



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

July 31, 2023

VIA E-MAIL DELIVERY

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

RE: St. John Land Exchange

Dear Senate President Francis:

I offer the following responses to your correspondence dated July 27, 2023, regarding clarity on the timeline for the ratification of the proposed St. John land exchange and other matters relevant to the transaction.

The need to close on the transaction on or before August 4th is driven by the pending expiration of the Pre-Acquisition Environmental Site Assessments (PA-ESA) related to the St. John School Land Exchange. The PA-ESA is a pre-acquisition evaluation of the property that identifies environmental conditions and other environmental issues of concern; identifies and evaluates associated liabilities; evaluates potential costs of remediation; and evaluates the total cost of acquisition. The Department of Interior's Department Manual (602-DM-2) specifies that certain components of the PA-ESA must be completed or updated within 180 days of the property's acquisition. I have attached the Department Manual and highlighted the relevant section, Section 2.8.C. of 602-DM-2 on page 7.

This 180 day requirement is further reinforced by the procedures for pre-acquisition environmental site assessments as required in the ASTM (American Society for Testing Materials) standards adopted by the Department of Interior, ASTM E1527-21. Again, for your convenience I have attached ASTM E1527-21, and highlighted the relevant section, Section 4.6.1 on page 11.

The affected PA-ESA's and associated expiration dates are:

- The Phase 1 ESA update for the Whistling Cay (02-101) was done on February 4, 2023. 180 days from that date is Thursday, August 3, 2023.

- The Phase 1 ESA update for the school site (01-137A) was done on February 18, 2023. 180 days from that date is Thursday, August 17, 2023

With regards to your second inquiry, the Bryan-Roach Administration has not been presented within any written proposals involving the sale or donation of land on St. John for consideration. During my four and a half years in office, I have not been presented with any viable alternative to the proposal that I have placed before the Senate.

The third question raised is a concern that the proposed bill language does not specifically identify the construction of a school as the use of the Catherineberg property. The purpose of the legislation is to obtain approval, pursuant to Title 31, Section 231a of the VIC, for the land exchange. The legislation does not serve as a stand-alone mechanism to fully effectuate that transfer. As with any transaction involving real estate, other components are required to finalize and record an exchange of real property. The intended use of the Catherineberg parcel is well documented, including in the 2020 Preliminary Agreement as well as in the introductory text of the bill. The Department of Education has also presented preliminary designs showing the intended development of the Catherineberg site as part of their Educational Facility Master Plan. However, if the Legislature prefers that the intended use be added to the bill as a specific section, we certainly have no objection to that inclusion.

I hope this response properly addresses the inquiries of the senate subcommittee. When I submitted this legislation for consideration to the Senate on June 8th, I believed that it was the best path forward for securing a modern preK-12 school for the children of St. John. There is nothing that has been presented since that time that changes my belief that this is the most prudent course of action. The replacement of the Julius E. Sprauve School is a critical hurricane recovery project that will provide immediate benefits to the St. John community. The funding is available, the National Park Service is prepared to close on the transaction, and the Department of Education is standing by to begin the procurement process. I appreciate the need for careful review of the proposed transaction, but I urge the Senate to complete its review as expeditiously as possible so that this opportunity is not lost.

Colette Monroe, Policy Advisor in the Office of the Governor will serve as my point of contact for any further inquiries of the senate subcommittee regarding this transaction. She can be contacted at colette.monroe@vi.gov or at (340) 474-1162.

Respectfully Submitted,



Albert Bryan, Jr.
Governor