



THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
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July 19, 2023

VIA E-MAIL DELIVERY

Honorable Novelie E. Francis
Senate President
Thirty-Fifth Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

RE: Response to Land Exchange Inquiries

Dear Senate President Francis:

In an email correspondence dated July 17, 2023, we were asked by your Chief of Staff, Shawna Richards, to respond to questions from members of the 35th Legislature regarding the proposed St. John land exchange. We have compiled those responses and they are as follows:

1. WHAT IS THE ACREAGE OF SUBMERGED LAND THAT IS A PART OF WHISTLING CAY MINUS THE 17/14 ACRES WE ALLEDGE WE ARE SELLING/SWAPPING?

There are -0- submerged lands proposed as part of the land exchange being discussed. Whistling Cay is neither submerged nor filled submerged land, so the exchange is only for terrestrial land rights. Whistling Cay is within the established boundaries of the National Park and so the surrounding submerged lands have always been under the jurisdiction of the National Park from its inception. Water use and access surrounding Whistling Cay will remain unchanged, and there will be no change to recreational fishing, snorkeling, swimming or diving.

2. CAN THE DISTANCE LEARNING LAW BE UTILIZED FOR THE TIME BEING TO ASSIST OUR CHILDREN OF ST. JOHN FROM HAVING TO TRAVEL BACK AND FORTH UNTIL THE LEGISLATURE HAS SOME TIME TO REALLY REVIEW ALL THE INFORMATION THAT HAS COME DOWN THE PIPELINE AND STILL CONTINUES TO COME DURING THE PAST WEEK?

The short answer to this question is “yes” but one just has to look at the tremendous learning loss nationally, due to distance learning. During covid, to understand that this is not an equal substitute. Distance learning does not negate the need for an on-campus experience for students. Distance learning

does not provide the level of interaction, social and emotional learning development, and extracurricular opportunities afforded to other students. St. John students deserve access to the same high quality educational experiences that students of St. Croix and St. Thomas are receiving.

3. ARE WE AWARE OF THE INTENT OF THE SELLER MS. BISHOP OF HER INTENTION FOR THE LAND AS IT RELATES TO PRESERVATION ONCE THE LAND WAS TRANSFERRED?

In the deed for the purchase (not a donation) by the DOI NPS of Mrs. Ethel May Bishop's property back in 1968, Mrs. Bishop's intent was specific, to "reserve for herself the right, power and privilege to use and occupy the ...premises for and during her natural life for noncommercial residential purposes." No other rights or benefits were granted to any other entity, and all future determinations as to use or development of the Estate Catherineberg property, were specifically granted to the buyer, DOI NPS, "as may be authorized in writing by the Secretary of the Interior or his duly authorized representative." There are no restrictions on the deed that prohibit the use of the property for a school or any other public use.

4. IN ALL THESE YEARS, WHAT IS THE REASON WHY OUR GOVERNMENT DID NOT FOLLOW UP ON THE POTENTIAL LEASING RESOLUTION BACK IN 2007 TO LEASE THE CATHERENBERG FROM THE NATIONAL PARK FOR 99 YEARS FOR THE SCHOOL WHICH PASSED THE HOUSE BUT FAILED IN THE SENATE?

The Government of the Virgin Islands has diligently pursued the issue of leasing National Park Property for the purposes of building a school through seven (7) elected Governors, five (5) Delegates to Congress, and twenty-six (26) sitting Legislatures of the Virgin Islands. As you mentioned, the closest we came was a coordinated effort between the Delegate to Congress and the GVI, when former Delegate to Congress Donna Christensen aggressively pursued Congressional authorization requiring the Secretary of Interior to lease the Estate Catherineberg property to the GVI through HR 53 in the 110th Congress. The USVI support in Congress was much greater at that time than it has been with the current 118th Congress. There was little appetite in the Senate then to Congressionally mandate the lease of the NPS property, and there is even less now. The Category 5 hurricanes of 2017 offered an opportunity for funding which has a time consideration. To achieve an Act of Congress requires considerable bi-partisan lobbying and support in both houses of Congress and many years in which to attempt to achieve that. The follow up to the failed lease resolution in 2007 was initiated in 2019 through discussions with the Secretary of the Interior's office held here on St. John with the Department of Education and others. The way around the failed congressional resolution was to negotiate an exchange of land. Further, we must *own* the land outright, in order to utilize FEMA funds to build the new school.

5. CHARLOTTE AMALIE HIGH SCHOOL CURRENTLY HOSTS ABOUT 1100 STUDENTS. WHAT IS THE ACREAGE OF CHARLOTTE AMALIE HIGH SCHOOL VS THE 7/8 ACRES WE ARE ATTEMPTING TO SWAP/PURCHASE FOR A SCHOOL IN ST. JOHN FOR ABOUT 200 STUDENTS?

The Government of the Virgin Islands has a responsibility to provide services and an equitable education for every single student, regardless of where they reside or how many of them exist at any one time.

Even though the pre-K through 12 school on St. John is designed to house 480 students, the requirements for the size of the labs and gymnasium and kitchen spaces is similar to that of any other high school. The facility will also serve the entire community of St. John as a hardened hurricane shelter, a meeting space for community groups and public assembly, and provide athletic facilities for various indoor sporting events.

6. THE ARGUMENT THAT IS BEING MADE IS THAT BUILDING THIS SCHOOL SO THE STUDENTS WILL NOT HAVE TO WAKE UP EARLY MORNING JUST TO CATCH A BOAT TO GO BACK AND FORTH TO SCHOOL. YET IT WAS ALSO SAID AS A MAGNET SCHOOL WHICH IS BEING BUILT TO HOLD OVER OVER 400 STUDENTS, THAT WILL ALLOW FOR STUDENTS IN ST. THOMAS TO NOW GO TO THAT SCHOOL IN ST. JOHN. THE QUESTION NOW WILL BE IS THAT NOT DEFEATING THE PURPOSE? BECAUSE IF THE MAIN PURPOSE IS FOR CHILDREN NOT TO GET UP AND HAVE SUCH A HASSLE TO TRAVEL TO BE EDUCATED WHY WOULD YOU EXPECT THAT FOR THE CHILDREN OF ST. THOMAS WHO YOU WOULD NOW EXPECT TO DO THE SAME THING TO ATTEND THAT MAGNET SCHOOL ON THE ISLAND OF ST. JOHN?

The primary difference is one argument is based on choice unlike its sole option alternate. St. Johnians high school students currently have no choice as to where they pursue a public education. St. Thomian students could voluntarily *choose* to attend the magnet program on St. John.

7. WHAT IS THE STATUS OF THE 4 ACRES REPORTED TO HAVE BEEN OFFERED TO THE GOVERNMENT FOR A SCHOOL ON ST. JOHN OR TO BE USED FOR A LANDSWAP?

There have been no formal offers in writing by any authorized representatives of any St. John parcels, to be donated to the Government of the Virgin Islands, to be utilized for the construction of a school or as a potential land exchange parcel. There have been several property owners over many years who have offered to sell, not donate, various properties to the GVI. For instance, the parcels in Chocolate Hole were appraised by the GVI in 2016 but title issues and the lack of funding, and the subsequent hurricanes, prevented any further movement. Other properties which were fully investigated lacked adequate size, an accessible location, buildability, or clear title.

At this point in time, with Recovery Funds having been identified and awaiting, the last step is approval of the identified, appraised, and available location, to begin the process of a new agreement would be cost and time prohibitive. There would be years of delays and expected costs to a new agreement, new property data to be collected, the required and lengthy NEPA Review, a Section 106 Historic Preservation Consultation, an Endangered Species Act ESA Section 7 Consultation, a NORA Notice of Real Estate Announcement and hearings, and a variety of environmental assessments and appraisals to name a few, all of which have been completed for the Estate Catherineberg Property. The result of diverting at this point would result in the loss of the federal dollars with which to construct our new school.

Key to this discussion is that the administration has been desperately seeking parcels of land in St. John for a host of reasons including education, home ownership and access to government services. We have yet to actually receive any formal offers from any leaseholders in St. John. I want to emphasize that this land swap certainly helps but does not solve the need for government owned property on St. John.

8. AS THE NATIONAL PARK HAS ALREADY FOR YEARS PROMOTED WHISTLING CAY AS PART OF THE PARK. WHAT ARE THE POTENTIAL CHANGES THEY PLAN ON IMPLEMENTING IF THEY ACTUALLY ARE ABLE TO BECOME OWNERS OF THE LAND IN ACTUALITY?

Whistling Cay is presently designated as a wildlife sanctuary for the protection of various animal and plant species and is therefore not subject to development. The National Park is expected to continue this conservationist approach to the management of Whistling Cay consistent with the agency's national mandate. The land swap is an action to solve a problem that has plagued the Government and the People of the Virgin Islands for over 50 years and is not a solution to the NPS for expanding the park. In short, this is an initiative that we need and they are assisting us in getting this process completed.

9. AS ONE SOLUTION SUGGESTED TO OFFER SUBMERGED LAND (I AM AGAINST THIS) HAS THERE BEEN ANY STUDY AS TO THE POTENTIAL OF NATURAL RESOURCES SUBMERGED WITHIN THE WATERS SURROUNDING ST. JOHN?

The GVI has been very intentional in identifying a parcel of similar value for exchange with the NPS that does not involve forfeiting water rights to the remaining territorial waters surrounding St. John or which would require a Congressionally approved increase in the footprint of the National Park Service holdings on the island of St. John. An exchange of submerged lands would cede additional territorial waters to the NPS and subject those waters to NPS management and restrictions and would also require considerable lobbying and an Act of Congress. This is not a desirable outcome.

10. IS THERE ANY LAND FOR SALE ON THE ISLAND OF ST. JOHN THAT HAS BEEN IDENTIFIED IS GOVERNMENT OWNED OR CAN BE PURCHASED TO BUILD A SCHOOL?

After decades of interaction with the residents of St. John, we are unaware of any suitable and available tracts of property that meet the needs of the students of St. John as ideally as the Estate Catherineberg parcel. The desire to acquire that property for the new school goes back decades and has been reaffirmed over the years by several governors, delegates to Congress, and educational leaders.

Respectfully Submitted,



Albert Bryan Jr.
Governor