgin Islands Water and Power Authority to distribute “bacteria-infected drinking water” – long before the possible partial takeover by the federal agency in March 2016.

In the end, Henry was unanimously approved by the committee and her nomination was forwarded – with a favorable recommendation – to the full Senate body for final confirmation.

Image Credit: *Tibbar Energy USVI Facebook page*