

COMMENTS ON PROPOSED "LAND SWAP"

There is a strong sentiment expressed by many native St Johnians that land within the Virgin Islands National Park should be made available for the construction of a public school on St John, without the need for additional land to be "swapped" into the park in return. Although I am not a native St Johnian, and I do not have children of school age, I have listened to much of the debate surrounding this topic and believe that (1) all points of view are reasonable and valid, based on individuals' historical experience, and (2) that a solution to this impasse can be found by swapping submerged land, as opposed to fast land, into the park system. This note outlines a suggested approach enabling the provision of NPS owned land for the construction of a school on St John, without the need to transfer additional fast land into the park.

BACKGROUND

When the Virgin Islands National Park (VINP) was created in 1956 it consisted solely of approximately 5,000 acres of fast land (land above the mean high-water line) donated by Laurance Rockefeller. In 1962 an additional roughly 5,000 acres of submerged land and water was added to the park, consisting of US Government owned lands offshore of the VINP owned shoreline lands.

In the late 1970's all submerged land offshore of St John out to the 3-mile territorial limit, with the exception of submerged land offshore of US Government owned shoreline, was transferred to the Government of the Virgin Islands to be held in trust for the people of the Virgin Islands.

Over the years additional land parcels have been added to the VINP, including two parcels on the shoreline. In 2012 a 4 acre parcel at Haulover was added to the VINP, including roughly 500' of shoreline at South Haulover, and 175' of shoreline at North Haulover, however the submerged land offshore of this park expansion was not conveyed to the NPS and is currently owned by the Government of the Virgin Islands.

In 2010, a 2.2 acre parcel at Nanny Point, including approximately 1000' of shoreline was added to the VINP. The submerged land offshore of this land addition was not, however, conveyed to the NPS.

I believe that these two parcels – Nanny Point and Haulover – are the only places on St John where the submerged land and water offshore of contiguous NPS owned shoreline is NOT included within either the VINP or the VI Coral Reef National Monument.

Current Virgin Islands law (31 V.I.C. § 205(f)) prohibits the VI Government from disposing of any shoreline. Unless this law is amended, the transfer of Whistling Cay, including its shoreline, would be illegal under current law. However, unlike the shoreline of Whistling Cay, the transfer of submerged land where the NPS already owns the shoreline would not involve an illegal transfer of shoreline.

The Nanny Point Submerged Land

In 2010 a 2.2 acre parcel of land at Nanny Point (near Concordia) was donated to the US Government and incorporated into the VINP. However, the submerged land boundary of the VINP and the Virgin Island Coral Reef National Monument (VICRNM) were never adjusted to reflect the minor expansion of the park lands. I am proposing that the Virgin Islands Government, who owns the submerged land in trust for the people of the Virgin Islands, swap 8.5 acres of submerged land at Nanny Point to reflect the shoreline ownership of the VINP. Based on the assessed value of the Nanny Point property, the 8.5 acres of submerged land is worth \$1,124,000 which is comparable to the Susannaberg parcel.

The submerged land off Nanny Point has significant resource value to the National Park. It is a site of a major soldier crab aggregation in most years. It is my belief that it is an appropriate addition to the water and submerged land resources of the VINP and VICRNM and its transfer to the VINP would not adversely impact St Johnians.



The Haulover Submerged Land

With a similar background to Nanny Point, land at Haulover was donated to the US Government and incorporated into the VINP in 2012. The land includes portions of shoreline at South Haulover beach and at North Haulover. However the submerged land offshore of the shoreline acquired by the VINP is still under ownership of the Virgin Islands Government, held in trust for

the people of the Virgin Islands. I am proposing that 2.0 acres of submerged land at North Haulover, and 2.6 acres of submerged land at South Haulover be transferred to the NPS in exchange for the land at Susannaberg. Based on the assessed value of the land parcels at Haulover, the value of the 4.6 acres of submerged land is \$1,216,010 which is comparable to the assessed value of the Susannaberg parcel.

These transfers of submerged land would require a minor boundary line adjustment of the VINP, which can be done without an act of Congress. The process would need to be initiated by an offer made by the Governor of the Virgin Islands. It is my hope that this proposal would address the concern expressed by many St Johnians that we not transfer additional "land" to the VINP, and yet by transferring submerged land we could, with the cooperation of the NPS, acquire the property needed for a new school on St John.

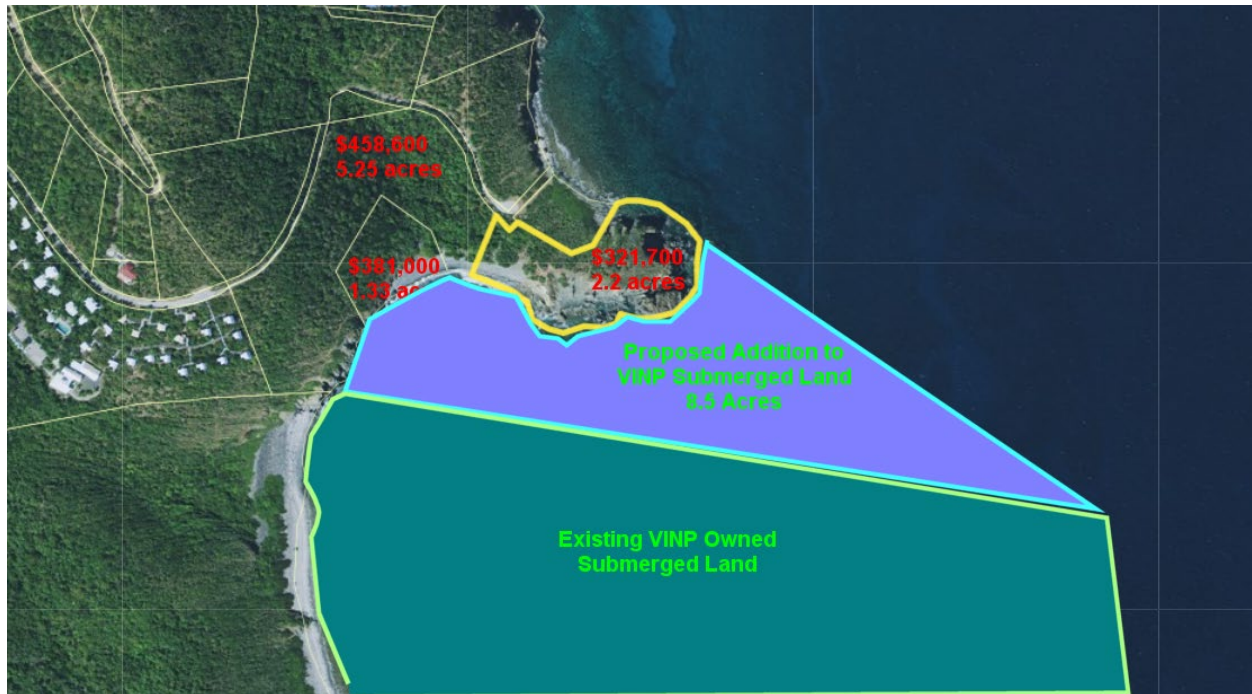
The proposed Haulover submerged land parcels are shown in the images below.



ASSESSED VALUE OF SUBMERGED LAND

In the Virgin Islands it is established practice to assess the value of nearshore submerged land by using the assessed value of the land parcels abutting the shoreline. The tables below show the estimated per acre and total value of the Nanny Point submerged land and the North-South Haulover submerged land based on this approach.

VALUATION OF NANNY POINT SUBMERGED LAND		
Parcels at Nanny Point	Acres	Assessed Land Value
30-3 Rem Concordia (NPS)	2.2	\$321,700
30 Rem Concordia (NPS)	5.25	\$458,600
30-6 Concordia (Private)	1.33	\$381,100
TOTAL	8.78 acres	\$1,160,700
ASSESSED VALUE PER ACRE		\$132,198 / acre
Nanny Point Submerged Land	8.5 acres	\$1,123,684 est value



VALUATION OF NORTH/SOUTH HAULOVER SUBMERGED LAND		
Parcels at Haulover	Acres	Assessed Land Value
5D-5 Haulover (NPS)	0.3	\$138,400
5D-6 Haulover (NPS)	2.24	\$418,100
5D-1 Haulover (NPS)	0.5	\$157,400
5D-Rem Haulover (NPS)	0.57	\$240,400
TOTAL	3.61 acres	\$954,300
ASSESSED VALUE PER ACRE		\$264,349

North Haulover Submerged Land	2.0 acres	\$528,698
South Haulover Submerged Land	2.6 acres	\$687,307
Total Haulover Submerged Land	4.6 acres	\$1,216,005

CONCLUSION AND RECOMMENDATIONS

Based on the history of submerged land acquisition by the National Park Service, it is clear that the two identified locations – Haulover and Nanny Point – are anomalies in the pattern of land and water ownership by the National Park Service. Although there are other isolated shoreline land holdings by the NPS which do not include the adjacent submerged land, these isolated holdings are not contiguous with the main extent of the national park.

The process for incorporating these submerged land parcels into the VINP would involve a minor boundary line adjustment for the submerged lands, a process which does not involve congressional action. Once the boundary line is adjusted the submerged land can be donated and accepted by the NPS. The value of the submerged land at either site is comparable to the assessed value of the Susannaberg parcel.

I believe that if the NPS were to inform the necessary officials within the VI Government of their interest in acquiring these small parcels of submerged land then the VI Government could quickly make the offer and conclude the arrangement.

David Silverman
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