

The Virgin Islands Consortium

Magens Bay Exclusive Zone Proposal Tabled by Magens Bay Board Authority

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During the board meeting on Friday, the Magens Bay Board Authority formally announced the tabling of a matter that caused much controversy in the community. In the authorities, August board meeting, Disney Cruise Line representatives proposed to the Authority to set up an exclusive zone for the exclusive use of their tour participants on the beach between sheds 3 and 4 to reduce the spread of Covid-19 upon their ships expected to return to the territory in Nov.

Chairwoman Katina E. Coulianos explained that Disney Cruise presented an informal proposal to the Board about their tour excursions coming back to Magens Bay amid a global pandemic during their August meeting. However, according to Ms. Coulianos, the

Board decided to table the proposal from any further action or consideration until the Disney representatives tour operators provided a more clear-cut, formal request. While to find out the outcome of this proposal was one of the main concerns of most residents in attendance. Some also expressed their concerns about the increase in collection hours at the park, why locals have to pay an entrance fee, the park not being ADA compliant, and why the government does not appropriate any money to Magens Bay.

When questions arose as to why the Authority increased collection hours, Ms. Coulianos stated the beach's gates don't close unless there is an emergency or if the government ordered so and that the pandemic, the park was open from 8 A.M to 5 P.M, which was based on a standard government workday. However, since the park staff works in shifts, the beach facilities are open to the public from 7 A.M to 6 P.M and, in some cases, even longer if the staff is still on the property. Coulianos said, "If the park is being used during the times beyond the standard government open hours, and the facilities are open and available for use, the Authority should collect fees in order to help operate the park."

"Prior to the pandemic, the authority acquired 80% of their income from the tourist or tourist-related sources, and the remaining 20% came from locals," said Ms. Coulianos. When the Board was asked if the Virgin Islands Government gives them any financial help to supplement any shortcomings regarding budgeting, maintenance, and staffing of the park. Cecile de Jongh, Treasurer of the Board, replied, "No, the Authority does not receive an annual appropriation from the Virgin Islands Government." Many attendees were shocked to find out such information. Mrs. De Jongh continued by stating, "the Authority received a one-time appropriation from the local Government when they were constructing the bathhouses for the Smith Bay Park." "It's been many years since we have depended on the local government for our day to day operations," said Ms. Coulianos. One attendee said, "that was a very disappointing answer. I thought our local government would have had some measurement in place to support this local resource for its citizens; this is a problem that needs to be revisited by our legislature." Other attendees agreed and said that the government needs to step in and appropriate some money to the Authority to help the park stay open and operate as it should.

As the meeting continued, another resident inquired about the Open Shoreline Act and how it relates to the Authority charging an admission fee to enter the park. According to The Virgin Islands Open Shorelines Act Title 12, Virgin Islands Code Section 402, Chapter 10 claims that the public has the right to use and enjoy the shoreline. As described in the act, the Open Shoreline is the area from the low tide line running 50 feet inland towards the shore or to the first tree line, whichever one is the shortest distance. Needless to say, the Open Shoreline Act does not grant the public the right to cross private property to access the shoreline. Meanwhile, when the Municipal Council established the Magens Bay Authority, the Authority was given the authorization to charge a fee for the use or rental of their bathhouses, beach, and other facilities in the park. Ms. Coulianos said, "In September of 1977, Attorney General Edgar Ross issued an opinion that Magens Bay. Stating the Authority can legally charge admission fees to the public for the use of the beach facilities." According to Ms. Coulianos, AG Ross said, "there is no conflict between the Authorities right to charge and the Open Shoreline Act."

While increased collection fees and charging locals admission fees to enter the park were big topics of discussion, one attendee shift gears and asked Ms. Coulianos why the park was not ADA compliant. Ms. Coulianos said, "There are portions of the park that are

ADA compliant. Which means you will see ramps in certain places around the park. However, for the past couple of years, the park has been working with Julien Henley, the Virgin Islands Territorial ADA Coordinator, to improve the park so that it is ADA compliant."

Our plans for our new bathhouse, one which is almost complete, is currently ADA compliant. The building is bigger and relatively high off the ground and has many ramps," said Ms. Coulianos.

The Board continued to answer a multitude of questions from the public and those in attendance before they went into executive session. Before ending the meeting, Ms. Coulianos encouraged the public to continue attending their monthly board meeting. Stating the Board is very interested in hearing the suggestions and feedback from the patrons of Magens Bay. For those that would like to attend the next meeting, email info@magensbayauthority.org for Zoom information.