



St. John Land Exchange: NPS Addresses Federal Register NORA Public Comments

Leasing Land for a School

Summary of Comment

NPS states that 54 §U.S.C. 102901 explicitly excludes land within national parks or monuments from being sold or leased. However, leases exist within Virgin Islands National Park (VINP) such as Cinnamon Bay, the Virgin Islands Environmental Research Station (VIERS) and Caneel Bay. The Cruz Bay ballfield and playground operate under an agreement. Is it possible to lease land for a school on St. John?

NPS Response

The Government of the Virgin Islands (GVI) requested a land exchange with the NPS. The NPS respects the territory's sovereignty for decision making on the educational needs of Virgin Islands youth. With this land exchange, both the land and the developed assets of the school campus will be fully owned by the territory under the management of the Virgin Islands Department of Property and Procurement and the Virgin Islands Department of Education (VIDE). These assets will meet a priority territory need for education and may include an emergency storm shelter for St. John residents. The NPS leasing authority does not offer a clear leasing option for the vacant land needed for the GVI to build a preK-12th grade school. 36 CFR Part 18 renders vacant land (i.e., not associated with a building to be leased) ineligible for consideration for leasing. Leases, by nature, are for designated terms, yet the GVI has an indefinite need for an educational facility. It is important to note that Cinnamon Bay Campground does not operate as a lease, but rather operates under a commercial services concession contract. Caneel Bay does not operate under a lease, but rather operates under a unique Retained Use Estate. Historically, VIERS has not operated under a lease, but rather under a general agreement. These examples are developed NPS assets which could potentially be eligible for leasing under federal law.

Fulfilling the Promise of a School

Summary of Comment

The journey across the ocean from St. John to St. Thomas was a daily dreaded experience in order to attend high school. Parents and grandparents would tell of stories of a promised high school on St. John which was told to them as young students. Many who wished for the safety and convenience of a high school on their home island have passed away never seeing this come to reality. Today's youth—like those before—experience the exhaustion at the end of each school day. It is heartwarming to know that young students attending Julius E. Sprauve School are on a new path with this historic moment which will be a benefit to the whole community. In homage to ancestors and for the upcoming future leaders, a new public school on St. John signifies a new beginning.

NPS Response

This proposed land exchange between NPS and GVI is the only option currently available to the NPS to provide the land requested by the territorial government to achieve this decades-long goal. NPS reached alignment with the territory to support their request to fulfill the promise of a new pre K-12th grade public school on St. John.

Opposition to Proposed Congressional Legislation

Summary of Comment

The commenter disagrees with Congresswoman Stacey Plaskett's recently introduced bill (H.R. 3025), stating that VINP should not have limits or conditions for continued growth. There remain valuable, undeveloped non-park assets on St. John worthy of protection. Developing such lands would not likely benefit middle class residents but may entice wealthier persons to build oversized structures, permanently destroying historical resources. To curtail land donations or other altruistic actions, in essence requiring a "swap condition" discourages conservation and preservation.

NPS Response

The NPS understands the land use realities some residents and the GVI face on St. John and remains committed to participating in solving important community needs. NPS does not support H.R. 3025 as a means to address the needs of the local community.

Future Development on St. John

Summary of Comment

Will the construction of a new school lead to more development on St. John in the future? Because the parcel for the school is largely a wooded area, will additional acquisition of land be requested in the future to meet educational needs? Development could have significant impacts on noise, traffic and eco-tourism. VINP provides great attractions for tourism. How far will development go in the future if populations on St. John increase due to the presence of this new school?

NPS Response

This proposed land exchange is the only such request received from the GVI. The NPS will share this concern with the VIDE and the VI Department of Planning and Natural Resources (DPNR). In 2022, DPNR launched a Comprehensive Land and Water Use planning effort where your concerns may be directly addressed. More information is available via: USVI Comp Plan (planusvi.com). It is important to note that the territory requested the land exchange with urgency after Hurricanes Irma and Maria severely damaged the only public K-8th grade school on St. John. For the territory, rebuilding a school is a necessity.

Support for NPS Action

Summary of Comment

It is unclear why some residents are opposed to the land swap. The NPS protects areas of St. John. How has the USVI protected Whistling Cay?

NPS Response

The NPS supports the territory's request for the land exchange to replace the school severely damaged by Hurricanes Irma and Maria in 2017. This government-to-government collaboration maintains VINP's mission to protect cultural and natural resources for the public's benefit.

Concern of Misinformation and Lack of Adherence to Virgin Islands Law

Summary of Comment

Other alternatives to the exchange were offered but not addressed. NPS mentioned 400 comments were received but over 600 comments were hand delivered, thus the information provided to the public was incorrect. What are the motivations for the misinformation? The Governor has not addressed the residents of St. John and he does not understand the history or perspective of St. John residents. V.I. Code tit. 31, § 205 (2019) states that "(f) No portion of a "shoreline" as defined in section 402 of chapter 10 of Title 12 of this code, shall be sold, leased or otherwise disposed of by the Government of the Virgin Islands; excepting only leases for concession stands when such leases are approved in accordance with this section." Is this law being ignored? VINP has never completed a proper survey on St. John. Doing so would allow the territory to build a school without "begging", and distributed maps would be more accurate. The property offered for the school does not provide for the full needs of a school, thus is unsatisfactory.

NPS Response

The NPS undertook an extensive public comment period for the proposed land exchange. The NPS carefully analyzed and counted all comments from December 13, 2022 through March 15, 2023. Blank forms and blank pages were not counted. NPS is aware of V.I. Code tit. 31, § 205 (2019) and the GVI is addressing this matter. A survey of the NPS Catherineberg parcel was conducted to facilitate the land exchange. A survey was not required for Whistling Cay as it is an island. The concern regarding the unsatisfactory selection of a parcel for a future school will be shared with the VIDE.

NPS Land Donation and VINP acreage

Summary of Comment

The Governor did not adequately consider resident's opinions pertaining to this exchange. NPS cited 54 U.S.C. 102901 as reason prohibiting donation of land, yet the DOI has demonstrated the ability to give NPS land for a community need. The 1986 Park Boundary Act directed NPS to convey "without monetary consideration" 40 acres of Acadia National Park's 55 acres to the town of Bar Harbor, ME for a solid waste transfer station. DOI does not recognize the greater need and obligation of our community to educate future generations. Without quality education the ability of any community to continue compete on world stage is diminished. "16 USC CHAPTER 1, SUBCHAPTER XLIV 398a (a) authorized the Secretary of Interior to limit NPS acreage on St. John, VI to 9,485 acres. NPS boldly asserts 75% ownership which is 10,080 acres. DOI and NPS are 595 acres in violation which must be corrected.

NPS Response

The commenter references a 1986 directive from Congress for a specific NPS park unit to convey property "without monetary consideration." It was not a system-wide directive. The NPS otherwise has no legal authority to donate national park and national monument land. Federal law (54 U.S.C. §102901) prohibits conveyance of property from National Parks, unless directed by Congress as the Acadia National Park conveyance exemplifies. That same law authorizes the Secretary of the Interior to exchange lands within National Parks. According to the policy of the NPS, the Federal land proposed for an exchange must be approximately equal in value to the non-Federal property being considered. Whistling Cay, although owned by the GVI, is within the boundary of the National Park, and has a similar property value, so the NPS has legal authority to engage with the GVI to exchange lands. VINP is careful to describe ownership of approximately 60% of the island of St. John. The Act of August 2, 1956 (P.L. 84-925, 70 Stat. 940) limited land acquisition to 9,500 acres; however, the Act of October 5, 1962 (P.L. 87-750, 76 Stat. 746), added 5,650 acres to the park. The 1956 limitation is therefore no longer applicable. The Act of August 18, 1978 (P.L. 95-348, 92 Stat. 487) added approximately 135 acres of Hassel Island.

Former Inhabitants of Hammer Farm

Summary of Comment

Prospective descendants of former inhabitants of Hammer Farm on St. John are against the land swap.

NPS Response

NPS conducted civic engagement during Spring 2022, followed by a second public comment period during the National Environmental Policy Act (NEPA) process during Fall 2022. To hear from a broad range of community stakeholders, the NPS offered opportunities for public comment during this and previously published Notice of Realty Action statements in VI local media and in the Federal Register from December 13, 2022 through June 6, 2023. All opinions for and against the proposed land exchange were welcomed and received.



Danish colonial-era windmill structure at Catherineberg Estate on St. John, USVI.