



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

July 13, 2023

VIA HAND DELIVERY

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

RE: Land Exchange Between NPS and GVI

Dear Senate President Francis:

I congratulate you on the excellent job you did in presiding over the Committee of the Whole Hearing on the Proposed St. John Land Exchange on Tuesday, July 11th. While the testimony elicited strong emotions on both sides of the topic, you successfully moderated the discussion in a fair and balanced manner.

I believe Dr. Dionne Wells-Hedrington and the government testifiers made a clear and compelling case for proceeding with the land exchange as proposed. We also appreciate the passionate and well-reasoned arguments put forward by some testifiers who oppose the land exchange. However, there were several suggestions raised during the hearing by testifiers that I feel need to be addressed prior to the vote by you and your colleagues. I will address each topic in turn below.

1. No portion of a shoreline shall be sold, leased or otherwise disposed of by the GVI.

Title 31 V.I.C. § 205 governs the sale, lease, or other disposition of government real property. Although subsection (f) restricts the disposition of “shorelines,” this broad restriction is clarified by section (i) which notes that real property located within the costal zone shall not be conveyed for uses or purposes inconsistent with the provisions of Title 12, chapter 21 of the code. Conveyance of Whistling Cay to the National Park Service for preservation and public use is consistent with the purpose of the referenced section and would not be prohibited. However, to alleviate any concerns or challenges related to 31 V.I.C. § 205, and to further the compelling public interest in the acquisition of Estate Catherineberg, we recommend adding the following language:

“Notwithstanding any other laws to the contrary, this transaction is authorized by the Legislature of the U.S. Virgin Islands.”

2. Exchange submerged lands for Estate Catherineberg Parcel instead of Whistling Cay.

The GVI was 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. A swap of submerged lands would cede additional territorial waters to the NPS and subject those waters to NPS management and restrictions. This is not a desirable outcome.

3. The Department of the Interior can lease the parcel at Estate Catherineberg to the GVI.

While the Department of the Interior may have the ability to lease park lands, that would not serve the purposes of the GVI. To access the FEMA Public Assistance funds for the replacement of the Julius E. Sprauve school, the GVI must demonstrate ownership interest in the subject property. A leasehold would not satisfy this concern and would cause us to forfeit the Public Assistance funding.

4. Congress can direct the Secretary of the Interior to convey the parcel at Estate Catherineberg to the GVI without monetary consideration.

It was noted that federal property was recently conveyed within the state of Maine. Unfortunately, the circumstances of that conveyance vary significantly from the situation at hand in the USVI. Congress did compel the Secretary of the Interior to convey 40 acres of federal property within the Acadia National Park to the town of Bar Harbor, Maine for the purpose of developing a solid waste transfer station, but this conveyance was authorized in 1986 and was part of legislation that established the permanent boundaries of the park (PL 99-420). Despite language in the bill that required the conveyance to be done “as soon as practicable,” the conveyance was not acted upon until earlier this year, 37 years later. The measure was acted on only after both United States Senators from the state of Maine tacked on an amendment to the \$1.7 trillion dollar omnibus bill passed by Congress to amend the original act to request the development of workforce housing to benefit both the park and the adjacent area. The actual development of that housing is still expected to take several years. This is an unusual occurrence and requires considerable lobbying power in both houses of Congress.

Despite significant effort, the GVI has not made much political progress in Congress on this issue in the past 50 years. The lack of voting members of Congress makes this approach exceedingly difficult. The current path of the proposed land exchange is the realizable approach to achieving construction of the new Prek-12 Julius E. Sprauve School in the immediate future. However, nothing prohibits us from continuing to lobby Congress for the return of Whistling Cay based on the recent precedent set in Maine.

5. Pursue donated land for the establishment of a school.

The GVI is poised to complete the acquisition of the Estate Catherineberg parcel that has been pursued by the Department of Education for over two decades as an ideal mid-island site for the construction of the new Prek-12 Julius E. Sprauve School. Preliminary design work has already been completed on this site as we prepare to expedite construction of the school. A project of this magnitude will immediately generate economic activity on the island of St. John, create jobs for Virgin Islanders, provide tax revenues for the GVI, and most importantly provide a modern school campus for the children of St. John.

We do not believe it is prudent to delay this critical hurricane recovery project in the uncertain pursuit of donated property. However, there remains a continued need for public property for the construction of affordable housing, the building of government office space, expansion of public cemetery space, development of renewable energy projects, and other compelling public infrastructure needs on the island of St. John. We will be happy to engage with property owners who are obliged and legally authorized to negotiate a donation of property to the Government of the Virgin Islands for public use.

6. We should not have to give away land to NPS in exchange for a school.

I assure you and the members of the Senate that the Government of the Virgin Islands is getting the better part of this exchange. The Government of the Virgin Islands is not giving away anything. We are willingly exchanging an undevelopable offshore cay for preservation within the National Park boundaries for a parcel of property that has tremendous present and historical value to the people of the Virgin Islands, especially the children of St. John.

While as proud Virgin Islanders we may oppose this transaction on principle, as leaders we must be practical and pragmatic in bringing solutions to the needs of our people. My Administration remains steadfast in our commitment to bringing real action to effectuate solutions after decades of discussion without progress. I pray that you and your colleagues share a similar mindset, and we can all stand together on this bold journey towards tangible results for our people.

Respectfully Submitted,



Albert Bryan Jr.
Governor