

# Raising Cane: A Lost Opportunity

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**Raising Cane land in Estate Prosperity on the west end of St. Croix. By. RAISING CANE**

As a practicing attorney on St. Croix for thirty-one years, I am compelled to correct the misinformation that was tossed about at the Town Hall Meeting held on Monday, August 10, 2022.

My knowledge of Raising Cane's efforts come from my involvement with the project and the processes undertaken on behalf of the project. It began in 2013, when I met Mr. Apfel by chance, and he shared with the St. Croix Farmers in Action, the Bethlehem Sugar Factory Project, and other farmers on the island a vision to have our money remain in the Virgin Islands, circulate, and benefit the community through agriculture. Within a year, he presented an 8-inch binder comprised of the plans for "Raising Cane" on St. Croix, his phone number and commitment to see the project through. Between then and the planting of the first cane crop, he collaborated with, and

continues to collaborate with, several arms of the University of the Virgin Islands, including their tissue culture laboratory, the Cooperative Extension Service, St. Croix farmers and farmer organizations on effective sugar cane and general farming practices.

Raising Cane invested approximately \$5 million dollars in its Prosperity Farm operations to date, inclusive of 20 employees with salaries between \$30,000 and \$90,000 per year with benefits. Mr. Apfel has partnered with H&L Distilleries in St. Thomas, and together, they have invested over \$10 Million in the renovation of the Grand Hotel in St. Thomas where St. Croix's agricultural history will be showcased and presumably St. Croix Rhum marketed. The vision was grand, the investment grander, without government funding, EDC benefits or other assistance.

In early 2021, representatives made several visits to St. Croix to look for locations suitable for the construction of a craft distillery on St Croix. They visited several commercial sites, the Industrial Park and consulted realtors. The result is that there were no sites available that met the local and federal requirements, and the Industrial Park, which at the time reported that there was no available space. Research commenced for viable options, and a farm or craft distillery became the only reasonable option.

Nine years after the vision was formed, in 2022, my firm, Yvette Ross Edwards PC, was hired as an attorney and consultant for Raising Cane. We worked with local draftsmen, engineers, and other consultants, and filed an application for a zone use variance and an application for permits, initially to construct a sugar cane juicing facility, and later expanded to include a craft distillery. We met with DPNR employees to ensure compliance with the process. Raising Cane requested the use variance for a portion of one of its plots and was told it could not be done. Hence, it submitted for a use variance for the entire plot. Raising Cane even requested and obtained an Adjacent Neighbor Certification Document from the Office of Cadastral. However, midway, the law was changed, which resulted with the Zoning Administration Office issuing a letter removing the matter from zoning considerations and advancing it to the permitting review stage. The employees in the Office of Building Permits at DPNR were diligent and thorough, and following their due diligence, Building Permits issued earth change and building permits.

I heard that Raising Cane did not want to cooperate with DPNR. I can affirm that never once as a part of the processes for zoning or permitting for a distillery in which I was involved did Raising Cane chase anyone in the DPNR office from the Prosperity Farm who was present for legitimate regulatory reasons and within the scope of their authority. Any implication that such occurred as a part of the zoning or permitting process for the distillery is simply not true.

An amendment to Bill No. 34-502 as Bill No. 34-0216 was approved by the 34th Legislature to amend the definition of Agricultural Processing to include the distilling of rum made from ingredients grown on the farm (i.e., "close to the point of origin") in Agriculture zoned areas. The Amendment was offered, and Bill No. 34-0216 was heard on the legislative floor and approved by all 15 Senators on March 24, 2022. It was transmitted to the Governor of the Virgin Islands on April 1, 2022, and was signed into law. The final law (Act No. 8569) did not remove from the Department of Planning and Natural Resources its regulatory authority to review, investigate and consider all aspects of an application for permits before their issuance. I expect that DPNR did just that.

Approximately three months ago, I discussed with Mr. Apfel the concept of a Land for Good office to support the farming community and expand the outreach of sugar cane production. The idea for "Land for Good" is derived from similar offices that can be found in Texas, Vermont, and other states, where the offices provide farming and farmer support services and land acquisition

and outreach. Our vision was to provide guidance to farmers to better understand and take advantage of VI and US laws designed to advance the agriculture industry, including tax laws. We would have provided practical and legal assistance and guidance.

Land for Good was a perfect complement to my commitment to deliver legal services to farmers at my Frederiksted law office. Raising Cane hired two employees to support the office until the office became self-sufficient.

I am involved with and defended the Raising Cane project because of my desire to see prosperity for St Croix. I have committed myself and a part of my practice to help Frederiksted residents, agricultural development, and farmers, and in many cases provide services to farmers and residents for free or at discounted rates. I want to see Frederiksted flourish and not just by words but with unselfish deeds. The island's history of crop-farming and livestock raising is a root to our cultural identity, and that root supports the trunk, branches, and limbs of our distinctive historical roadmap. Frederiksted has also supported a small distillery at Prosperity Farm, the home of Raising Cane, going back to the early 19th century.

I appeared at the Town Hall Meeting in support of the Raising Cane's employees and their families with the understanding that the meeting was about information sharing, so that the community could arrive at a common ground. I heard legitimate environmental concerns that deserved rational discussions of solutions. Instead, the discussions were overshadowed by fear mongering, grandstanding, and political leveraging. Some community "leaders" encouraged discord by words and actions and spread misinformation while preventing a contrary perspective from being presented. Persons were cursed and threatened simply for sharing their opinions.

I heard "professional" persons offer statements that relied on misinformation, adding further to the confusion. If only we had allowed the information sharing to occur on the defined issues- which were extended beyond the issue of the legislative amendment- then maybe, just maybe, we could have all benefitted and the intent of the meeting not be diminished. I'm not suggesting that minds would have changed, but for sure we would have had a greater understanding and greater representation in the final output.

Without a doubt, I support the Raising Cane Project. I recognized that others have a different perspective and may for whatever reasons approach the project warily. However, looking past personalities and personal agendas, I had hoped that St Croix could work together through the concerns and value the benefits of this meaningful project, which is not limited to a distillery, while cooperatively resolving the environmental and other concerns. Sadly, threats and overt actions to cause physical harm (witnessed off the camera) and disrespect were incited and deployed by some to achieve their personal agendas.

Mr. Apfel met with several neighboring property owners the following day to craft a solution beneficial to all of them. What was achieved after the meeting could have been achieved by community leaders for the benefit of all even before the Town Hall meeting. Instead, energies were expended to rally a show of force, to disrupt level-headed dialogue.

I am disappointed to have had to lay off the two employees at Land for Good following Monday's meeting, after only two months of employment. The opportunity for a greater community good with monetary returns within a year has been delayed by four years with the hope of organically certified farming. To protect the interest of the other employees on the farm and their families, Mr. Apfel has acquiesced to adopt organic farming of all crops on the farm, with reduced sugar cane production and no outreach to the community's property owners. The focus will not be organic

vegetable and fruits at Prosperity Farm. If successful, it will add to the organic food available on the island. Meanwhile, Raising Cane will remain committed to supporting education and training in agriculture, the efforts of the University's School of Agriculture and community tours.

Striving to keep on-island a percent of the annual expenditure of \$40-\$50 million in molasses subsidies is now just someone's wishful thinking as the vision has been dismissed as akin to "bringing back slavery". Offering long-term St. Croix residents another income to farm their vacant lands at no expense to them has been shelved, and persons who were about to go under contract at different locations between Frederiksted and East End, totaling approximately 250 acres, have lost a meaningful opportunity to have their land farmed for them for financial returns.

The property owners of Hams Bluff Road, with their views of the Caribbean Sea, are now happy. Comparatively, the property owners and farmers on the rest of St. Croix have lost an opportunity that would have brought real money into their pockets without losing their lands and helped to stimulate the economy.

Yvette Ross Edwards, Esq.

Resubmitted to the Consortium on August 11, 2022, after correction of certain clerical errors.

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