

Honorable Council of Ministers

Honorable Members of Parliament

October 20, 2017

URGENT

Ladies and Gentlemen

As most of you are aware the Yacht Club at Port de Plaisance made arrangements for a Barge, Crane and Tug Boat to come to St Maarten from the Bahamas and assist us with the removal of sunken vessels and the rebuilding of the marina.

As you may or may not be aware, the equipment unknowingly violated certain flag state rules and came to St Maarten without the necessary documents in place, which has led to the Maritime Department placing an arrest on the equipment. This error was not made intentionally as the operator Executive Marine Management Ltd (EMM), simply felt that if he had an internationally registered towing firm bring the equipment in, which he did, that the equipment would be able to work here in the same manner as it does on the coastal waters of the Bahamas. Obviously, this was in error and incorrect and thus we find no fault with the Maritime Authorities interpretation of the laws concerning this matter.

What we are concerned with and certainly find fault with, is as follows:

The equipment that is here is the only equipment available to us with the capacity (150 Ton Crane) to do much of the work required to get these yachts and damaged dock sections removed from the marinas. We cannot do a good deal of this work with smaller equipment, so this isn't a matter of choice for us. As of writing this letter, we have another barge and crane ready to leave port, from Venezuela and have provided the maritime authorities here with all relevant documents to examine. Provided the documents are in order, they will head to St Maarten tomorrow. Unfortunately this will only allow for salvaging of the smaller wrecks and will not allow us to remove the larger wrecks as the crane on board is simply too small.

We are willing to do whatever is asked of us including paying fines, new surveys, re-classifications of the vessels (if possible) changing out the barge and tug with compliant ones, when we can find them and or any other solution that would work.

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WE MEASURE OUR SUCCESS BY OUR CLIENT'S RESULTS.

The lagoon has now been subjected to over 6 weeks of continual leaking fuel that could have been stopped after week 3 if the yachts could have been removed from the water. Steps were taken by the marinas including booms and other spill containment but there are simply too many wrecks to handle in this manner.

The marinas have the possibility and the willingness to rebuild / repair, even if only partially and thus capture part of the upcoming season. This allows for over 25 members of our staff alone at the Yacht club Port de Plaisance, to keep their job. It is as simple as this: No Docks, No Yachts, and No Jobs.

The ALL NEW requirements from VROMI have already caused 11 days of stand down and now we need to fill out countless forms, buy stamps, gain permissions from insurance companies that will take months and months and has basically tied our hands behind our back!! This is done under the pretense of the Government's need to protect itself from liability. What about the liability for allowing the lagoon to be contaminated, when the resources were here all along to stop it?

We make exception each day for trucks running up and down the road (with VROMI signs pasted to the windshield – if they have one) with no headlights, no engine covers, no turn signals, bad brakes and running on bald tires, so that they can clean up the debris. **And rightfully so!!!** We just went through one of the worst natural disasters to hit St Maarten ever. Those trucks are cleaning the island up and thus helping to protect the inhabitants of the Island and the environment. The exception to the rules of the road are made, because it is an emergency situation and it is in the best interest of St Maarten and its people. We applaud their efforts and all those involved!!

Yet our lagoon, is being degraded and destroyed more and more each day, by leaking fuel from submerged yachts, when we have the ability to stop it and yet we will not make the exception and do what's right. Why are we not trying to clean up the mess in the lagoon with the same vigor and commitment we have on land!!!

We would let people lose their jobs, when we don't need too, in this specific case, all because the registration documents for what can easily be recognized as an "emergency piece of equipment", can't be used.

I just learned that one of our local marine construction and salvage companies has just signed a contract in the BVI to take his equipment there, (Crane, Tug and Barge) He is doing so, because the same equipment he has been using here for years, that no one seemed to care about and or inspect, doesn't have the registration needed to assist, now that we have a disaster to deal with. The BVI begged him to come, as they understand the emergency in front of them and thus are willing to do whatever is needed to mitigate the damage to their environment and to their people. Why would we not do the same? Why would we make it so hard to operate that our own salvage operators would leave?

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Bobby Velasquez arranged a barge and crane from St Kitts to come across to help in the efforts and this barge made it to St Maarten only to be turned around and sent back, once again because of improper documentation.

To the best of our knowledge, not one single salvage barge has been cleared for service and is currently operating.

Once again, we understand there are rules we must all abide by in order to have a civilized country. We are also aware that there are International laws, treaties and agreements concerning maritime registration and certification that under normal circumstances requires strict adherence. That said, these are certainly not normal circumstances. When we consider the fact that nearly every yacht that has sunk, is equipped with batteries, coolants and other chemicals on board, in addition to diesel fuel which in some cases is in excess of Ten Thousand (10,000) gallons, which is currently leaking into the water, this should take precedence and constitute an emergency situation that requires immediate action even if this means allowing exceptions to be made to the rules. When you consider the economic impact of having the marinas closed and the loss of jobs as a result thereof, when there is the possibility for this not to be the case, we would hope that this too would constitute the need for immediate action.

In closing, we are left with 3 options:

Option 1 We can allow this to happen, follow the rules as they are made up each day and handed down to us and find ourselves with no way to salvage the season, thus resulting in lost jobs and possibly an environmental disaster.

Option 2 We can beg our government officials to understand that this truly is an emergency and requires emergency actions and exceptions.


Option 3 We simply ignore all, do what is best for the environment and our people and await whatever punishment is bestowed upon us.

We hope that you will allow us to survive and assist us by answering option 2 favorably and seeing to it that everyone, in all ministries and departments, are working with us, towards the goal of cleaning up and restoring the Marine Industry of St Maarten. To clean up and protect the lagoon we need every barge, crane, and tug available, working around the clock lifting vessels, we need those same trucks mentioned above, carrying off the remains to the dump and lastly we need the Government's assistance helping to facilitate all quickly and efficiently and yes at times making an exception to the rule.

Respectfully,



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