



THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

EXECUTIVE ORDER NO. 523 – 2022

**ORDER AND PROCLAMATION
BY THE GOVERNOR
OF THE UNITED STATES VIRGIN ISLANDS
DECLARING A STATE OF EMERGENCY IN THE
UNITED STATES VIRGIN ISLANDS
DUE TO UNPRECEDENTED INFLUX OF SARGASSUM SEAWEED
AFFECTING THE TERRITORY'S WATER SUPPLY**

WHEREAS, Title 23, Section 1005(a), Virgin Islands Code, vests in the Governor the responsibility for meeting the dangers to the Territory of the United States Virgin Islands and its people presented by emergencies or major disasters; and

WHEREAS, sargassum is a free-floating pelagic seaweed which has had an unprecedented blooming due to the deforestation of the northern Amazon basin combined with the rapid expansion of agricultural fertilizers and nitrogen, and documented changes in sea temperatures; and

WHEREAS, the United Nations and the European Union through the One Shared Ocean Initiative predicts the level of nitrogen in the North Brazil Shelf will remain high in the coming decades promoting increased sargassum seaweed production; and

WHEREAS, the massive influx of sargassum seaweed on and around July 15 has had a negative impact on the Water Production Facility at the Virgin Islands Water and Power Authority (VIWAPA) Estate Richmond Plant on the island of St. Croix, resulting in challenged intake pump efficiency from clogging, maximum filter backwashing, increased chlorine injection and threatened membrane and equipment failure; and

WHEREAS, the V.I. Water and Power Authority is at the maximum capacity in water production in gallons per day due to a 2022 long-standing drought in the territory and sargassum influx threatens production and the planned territorial management storage of water for the community for the 2022 hurricane season; and

WHEREAS, the Juan Luis Hospital requires a high standard of potable water for their dialysis patients and that standard is threatened by the sargassum influx; and

WHEREAS, the Estate Richmond Power Plant is currently under an EPA Air Consent Decree (2013-CV-00028 and USDOJ Case 50-5-2-10441) which requires the availability of “Ultra-Pure Water” which is used as a control for nitric oxide emissions for the gas turbines, production of which may be threatened by the sargassum influx; and

WHEREAS, immediate action must be taken to prevent water production plant failure which would have critical impacts to the U.S. Virgin Islands community, due to the sargassum influx; and

WHEREAS, Title 23, Section 1005(d), Virgin Islands Code, vests in the Governor the authority to declare a State of Emergency when it is determined that an emergency or major disaster has occurred or is imminent; and


WHEREAS, The Governor of the United States Virgin Islands, in order to protect the lives and property of the residents of the Territory will activate all necessary and possible territorial resources under the Virgin Islands Territorial Emergency Management Agency, other agencies and partners to complete the preparation necessary to protect life and property;

NOW, THEREFORE, I, Albert Bryan Jr., Governor of the United States Virgin Islands, by virtue of the authority granted to me by Section 11 of the Revised Organic Act of 1954, as amended, and afore-cited sections of the Virgin Islands Code, do hereby DECLARE as follows:

1. Effective July 22, 2022, a State of Emergency exists throughout the United States Virgin Islands due to the unprecedented influx of Sargassum seaweed affecting the Territory’s water desalination plant and power generation plant on the island of St. Croix, and such State of Emergency shall continue in effect until the Governor finds that the threat or danger has passed or that the response and recovery has progressed to the point that a state of emergency no longer exists, unless earlier lifted or extended by Order of the Governor of the United States Virgin Islands consistent with Title 23, Section 1005(d) of the Virgin Islands Code; and
2. I direct the Director of the Virgin Islands Territorial Emergency Management Agency (“VITEMA”) to activate the Emergency Operation Centers (“EOCs”) on July 22, 2022, at 8 am. I have designated Daryl D. Jaschen, the VITEMA Director, the Territorial Coordinating Officer (“TCO”); and
3. In accordance with Title 23, Section 1005 of the Virgin Islands Code, I designate the Commissioner of the Department of Planning and Natural Resources, Jean-Pierre Oriol, the territorial official, as Incident Commander, designated by the Governor to direct the territorial response pursuant to the authority granted to her/him by the Governor in order to execute the directives for enforcement of this order. I also designate the Virgin Islands Department of Planning and Natural Resources as the lead agency to coordinate emergency response activities in conjunction with the Virgin Islands Territorial Emergency Management Agency. The Incident Commander and the Director of the Virgin Islands Territorial Emergency Management Agency shall advise

- the Executive Office of the Governor on the implementation of these emergency response activities; and
4. In accordance with Title 3, Section 401 and Title 23, Sections 1032 and 1033 of the Virgin Islands Code, I direct the Incident Commander and the TCO to take all actions necessary to protect the public health and natural resources; and
 5. The disaster preparation, response and recovery aspects of the territorial and inter-jurisdictional emergency and major disaster plans applicable to the area in question, shall be activated, and the deployment and use of any forces to which the plan or plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available shall also be authorized pursuant to the provisions of Title 23, Section 1005(e) and any other provision of law relating to emergencies or major disasters; and
 6. I hereby direct all agencies under the direction of the Governor to fully cooperate with the V.I. Department of Planning and Natural Resources and the Incident Commander, and any representative thereof in furtherance of this Order. All agencies not under the direction of the Governor are requested to provide such assistance as is required. All local resources available are designated as being available for the enforcement of this Order; and
 7. In accordance with the provisions of Title 23, Section 1005(g)(1), Virgin Islands Code, the Commissioner of the Department of Licensing and Consumer Affairs is hereby authorized and directed to issue a Price Freeze and Restricted Sale Order to protect the consumers of this Territory as it relates to this Order; and
 8. The provisions of Title 31, Chapter 23, Section 236 of the Virgin Islands Code, establishing the procedures for formal advertising of competitive bids and the attendant rules and regulations promulgated thereunder, are hereby suspended during the Declared State of Emergency for purchases of goods and services related to mitigation of the unprecedented influx of sargassum seaweed; and

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Government of the United States Virgin Islands to be affixed at Charlotte Amalie, St. Thomas, Virgin Islands, this 22nd day of July, A.D., 2022.


Albert Bryan Jr.
Governor

SEAL