

The Virgin Islands Consortium

Op-Ed | To Survive, Agriculture Needs Good Compost, Not Corruption

Opinion / **Published On May 16, 2019 10:55 AM /**

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“Centuries ago our founders created a system of laws and not men. In our system of government there are procedures in place, based on certain values – impartiality, respect for institutions, the idea that a public office is a public trust, not a private bauble.” David Brooks, Opinion entitled: “Corruption is the bigger force to fear” – The New York Times, International Edition – April 20-21, 2019, Page 1.

For farmers, life is difficult enough when the weather is unpredictable, but when government functions without consistency, and based on laws that are written in a manner that allows for widely varying interpretations or actions, then the political climate becomes the greater threat to their continued existence.

Looking back over the years, I now see my own experiences here in the U.S. Virgin Islands as a series of hurdles that were either primarily constructs of political biases that were arbitrarily employed to hinder the potential success of an 'outsider', or that brand of self-interest that is commonly referred to as greed, that characterizes some of our more corrupt public officials. In either event, it was not long after my arrival in 1984 when I encountered the difficulties of obtaining a permit for a 'farmhouse'. After waiting a good many months to get my building permit I went to see the fellow in charge at Public Works in subbase. Confronting him directly, he asked me to first be seated as he had a prior scheduled matter to deal with. As I sat there, a well-dressed woman came up to his desk and handed him a white business envelope which could be best described as bulging. Without further comment he took a large envelope from a well-ordered stack and handed to her, whereupon she thanked him and left. He then turned to me and said: "Now do you see how easy it can be?"

A few days later I had occasion to meet with my attorney, Ms. Edith Bornn, and recalled that incident to her. She chuckled and informed me that the fellow was close to retiring and that he "...was just feathering his nest." It took a few more months, but I finally got my permit without the requirement of handing him a gratuity.

With the substantial costs of construction, I applied to the local tax assessor for an agricultural tax exemption to offset the burden that the taxes were having. Though I had by that point rezoned my land from R-2 (residential) to A-2 (agriculture), obtained a farmer's license and had received the necessary waivers from the deed restrictions that had been in place when Ms. Gerda Marsh sold me the property, yet the tax assessor declined my application because the reasoning that I gave as a basis was deemed insufficient. A few years later I was able to obtain copies of approved agricultural tax exemption forms that showed that the tax assessor had subsequently used the very same language I had provided to grant himself a farmland exemption for his own land.

With my house almost finished, I then applied for a permit to construct a 'farm market', which is allowed in the zoning regulations under the A-2 classification. My application for a permit was denied and I contacted Lt. Gov. Derek Hodge to intervene. He wrote a letter on my behalf, but the application went nowhere. At this point I rezoned .89 acres of my land to B-3 (business), and finally at long last, I received my permits to construct a farm market.

Despite all my efforts to put into place the required and extensive infrastructure for a farm, my farm-land tax exemption continued to be denied.

A few years later, as our income stream was improving, my accountant made the mistake, one year, of directing me to send the required calculation for social security payments to the IRB, and the income tax payments to the Federal Government. As a consequence, I overpaid IRB and under-paid my social security obligation. I paid the Federal Government the interest and penalty, but on notifying IRB, they refused to return the excess amount. The cost of hiring an attorney made the effort to pursue a legal recourse prohibitive. In the end the only satisfaction I received for forfeiting about \$6,000.00 was the public disclosure in the Daily News that several IRB employees would be serving jail time for theft of public funds.

Today I find myself facing a \$8,000.00 fine for starting the reconstruction of my farm market after Hurricane Irma, without the required permits in hand. The Department of Planning and Natural Resources is holding my building permit, but claims that I “voluntarily” withdrew my application for a major CZM permit. Though they had received all requested documentation prior to the storm in 2017, yet they insist that the language of the CZM act, which is arbitrary in nature, and not in any manner logical for its inclusion, that any submission made after 90 days has passed from the request, allows CZM to deem the application withdrawn.

When I first submitted the application for a ‘Farm Market’ years ago, I was informed that a ‘Drive Way Permit’ was not required, because it was a farm road. But now, to make room for a proposed building on the major CZM application, which was completed in 2017 just before Hurricane Irma, I was required to get a ‘Driveway Permit’ simply because the entrance to the farm needed to be moved over in order to accommodate the building. This effort required many months on the part of my architect to even get the Public Works official to come over to St. John and review the site, a process that exceeded 90 days. Out of utter frustration I made mention of this fact in an op-ed piece entitled: *“Weighing good intentions against historical wisdom in the Virgin Islands ‘Quest’ for good governance,”* which ran in the Daily News on July 17, 2017. Specifically mentioning Mr. Brown by name brought the long-desired review of my site forward, and consequently led my architect to inform me on September 3, that: “We now have an approved Driveway Permit in our hands...”.

To DPNR Commissioner Oriel and Keith Richards, who spearheaded the latest interrogation of me, I say, there is something really malodorous about this entire process. In fact, the entire Virgin Islands CZM act is an amalgamation of private interests that were blatantly given exclusionary zones. If fairly judged by the United States Secretary of Commerce who has oversight of the CZM Act of 1972, it would be difficult to predict an outcome other than that the U.S. Virgin Islands are functioning under a local rendition of the Federal legislation that is contrary to the laws original intent. Sensitive waterfront areas are outside any category of CZM designations, while a site such as mine, about a half mile inland, is in Tier 1, not even a more appropriate Tier 2. Now, that sort of Gerrymandering really stinks!

Farming isn’t a vocation undertaken for its predictability, and a person needs to have an appreciation of just what good soil represents. The eons of years that were required to bring this unique combination of minerals, organic matter, and microbes in the form of bacteria and fungi together are a time-frame that is difficult to fathom. One of the essential keys to success in this enterprise is having a clear understanding of what constitutes a healthy soil ecology, and how it can be maintained. Farming, after all, is a human enterprise, not a function or process of nature within which humans practice this art. When Hurricane Irma left thousands of cubic yards of organic matter in the form of tree branches and entire trunks with root systems, the opportunity to prepare this material for composting was nearly lost when Governor Mapp wanted it all burned. Credit needs to be given to Harith Wickrema, who, as the appointed Chairman on the Recycling Board asked the Senate to pass a law banning such burning. Subsequently, he was forced to resign his position. When the contractor handling the debris-removal approached us and asked if we would take the material for composting, we were enthusiastic but could not get our washed-out bridge repaired to accommodate the proposal. The bridge would

have required permitting, which, as reasonably might be expected, would not have been forthcoming in a timely manner. This lost opportunity is now threatening our very ability to maintain the fertility of the soil, as we have no other source available.

Agriculture is widely recognized as the foundation on which human civilization is built. Anyone who mistakes technology and the consequent use of energy as the basis of our success in developing the great varieties of culture that are now in evidence around the world, is surely “putting the cart before the horse.” All the various foods on which humans depend represent the basic energy units that make human life possible and that allow us to then utilize our potential to undertake the evolving developments that we categorize as the ‘arts and science’. If a society, such as the Virgin Islands cannot see the wisdom of preserving the last remnants of a once thriving agricultural sector in its economy, then all the sudden concern over “resilience” as the best defense against the increasingly likely catastrophic consequences that are being enumerated regarding climate change, are nothing more than ‘political banter’.

The other day I noticed a rather graphically stated opinion on a bumper sticker that the vehicle in front of me was adorned with: “Diapers and politicians need to be changed often, and for the same reason.” Though crude in its intent, yet, when we consider many of the bad decisions that recent administrations have been capable of and the alarming rise in the per capita debt here in the Virgin Islands, it does seem suggestive of a reasonable truism. And as a farmer, I can readily attest to the fact that soil fertility can best be maintained by compost, not corruption.

I will conclude by saying that I sincerely hope that our current governor is simply being mis-informed about my current predicament. When my son brought up the subject at a public meeting here on St. John, he simply stated: “Well, why don’t I just take care of that.” But now, after more recent phone conversations during which Keith Richards utilized every means of generating an angry response from me, the Governor refuses to get involved. Are there any Senators out there that would utilize their best efforts to now save our family farm, as I will no longer fight this sort of corruption on my own any longer?

Submitted on Wednesday by: Hugo A. Roller, a farmer and concerned citizen on St. John