

7-2-2023

35<sup>th</sup> Legislature of the Virgin Islands  
senatorfrancis@legvi.org

Dear Senate President Norvelle E. Francis, Jr,

Thank you for attempting to solicit public comment. Unfortunately, this attempt surfaced at an inopportune and distracting time during heightened July 4<sup>th</sup> preparation, celebration, and family gatherings. An extension would have been appropriate.

I oppose the Virgin Islands Governor's land swap proposal because of the terms of the Preliminary Agreement signed 10-20-2020 by Governor Albert Bryan Jr. Clearly, St. John needs land for a K-12 school, and there are other options available. The only option proposed by the Governor is to swap (exchange) land with the U.S. Department of Interior. Whistling Cay comprising 17.9 acres is slated for the swap in exchange for 8 acres of #6 Catherineberg. I am saying 8 acres because 3 of the 11 acres proposed will remain under National Park restrictions after the swap. This is not fair trade.

**36CFR Part 18, Section 18.1--16 U.S.C. 1 et seq.**, particularly [16 U.S.C. 1a-2\(k\)](#), and, [16 U.S.C. 470h-3](#) are the authorities for this part. These authorities allow the Director (or delegated officials) to lease **certain federally owned or administered property located within the boundaries of park areas**. All leases to be entered into by the Director under these authorities are subject to the requirements of this part, except that, proposed leases that were solicited pursuant to this part prior to January 28, 2002, may be executed in accordance with the terms of the solicitation.

The National Park has demonstrated its ability to lease park land. The 4-3-2006 National Park Service public comment form reads, "At Valley Forge National Historical Park the National Park Service (NPS) will lease the Walker Farmstead for proposed rehabilitation as a pre-school facility by the Montessori Children's House of Valley Forge." This property is in Wayne, PA 19087. This school opened 2-1-2010. The National Park in accordance with 36CFR Part 18, Section 18.1 demonstrated ability to lease national park land for historical preservation. The Government of the Virgin Islands needs land for K-12.

#### **16 USC CHAPTER 1, SUBCHAPTER XLIV 398 (a)**

(a) **The acreage of the national park shall be limited** to a total of not more than nine thousand five hundred acres of land area, such total to be comprised of not more than fifteen acres on the island of Saint Thomas, and **not more than nine thousand four hundred and eighty-five additional acres to be comprised of portions of the island of Saint John** and such small islands, rocks, and cays not in excess of five hundred acres in the general vicinity thereof as may be desirable for inclusion within...

16 USC CHAPTER 1, SUBCHAPTER XLIV 398 (a) authorized the Secretary of Interior to limit National Park land acreage on St. John, VI to 9,485 acres. NPS boldly asserts ¾ th (75%) ownership of St. John which is 10,080 acres. This figure does not include submerged lands. Clearly the Secretary of Interior and NPS are 595 acres in violation. Corrective action dictates that 595 acres be returned to the Government of the Virgin Islands. The return of the 55 acres at #6 Catherineberg would be an honest but incomplete start. The Government of the Virgin Islands needs land for K-12.

**"54 U.S.C. 102901 (a) FREEHOLD AND LEASEHOLD INTERESTS.—**

With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was **authorized by Congress.**"

In the 4-28-2023 VI Consortium, NPS cited 54 U.S.C. 102901 as reason prohibiting donation of land to the V.I. Government. The Secretary of the Department of Interior is the owner of all public lands with "national park" designation. Congress can direct the Secretary to redirect national park land designation. By act of Congress the same Secretary transferred ownership of 40 acres of Arcadia National Park land to the town of Bar Harbor, Maine "without monetary consideration" for a solid waste transfer station. Since 5-5-2022 the town is moving forward through Congress to change land use designation to address "extreme housing shortage" in a Bill sponsored by U.S. Senator Angus King (I-Maine) and co-sponsored by U.S. Senator Susan Collins (R-Maine). The proposed Bill is "supported by the National Park Service". Accordingly, Congress supersedes the National Park Service and Department of Interior jurisdiction and intervenes when community need prevail. The Government of the Virgin Islands needs land for K-12.

In conclusion, I hereby request the 35th Legislature to act on behalf of the children, community and generations to come by (1.) stopping the swap and (2.) submitting Resolution to Congress for the transfer of part of #6 Cathrineberg (Tract 01-137A) to the Government of the Virgin Islands for K-12 recognizing the current state of emergency pertaining to education and affirming that the temporary modular units are rapidly deteriorating to expedite the process. I hope my recommendation helps in yielding fruitful results.

Respectfully,



Myrtle Barry, Member  
Concerned People of the Virgin Islands-St. John Chapter  
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Cited: Reporter Dick Brown 1-18-2023  
U.S. Senator Angus King (I-Maine)  
U.S. Senator Susan Collins (F-Maine)  
1986 Boundary Legislation  
4-28-2023, VI Consortium