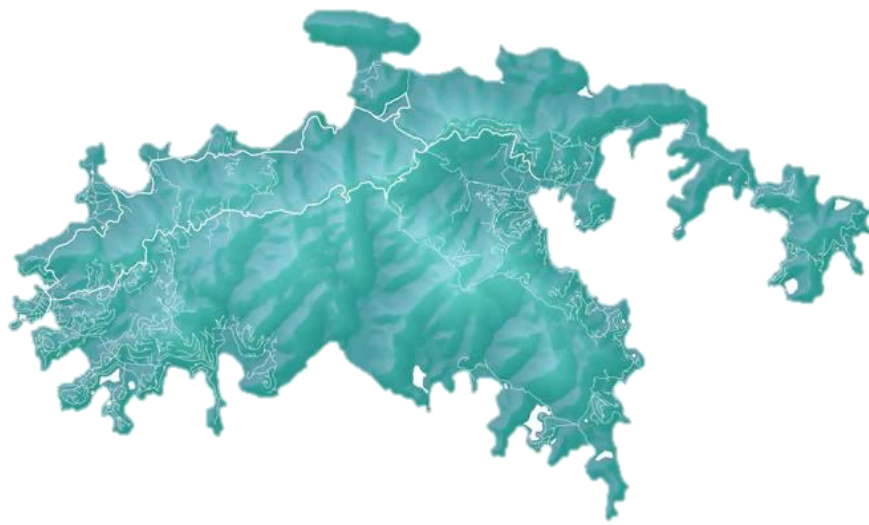


*Findings of the St. John Land Exchange
Subcommittee*



*35th Legislature of the Virgin Islands
September 13, 2023*

Submitted by:
Sen. Novelle E. Francis, Jr.
President, 35th Legislature of the Virgin Islands

Formation of the Subcommittee

The St. John Land Exchange Subcommittee was formed as a result of the July 20, 2023 Legislative Session. At that Session, senators voted to hold Bill 35-0112, *An Act approving the conveyance by the Government of the Virgin Islands of the United States to the United States of America, Department of Interior, acting by and through the National Park Service, of Tract No. 02-101 Whistling Island a/k/a Whistling Cay, Cruz Bay Quarter, St. John, Virgin Islands, in exchange for the Department of Interior, National Park Service's conveyance to the Government of the Virgin Islands of the United States of a portion of Tract No. 01-137A Catherineberg (Hammer's Farm) Cruz Bay Quarter, St. John Virgin Islands, and directing the Government to deposit of the proceeds from the parcel exchange into the St. John Capital Improvement Fund* for 45 working days.

Senate President Novelle E. Francis, Jr. selected the following legislators to serve on an investigatory subcommittee on the St. John land exchange:

Sen. Angel Bolques, Jr.

Sen. Samuel Carrión

Sen. Donna Frett-Gregory

Sen. Marise James

Sen. Carla Joseph

Sen. Milton Potter

The seven-member committee, including Sen. Francis, was tasked to research and investigate matters germane to the proposed land exchange, to include land acquisition, alternatives to the current proposal, feasibility study, water accessibility, FEMA funding and funds expended thus far on this project.

Actions of the Subcommittee

The first meeting of the subcommittee was held on July 24, 2023 via Microsoft Teams. Members discussed the objectives of the committee, and specific concerns regarding

- the selection of Whistling Cay for the proposed land exchange;
- the consideration of Gift Hill School as a site for the St. John K-12 school, thereby negating the need for a land exchange; and
- the impact of the August 4th deadline date for ratification of the Bill/Agreement.

Next Steps: Contact Mr. Basil Ottley (Department of Interior) and Congresswoman Stacey Plaskett to discuss the proposed St. John land exchange.

Write Governor Albert Bryan, Jr. regarding the August 4 deadline.

Timeline of Activities

July 27, 2023

1. Senate President Francis wrote Governor Albert Bryan, Jr. to advise of the formation of the St. John Land Exchange Subcommittee and to inquire about the August 4, 2023 deadline. (Att. A)
2. Congresswoman Plaskett's Office was contacted regarding the proposed land exchange. A meeting was requested at the earliest opportunity.
3. Mr. Basil Ottley was contacted regarding the role of the proposed land exchange. A meeting was requested at the earliest opportunity.

July 31, 2023

1. Karl Knight, Chief of Staff to Governor Bryan, responds to the request from Governor Bryan and submits the following documents:
 - a. Letter from Governor Bryan to Senate President Francis re land exchange (Att. B)
 - b. ASTM Standards Environmental Standards (Att. C)
 - c. DOI Environmental Manual (Att. D)
 - d. Phase I ESA Update VIIS Tract 01 (Att. E)
 - e. Phase I ESA Update VIIS Tract 02 (Att. F)
2. A letter was received from Ms. Smith, which expanded on her testimony to the July 11, 2023 Committee of the Whole. (Att. G.)

Key Findings: The August 4, 2023 deadline date is linked to the environmental assessment, which expires on that date. Government House indicates that they have requested an extension.

August 1, 2023

A status update with all attachments received, to date, is emailed to the subcommittee members.

August 4, 2023

1. Mr. Knight submits documentation of Governor Bryan's public engagement on the proposed land exchange. (Att. H)
2. In response to the request from Senator Francis, Congresswoman Plaskett invites the subcommittee to a meet with members and staff from the House Natural Resources Committee on August 8, 2023 (Att. I). Plaskett also sends Sen. Francis a letter clarifying action taken by Congress on the St. John K-12 school/land exchange. (Att. J)

August 8, 2023

The subcommittee participates in a Zoom meeting hosted by Congresswoman Plaskett. In addition to members of Plaskett's staff, the following also attended:

Rep. Joe Neguse, Member of the House Natural Resources Committee and Ranking Member of the Subcommittee on Federal Lands

Brian Modeste, Minority Staff Director of the House Natural Resources Subcommittee on Indian and Insular Affairs; and

Pat Bond, Senior Advisor on Energy, Environment, and Transportation for Senator Angus King of Maine, Chair of the Senate Energy and Resources Subcommittee on National Parks.

During the meeting, the subcommittee received a historic perspective of the territory's more than three decades of effort to secure property on St. John for a school. They also discussed the federal government's opposition to reduction of the National Park, and its concerns that a donation of land would be precedent setting.

A press release issued by Congresswoman Plaskett's office effectively summarizes the meeting discussion. (Att. K)

September 7, 2023

Mr. Basil Ottley met with the subcommittee. He was not representing the Department of Interior (DOI), but instead spoke with the subcommittee as an informed Virgin Islander who happens to work for Interior. Senator Francis also discussed an amendment he intends to offer which would preserve access to the waterway and specify that the property be used for a school and hurricane shelter. (Att. L)

Key Findings:

1. The DOI supports local government efforts.
2. The DOI offered to contribute funding to offset the difference between Whistling Cay and Catherineberg.
3. The practicality of exchanging property that already falls within Park boundaries.
4. If any changes are made to the Park, public hearings would need to be held.

Summary

Throughout the course of its investigation, the findings of the subcommittee were not contrary to any of the information presented at the July 11, 2023 Committee of the Whole. The Office of the Governor indicated that they had not received any alternative proposals for properties to be exchanged that would allow the government to retain Whistling Cay. Prior to receipt of the September 6, 2023 email from David Silverman, there were no alternatives presented to the Legislature.

A key consideration regarding the land exchange remains the cost. The Administration is reluctant to spend any of the FEMA funds dedicated to the construction of the school on land acquisition, as this is expected to negatively impact the design and build of the school. The present state of the government's coffers does not legitimately support the purchase of property.

The issue of water accessibility has not been an issue for St. Johnians and other persons traversing through Fungi Passage. That waterway and waters surrounding Whistling Cay fall within Park boundaries. While waterway access has become a rallying point for those opposed to the land exchange, the Park Service and Governor Bryan have publicly stated that water rights would not be impeded. An amendment filed by Senator Novelle E. Francis, Jr. is intended to secure further protections for waterway access.