



**GOVERNMENT OF THE
VIRGIN ISLANDS**
Ministry of Natural Resources,
Labour and Immigration

**VIRGIN ISLANDS
BEACH POLICY**

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INTRODUCTION

“There is probably no custom more universal, more natural or more ancient, on the sea-coasts ... of the world, than that of bathing in the salt waters of the ocean and the enjoyment of the wholesome recreation incident thereto. The lure of the ocean is universal; to battle with its refreshing breakers a delight. . . . The attraction of the ocean for mankind is as enduring as its own changelessness.”

~ The Florida Supreme Court 1939, White v. Hughes

Resolution No. 7 of 1989 of the then Legislative Council established the principle that beaches held a special place in the natural patrimony of the Territory and were to be managed to ensure continued traditional access and use.

Thereafter, the legislative instrument established the following fundamental principles:

- All shores and all beaches (whether natural, manmade or on private islands) within the Virgin Islands are vested in the Crown;
- There is always free access from any part of the waters to the shores and beaches; and
- There should be reasonable access across lands to shores and beaches.

The Virgin Islands Physical Planning Act, 2004 defines a beach as:

“that area of the coastal zone from the seaward limit of the foreshore running inland to the vegetation line or other natural barrier whichever is closer to the landward limit of the foreshore, and a beach may consist of sand, stones, gravel, shingle, coral fragments or boulders”.

Section 61 of the Physical Planning Act No. 4 of 2004 further clarified public access and right of way to beaches by requiring:

- at least one public landward access to every beach in the Territory;
- barring landward access, traditional public use of a private landward access through an existing private development shall be sufficient to establish a public way over that access for the purpose of access to the beach by the public;

- where necessary, and through recommendation by the Minister, Crown acquisition of the right to public use of a landward access by gift, agreement, compulsory acquisition or in exchange for other property, interest or financial exemption, as recommended by the Minister; and
- public landward access, which is free of charge as a development condition, in cases where a proposed development is likely to adversely affect the public's ability to access a beach from the landward side.

Unfortunately, due to the lack of an approved comprehensive beach management framework and holistic beach management plans that take into consideration the myriad of environmental, socio-cultural and economic issues associated with beaches, the Territory's beaches have been mostly developed in an ad hoc manner. General use of beaches for organized recreational or entertainment purposes for instance, are largely unregulated. Laws and policies that govern this are either lacking or outdated. Additionally, in some instances access/use of some beaches in the Territory has been denied by individuals who lay claim to the beach.

Management of beaches in the Territory should proceed with a clear understanding of;

- the limits of Crown and private ownership with respect to beaches;
- public access points, including motorable access for emergency vehicles to each beach;
- the authority and responsibilities of key focal agencies responsible for management of beaches;
- the physical (natural and man-made) characteristics of beaches, its existing uses and conflicts, threats, their cultural heritage and carrying capacity;
- safety considerations; and
- the desired goals for each beach based on thorough consideration of the need to ensure ecological integrity whilst examining the feasibility of activities that may support economic development in the Territory.

BEACHES – IMPORTANCE AND THREATS

Beaches of the Virgin Islands are renowned worldwide for their beauty and tranquility. Locally, beaches are cultural and recreational gathering places, and provide economic benefits primarily through tourism. Additionally, beaches are one component of a complex coastal ecosystem offering coastal protection and filtration services to assist in maintaining prime water quality in coastal waters.

Beaches in the true sense are not limited to the sandy / rocky typically unvegetated portion of the shore as defined in the Physical Planning Act, 2004. Beaches extend into what is called the backshore which includes sand dunes that support plant life and assist in stabilizing the beach environment. The Conservation and Fisheries Department in a 2013 draft beach management framework proposed a more comprehensive definition of a beach as follows;

“the zone where the accumulation of unconsolidated material (muds, sands, stones, gravels, shingles, coral fragments or boulders) extends seaward to the 20m bathymetric depth (unless depth of closure exceeds 20m) and landward to the place where there is a marked change in material, physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves), whichever is furthest landward”.

Beaches are active ecosystems that require special attention in terms of their management. Consideration should be given to adapting this more comprehensive definition of a beach into future legislation. This should be done with the understanding that the backshore may in many instances be private property and hence a distinction must be made between the section of the beach that is Crown (ie. from the seaward limit to the vegetation line) and the section that is private.

Beaches are also an integral part of the economic well-being of the Territory. A 2013 study entitled, *“Tourism Value of the Environment* carried out by the Institute of Environmental Studies, University of Amsterdam, found that 75.8% of tourists surveyed agreed that *“beaches in the BVI are particularly beautiful”*. Based on the findings of their study, the researchers concluded that *“beaches are the most important ecological assets of the BVI and may well be considered the engine of the economy. For this reason, the beaches and the ecosystems supporting this ecological asset should be managed well”*.

Various threats to beaches (Table 1), their functionality and public use include, but are not limited to:

Table 1: Threats to Beaches in the Virgin Islands

Threat	Economic	Social	Environmental
1. Poor water quality from storm water runoff and other discharges within adjacent watersheds and from various types of vessels, which may contain pollutants or untreated wastewater	√	√	√
2. Deteriorating coral reef structures, which protect beaches from storm surge and wave action and provide an important source of sand to replenish beaches. Coral reef degradation is resulting from sedimentation, anchor damage, an increasing number of vessel groundings, some poor fishing practices, bleaching, disease and other related factors	√	√	√
3. Loss of associated habitats such as salt ponds and mangroves, which are instrumental to the ecological integrity of beaches	√		√
4. Degraded wildlife habitat (turtle and shorebird nesting) are heavily frequented or developed beaches; including light pollution			√
5. Litter, including washed ashore marine debris and litter produced during and after use by large groups attached to cruise ships or associated with special events	√	√	√
6. Clearing of beach vegetation			√

Threat	Economic	Social	Environmental
7. Persistent, mass Sargassum landings	√		√
8. Sand mining, which while mainly outlawed still takes place to some extent	√		√
9. Compacting of sand dunes by vehicular traffic		√	√
10. Sea level rise combined with minimal building setbacks which reduces the ability of the beach to adapt by migrating in land	√		√
11. Lighting of bon fires and beach barbeques which “soil” the sand		√	√
12. Overcrowding and other related visitor use impacts, which may affect ecological and physical integrity	√	√	√
13. Unregulated activities within the beach zone, such as use of heavy equipment, ill-placed temporary and permanent vending and beach bar facilities and their accessories (beach chairs, umbrellas, tables, etc.), which may impair the free seasonal movement of sand, thereby contributing to erosion	√	√	√
14. Multiple and conflicting uses of some beaches that reduce beach visitor experience	√	√	√
15. Noise pollution from loud music not authorized for special events	√	√	
16. Lack of consistently applied use and safety guidelines for the continued and balanced enjoyment by various user groups;	√	√	

Threat	Economic	Social	Environmental
17. Fragmented and unclear authority of key focal agencies responsible for overall management.	√	√	

ENVIRONMENTAL MONITORING OF FORESHORE HABITATS

The beach, surrounding area and the adjacent ocean is the natural habitat for many species (fish, birds, turtles, crustaceans and plant life). The beach (foreshore) can also be a dynamic location, subject to the forces of the ocean and the weather. It is continually undergoing the natural process of accretion (sand accumulation) and erosion. Given the importance of beach integrity to natural processes and recreational aspects of use, monitoring of the ecological, social, biophysical and economic components will be undertaken to inform the ongoing management of the resources.

MEASURES TO ENSURE ENVIRONMENTAL QUALITY

In accordance with the existing legislative framework:

- 1) No person shall dig and take away or assist in the digging and taking away of any deposit of sand, stone, gravel or shingle from the foreshore without a permit granted by the Minister (Beach Protection Ordinance, 1985).
- 2) No person shall interfere with any turtle nest or turtle that is nesting or hatching (Fisheries Regulations, 2003).
- 3) No person shall attempt to or willfully kill, injure or take any wild bird; or take, damage or destroy the nest of any wild bird while in use (Wild Birds Protection Ordinance 1959).
- 4) Noise shall be regulated according to the provisions in the Noise Control and Abatement Act, 1996.
- 5) Mitigation measures should be implemented where users severely impact the beach environment at their expense.
- 6) The placement of temporary and permanent structures (such as, but not limited to, beach shelters, vendor booths, etc) shall be undertaken with the permission of the Ministry of Natural Resources, Labour and Immigration in keeping with any recommendations from the Planning Authority, which may be imposed to restrict further damage of the natural

environment and allow for natural vegetation to thrive.

- 7) Environmental quality monitoring regime will take into account the impacts from various types of pollution, litter, obnoxious odours, or possible exposure to toxic substances. Standards will be articulated in management planning tools to be developed to ensure environmental integrity.

MONITORING OF BATHING WATER QUALITY

The Environment Unit is responsible for the water quality monitoring at popular beaches outlined in Schedule 1. In selecting the listed beaches, regard is given to past trends and any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters.

The monitoring programme is to include:

- 1) Visual investigations for macro-algae and marine phytoplankton
- 2) Visual inspections for solid and sewage waste and any other sources of pollution and impacts
- 3) Testing for intestinal enterococci and *Escherichia coli*

Water sampling should typically be carried out on a risk-based frequency: beaches with little risk of noncompliance being sampled less often than those with the highest risk being sampled more often (non-compliance history), particularly after heavy rains.

Annual sanitation inspections/risk assessments of beaches will be undertaken at select locations. The results from annual sanitation inspections and historical data will be used to drive the generation of a yearly water quality sampling schedule. Water quality criteria to be used to determine whether beaches are within standards are outlined in Schedule 1. Abnormal test results will result in the closure of the contaminated beach. The response plan outlined in Schedule 2 should be initiated once it occurs.

BEACH SAFETY

The Virgin Islands beaches are special places, known around the world for their absolute beauty, attracting many thousands of people every year. They create lifelong cherished memories for those who visit them and are vital to the economy. Underpinning this, but largely unseen, is Beach (Ocean) Safety. Equally, stakeholders are all responsible to ensure that the beach remains a place of safe enjoyment. To ensure beach safety the following will be undertaken:

- (i) Hazard and risk assessment should be conducted on a regular basis and used to guide

activities and policy generation for beaches.

(ii) Beach safety and other signage, safety flags and rescue equipment should be placed and maintained on beaches, especially those that are highly patronized. Beach signage should include:

- a. Prohibition signs restricting forbidden activities (eg. Smoking, littering, shell removal, vehicles)
- b. Lifeguard service signs identifying all services rendered by safety officers at each location.
- c. Information signs highlighting tsunami and rip current activities, in addition to contact information in case of emergencies

PUBLIC INFORMATION

Information about Bathing Water Quality, Beach Safety and Foreshore Habitat Environment should be promulgated via the use of appropriate media and technologies (Signage, Government Bulletin, Radio and New/Social Media, News Website), to actively and promptly disseminate information to the public, in such languages as are appropriate and take such other appropriate agency management measures as it considers appropriate, to prevent exposing bathers to identified or presumed health risks.

POLICY STATEMENT

The Government of the Virgin Islands recognizes that the beaches of the Virgin Islands are areas of traditional, cultural, social, economic and ecological importance to the Virgin Islands. Beaches are public and of free access (use) to all throughout the Territory. In recognition of their significance, beaches must be managed to ensure their sustainability for generations to come. As such, the principal aim of the Beach Use Policy is:

Beaches are a public trust and will be managed to ensure continued ecological integrity, traditional access and balanced use.

The policy aims to balance the interests of all persons who vie to use the same physical space, while maintaining the ecological integrity of the beach. Business and commercial ventures may either complement or compete with the rights of individual beachgoers who want to recreate or

undertake different types of activities. At the same time, agencies responsible for the management of beaches must ensure that the natural ecosystem functions are conserved.

The policy will be guided by the following principles:

- **Public trust:** beaches hold a special place in the natural patrimony of the Territory and management decisions should be rational.
- **Sound scientific understanding:** decisions shall be based on sound scientific understanding of the connectivity between the beach habitat and associated ecosystems, such as ponds and mangroves.
- **Environmental integrity:** ensure sustainable development to maintain the integrity of the beach.
- **Climate adaptation and resilience:** protect and rehabilitate beaches and support habitat to enhance natural resilience including protection by declaration as national parks or environmental protection areas, where relevant.
- **Health and safety:** facilitate high standards for the health and safety of beach goers.,
- **High quality beach experience:** ensure exceptional quality of experience for residents and visitors through the identification of acceptable limits of change within a beach community via regulation and enforcement.
- **Public access:** beaches are public spaces that should have free access from any part of the waters to the shores and reasonable access across lands to shores and beaches.
- **Crown land:** all shores and beaches are vested in the Crown.

The policy's full implementation will lead to the protection of beach ecosystems. For residents of the the Virgin Islands, it will represent a means of delivering on safe, clean and beautiful beaches for generations to come. Our visitors will experience well managed beaches which are a pleasure to visit and Government will provide effective mechanisms to maintain the Territory's natural assets which support the tourism sector while conserving ecosystems responsible for ecological integrity. Insofar as possible, the Beach Policy will aim to adopt sound measures that

will also increase resilience to the impacts of climate change whilst promoting good environmental practices that will mitigate against damage. In particular, flood run-off events can be mitigated by restoring wetlands, which historically existed behind beaches at the bottom of watersheds. Whilst the restoration of salt ponds and other related ecosystems may be outside of the scope of this policy, various interventions will be promoted to increase activities that lead to wetland rehabilitation, especially designed to protect beach integrity.

MANAGEMENT FRAMEWORK

The policy's aim will be achieved by the delivery of two main result areas by the named principal agencies and other stakeholders. These result areas are:

- 1. Beach geomorphological, ecological and socioeconomic characteristics and dynamics defined at the global and individual levels to determine compatible activities to be fostered within beaches; and*
- 2. Beach use criteria, standards and guidelines per site developed and applied to guide decision making*

The Policy will be supported by a planning process that will deliver a comprehensive management framework which will encompass the examination of the physical characteristics (natural and manmade) of the beach, existing use and conflicts, cultural heritage, carrying capacity and the desired goals for each beach¹. The beach management framework advanced shall take into account current and future activities which may be fostered and will seek to balance recreation and cultural uses. Use of beaches will be encouraged through the thoughtful consideration of the manner in which activities may support economic development, whilst ensuring ecological integrity. Therefore, over time, an analysis of the current and future activities and uses will serve as a platform for balanced development in tune with sound environmental management practices that will ensure that the beach zone's values are maintained in the long-term.

¹ Gore, S. Framework development for beach management in the British Virgin Islands, Ocean and Coastal Management 2007: 732-753

The following decision support tools will comprise the beach management framework:

- 1) ***A Beach Classification System*** based on physical, ecological and socioeconomic characteristics.

Permitted and recommended activities within the beach zone will be guided by an understanding of geomorphological, ecological and socioeconomic dimensions. Beaches not only serve as spaces fulfilling various socioeconomic functions, but also perform critical ecological ones as well. Individual beaches are formed differently and the activities that may be undertaken are constrained by shape, the ecological roles that the beach may play traditional uses and safety ratings, amongst others. Some key attributes, which may be used to describe beaches and which will form part of the mechanisms for allocating use and grant permission for activities to be undertaken at beaches throughout the Territory, are:

- (i) the planform (the outline and shape of a beach – geomorphology);
- (ii) associated habitats which are important to the maintenance of the physical and ecological integrity of an individual beach;
- (iii) the socioeconomic status of a beach (whether it is predominantly used within a residential, resort, mixed/multi-use or national park context); and
- (iv) the principal sources of stress and the threats and associated impacts that may hinder a beach from fulfilling ecological or socioeconomic functions.
- (v) Safety considerations

- 2) ***A Comprehensive Territory level Beach Management Plan (BMP)***, inclusive of a spatial plan, to guide the rationale use and development of beaches and shorelines based on the beach classification.

The BMP will decide which beaches are best managed or developed for which purposes and determine the best beaches at which to promote various activities. The development of the BMP will by necessity engage various stakeholders responsible for the management of beaches such as residents adjacent to beaches, resort and private island owners, various government agencies and other stakeholders.

- 3) *Beach management plans at the level of individual beach classes or individual beaches* including beach use criteria, standards and guidelines to guide decision making about activities at specific beaches along with the assessment of relative safety of use and measures to be applied.

Guidelines which will inform the overall management framework for beaches will assist the Ministry of Natural Resources, Labour and Immigration, as well as other agencies in determining the scale, location and use of beaches for various types of activities.

EXISTING FRAMEWORK FOR BEACH MANAGEMENT IN THE TERRITORY

Although the management of beaches in general falls under the remit of the Ministry of Natural Resources, Labour and Immigration as a public natural resource, a number of other government agencies play a significant role in beach management (Table 2).

Table 2: RESPONSIBILITIES OF GOVERNMENT AGENCIES IN BEACH MANAGEMENT

Agency	Responsibility
Ministry of Natural Resources, Labour and Immigration	Grant of permission for vending, special events by large groups and the use of portions of the foreshore for development of various types of facilities.
Environment Unit	Technical vetting of applications for the use and development at beaches. Management of beach wardens responsible for ongoing maintenance. Beach monitoring.
National Parks Trust	Direct management of legally designated beaches at National Parks.
Tourist Board	Advocacy for the development of beaches and support mechanisms that will facilitate greater access and use by the visiting community.
Environmental Health Division	Oversight and enforcement of operational standards by the vending and beach bar facilities on the beach. Co-determining authority with MNRLI of safe water quality standards for beach uses.
Town and Country Planning Department	Overarching planning of development to be fostered and encouraged along beaches. Technical vetting of applications for the use and development at beaches.

Trade Department	Approval of Trade Licences for beach facilities and services.
Royal Virgin Islands Police Force	Approval of Noise Certificates for special, large-scale events. Enforcement of all laws applicable to any infraction on the beach.
Fire and Rescue Services	Fire Safety recommendations and Fireworks Permits on the beach.
Ministry of Transportation, Works and Utilities	Approval to display fireworks
Magistrate Court	Approval of Liquor Licences to serve alcohol
Department of Waste Management	Support waste disposal and removal that will ensure the aesthetics and safety of beaches.

The main mechanism to regulate ongoing use will be through the issuance of permits, licences and certificates as defined in Table 3.

Table 3: GOVERNMENT ISSUED PERMITS / PLANS PREPARED

Agency	Type of Permit(s) Issued and Plans Prepared
Ministry of Natural Resources, Labour and Immigration	<i>Beach Use Approval Letter</i>
Environment Unit	<i>Territory level Beach Management</i>
National Parks Trust of the Virgin Islands	<i>National Park Beach Use Approval Letter</i>
Environmental Health Division	<i>Permanent Food Establishments: Food Establishment Licence/Food Handler's Certificate</i> <i>Temporary Vending Establishments: Temporary Food Handler's Certificate/Temporary Food Establishment Licence</i>
Town and Country Planning Department	<i>Planning Approval for permanent establishments, giving consideration to the Beach Management Plan.</i>

Agency	Type of Permit(s) Issued and Plans Prepared
Trade Department	<i>Trade Licence (including Temporary)</i>
Royal Virgin Islands Police Force	<i>Noise Certificate</i>
Fire and Rescue Services	<i>Fire Safety Recommendation</i>
Ministry of Transportation, Works and Utilities	<i>Licence to display fireworks</i>
Magistrate Court	<i>Liquor Licence</i>

Beach Management Plans will address the need to establish more specific use rules, which may include, but are not limited to, scheduling of “quiet days” where no loud noise may be allowed, designated spaces for specific types of uses including vending or service provision. Moreover, there is recognition that whilst all beaches are public, several are enclosed by private land or on private islands. The privacy of individuals must be respected whilst affording some degree of access.

DECISION SUPPORT TOOLS

A standard format for identifying and assessing various attributes on beaches has been developed to assist in categorizing uses, which are compatible with the specific beach, threats, safety considerations and current and recommended activities. An example of this type of analysis is contained in **Appendix 1**. It will be further developed into the Beach Classification System and should aid in informing decision making with respect to the way various management options can be applied. Safety assessments performed by the Lifeguard Programme are included in this analysis.

Vending and other activities requiring permission will require a formal application to the Ministry of Natural Resources, Labour and Immigration. Application and use fees will be charged for various activities as per the proposed fee schedule along **Table 1 in Appendix 2**.

POLICY UPDATE AND AMENDMENT

This Policy may be amended by the addition of appendices to reflect future guidelines for beach use management as the need arises.

APPENDIX 1: RECOMMENDED IMPLEMENTATION ACTIONS TO SUPPORT THE POLICY

The Ministry of Natural Resources, Labour and Immigration manages use of all beaches not managed by the National Parks Trust. Management of these resources is conditioned so as to ensure equitable and fair balance between commercial, developmental and recreational activities. The general conditions which will guide beach use management planning include, but are not limited to, the following:

Vending, commercial, and large groups activities insofar as possible, should remain behind the natural vegetation lining of the beach, and as such the sandy area should be left for recreational enjoyment.

- a. Beaches used for commercial activities should be pre-determined and the list, published for public awareness. Permission will not be granted at locations not listed.
- b. Carrying capacity and occupancy levels will be established for the subset of beaches where commercial activities and special events will take place.

No equipment or beach chairs should **remain** on the sandy area of the beach unless they are **in** use. All items not in use must be **immediately** removed from the sandy area and not stored.

1. Land access to beaches must be, created, easily accessed and clearly marked for beach users.
2. All pets present on beach must be leashed and controlled.
 - a. In the unlikelyhood of pets depositing their faecal waste, it must be removed from the beach and not buried into the sand.
3. Noise should be regulated. Thus, there should be quiet times implemented on beaches
4. No vegetation should be cleared or removed to erect temporary structures for shading purposes.
5. Parking should be confined to areas that do not permanently damage the vegetation. Motor vehicles are not allowed to drive or park on the sand.
6. Boats are not allowed in the established swim zones. Boats should not be dragged onto the sand for docking purposes or to drop passengers.
7. All permission for vending and commercial activities should be displayed or be made available for inspection by an officer of any agency responsible for implementing the policy.

APPENDIX 2: STANDARDS AND GUIDELINES

1.1 DEFINITIONS

For the purposes of this policy, the term “*beach use*” refers to the use of the beach as a venue for non-commercial and commercial purposes including recreation, entertainment, and vending.

- (i) **Non-Commercial** – use of the beach by large groups that does not involve the sale of goods and/or services. Non-commercial activities could include picnics/beach barbecues, camping, sporting activities and entertainment.
- (ii) **Commercial** – use of the beach for business activity in:
 - a. Entertainment
 - b. Vending- use of the beach for business activity by a beach vendor either in the short (event driven) or long term. Beach vending operations are transportable, and can be easily moved to various locations on the same beach or to various beaches.
Vending (event driven and long term) may be further categorized as follows;
- (iii) Beach food / beverage vending – sale of food and drinks, which may or may not be prepared on site.
- (iv) Non consumable products vending – sale of non-consumable products such as souvenirs and clothing, rental of beach based equipment.
- (v) Land-based beach service vending – provision of services such as hair braiding, massages, ecological /or historical tours.
- (vi) Water-based beach service vending – provision of services on the water such as garbage collection, in water provisioning,
- (vii) **Restaurant / Beach Bar**- an informal or formal eatery where people sit and have meals and/or drinks on the premises. These establishments are permanently fixed.

1.2 APPLICATION FOR BEACH USE

In general, applications will be considered based on the following guidelines;

- a. Non-commercial use of the beach would not ordinarily require prior permission from the Ministry of Natural Resources, Labour and Immigration except in the following cases:
 - Groups larger than 50 persons

- Loud speakers will be operated
 - Open fires will be used
- b. Commercial use of the beach for example in the case of entertainment and vending should be restricted to beaches designated within the Beach Management Plan as areas where commercial activity can be promoted. Additionally, vending should only be allowed on beaches where the requisite supporting structures exist to accommodate beach vendors.

Supporting structures for food and beverage vendors should at minimum include;

(i) specially built covered spaces

- a. temporary structure that has a solid, flat even floor surface made out of fire resistant rated wood (concrete slabs would not be allowed as they would impede natural sediment transport and increase the risk of accelerated erosion.
- b. structure should have the ability to be removed and packed away safely in the event of a natural disaster, such as a hurricane.

(ii) running water

(iii) functioning and well maintained restrooms

(iv) waste water plant / sewage treatment

(a) An application for a permit to use the beach must be completed and submitted to the Ministry of Natural Resources, Labour and Immigration for approval unless that beach is managed by another entity, such as the National Parks Trust.

(b) An application for use of the beach must at minimum include the following;

(i) Name of applicant (this can be a group, organization, company etc.)

(ii) Valid photo identification

(iii) Name of beach

(iv) Type(s) of beach use

- a. Non – commercial (necessary only for groups larger than 50 persons)

(v) date and time of the event

(vi) description of the event, including all activities that will be involved

(vii) number of persons expected

a. Commercial (Entertainment)

(viii) date and time of the event

(ix) description of the event, including all activities that will be involved

(x) number of persons expected at the event

a. Commercial (Vending)

business and operations plan which may include, but is not limited to:

1. what product(s)/service(s) are being offered
2. mode of product/service delivery
3. description and plans of any physical structures involved
4. operating hours
5. emergency plan
6. waste management plan

proposed structures to be erected

proposed hours of operation

an emergency plan, inclusive of a list of safety equipment that will be kept at the premises at all times

1.2.1 Application Fee

The application must be accompanied by the requisite application fee.

Table 1

User Type	Fees
Non-commercial	\$50.00
Commercial (Entertainment)	\$300 per day
Commercial (Vending – Event Driven)	\$500 per day
Commercial (Vending Long-term)	\$75 per day \$300 per month
<i>Non-profit groups (churches, service groups, schools etc.) are exempted from the fees.</i>	

1.3 ADDITIONAL REQUIREMENTS

Additional requirements based on user type are outlined below. These requirements will be outlined in the conditional letter of approval from the Ministry of Natural Resources, Labour and Immigration and necessary for final approval for the issuance of a Beach Use Permit.

Table 2

User Type	Requirements
Non-commercial	<input type="checkbox"/> Application fee <input type="checkbox"/> Noise certificate (if applicable)
Commercial (Entertainment – including event driven vending)	<input type="checkbox"/> Application fee <input type="checkbox"/> Noise certificate <input type="checkbox"/> Temporary Food Handler’s Certificate* <input type="checkbox"/> Temporary Liquor Licence* <input type="checkbox"/> Temporary Trade Licence*
Commercial (Vending – Long-term)	<input type="checkbox"/> Application fee <input type="checkbox"/> Food Handler’s Certificate (if food and beverage vendor) <input type="checkbox"/> Noise certificate <input type="checkbox"/> Liquor Licence (if selling alcoholic drinks) <input type="checkbox"/> Trade Licence
* Applicable only where event driven vending is proposed	

(a) Trade Licence

Any commercial activity unless otherwise specified in the Business, Professions and Trade Licences Act, 1990 (CAP 200), requires a trade licence from the Trade and Consumer Affairs Department. A Trade Licence application must be completed and submitted to the Trade and Consumer Affairs Department, and should only be considered where conditional approval from the Ministry of Natural Resources, Labour and Immigration for use of a specified beach has been given. Upon submission of an application to the Trade and Consumer Affairs Department for review, the “*Standards and Regulations for Beach Vendors*” must be provided to the applicant.

(b) Food Handler’s Certificate

Persons handling food are required to obtain a Food Handler's Certificate from the Environmental Health Division.

(c) Liquor Licence

A **liquor licence** is mandatory if alcoholic drinks will be sold. The licence should be acquired in accordance with the Liquor Licence Act or any law in force in the Territory governing liquor licences.

(d) Noise Certificate

According to the Noise Control and Abatement Act, 1996, operation of a loudspeaker is not permitted between the hours of 11am and 7pm. At any other time, operation of a loud speaker cannot take place without the prior written consent (**noise certificate**) of the Commissioner of Police.

(e) Licence to Display Fireworks

Fireworks displays in the Virgin Islands can only be conducted by order made pursuant to section 7 of the Fireworks Act (Cap. 127) or any law in force in the Territory governing fireworks.

(f) Fire Safety Recommendations

In cases where controlled burning (eg. bonfires) or sale of liquor is proposed, Fire and Rescue Services provide recommendations upon request. This includes assessment of any proposed structures as well as the identification of optimal locations for burning in accordance with the national Control Burning Policy.

1.4 RESPONSIBILITY OF PERMIT HOLDER

It is the permit holder's responsibility to communicate to their invited guests the rules associated with the use of the beach. The permit holder is responsible for the conduct of guests and for any damages to the beach during their event, set up or take down. The permit holder must contact the Environment Unit, no less than one week prior to the event to discuss and agree on the details of the event. The permit holder must allow reasonable access to the event by an authorised officer of the Environment Unit or designated representative at all times.

1.5 HOURS AND LOCATIONS

Hours of operation and location of vending operations will be set by the Ministry of Natural Resources, Labour and Immigration and shall coincide with the noise certificate (if applicable) obtained from the Royal Virgin Islands Police Force.

1.6 DURATION OF BEACH USE PERMITS

Temporary Beach Use Permits issued by the Ministry of Natural Resources & Labour shall not exceed two (2) days each instance.

1.7 CLEAN UP OF BEACH

Users of the beach are responsible for security (if deemed necessary), parking, set up and taking down of tables/chairs and other equipment /supplies at the conclusion of the activity. All trash generated from the event is the responsibility of the user and must be removed from the beach or properly placed in garage receptacles at the beach immediately after the event. Failure to do so will result in a fine.

SCHEDULE 1

WATER QUALITY CRITERIA²

PARAMETER	COASTAL
Escherichia Coli	Excellent: 250
	Good: 500
	Poor: >500
Enterococci	Excellent: 100
	Good: 200
	Poor: >200
pH	6.5 – 8.5
Dissolved Oxygen	>4 mg/L
Turbidity	Excellent: <1 FNU
	Good: <FNU
	Adequate: 5- 20 FNU
	Poor: >20 FNU

NB: Values are to be updated periodically to align with benchmark standards.

² In accordance with the UK Environment Agency's water quality standards:
<https://environment.data.gov.uk/bwg/profiles/help-understanding-data.html>

**SCHEDULE 2
WATER QUALITY RESPONSE PLAN FOR ELEVATED BACTERIA RESULTS**



