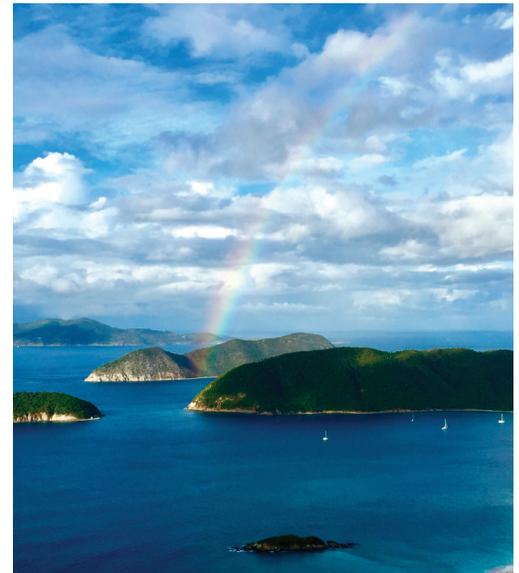




St. John Land Exchange: Frequently Asked Questions

Why is this land exchange taking place?

A land exchange is needed to build a new public school on St. John Island of the VI. To earn a high school diploma, St. John youth, for generations, have either transferred to a private school, enrolled in public school on St. Thomas or moved to the continental US. The goal of achieving a public high school education on St. John has been long-standing, yet elusive. Multiple efforts in the past to achieve this goal met barriers that slowed or temporarily halted progress. Hurricanes Irma and Maria severely damaged the only K–8th grade public school on island with children currently being educated in temporary facilities. Through the VI Office of Disaster Recovery, the VI Department of Education (VIDE) has access to FEMA disaster assistance funds to rebuild the public school to meet current standards and future demand. The VIDE identified the Catherineberg parcel (NPS land) as the preferred location for a new pre-kindergarten to 12th grade public school. The NPS supports the GVI's goal of advancing education for all Virgin Islands youth and is making use of NPS' land exchange authority to assist the GVI secure the desired parcel of land. In 2019 the GVI identified Whistling Cay (GVI land) within the NPS legislative boundary for exchange. From 2020-2022, GVI and NPS evaluated the costs and benefits of a land exchange while outlining mitigation actions for any adverse effects the exchange may have on cultural or natural resources.



Fungi Passage

Why is this a land exchange and not a donation/why can't NPS just donate the land?

NPS has no legal authority to donate the land. Federal law ([54 U.S.C. §102901](#)) prohibits conveyance of property from National Parks. 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. GVI has the authority to exchange interests in land under Territorial law ([Title 31 V.I. Code § 231a](#)).

What does equal value mean? Does this include an equal exchange of acre-for-acre?

For an exchange of real properties, the NPS and the non-federal landowner must demonstrate that the appraised values of their respective lands are approximately the same. If one property is appraised at a higher value than the other, cash may be included in the exchange to equalize the values. Thus, according to NPS policy, the values of the land, not the acreage, must be equalized. According to National Park Service Land Acquisition Procedures, (LAPS-2021) 11.1 General, *“an exchange of land or interests in land is an exchange of real property between the United States and an owner of non-federal land within a unit of the National Park System. The LWCF Act Amended on July 15, 1968, (Public Law 90-401, 82 Stat. 356), authorizes the Secretary to acquire*

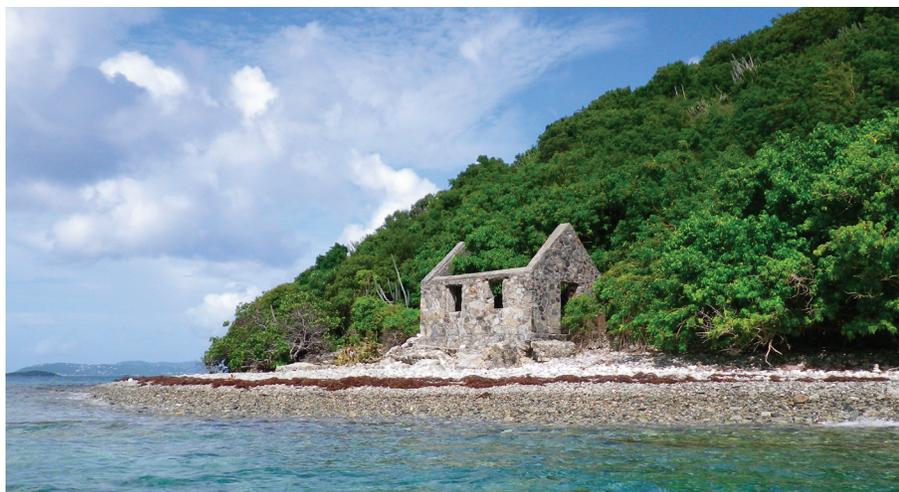
non-federal property or interests within a unit of the National Park System in exchange for federally owned property or interests administered by the Department. The federally owned property must be (1) suitable for exchange, (2) located in the same State as the private property to be acquired, and (3) approximately equal in value or susceptible to being equalized with cash payments.” Accordingly, the acreage of each property is not a significant factor, as the value equalization is key.

Why did the NPS conduct an Environmental Assessment?

As required by the National Policy Act of 1969 (NEPA), NPS conducted an Environmental Assessment (EA) to analyze potential impacts of the exchange. The purpose of the EA was for the NPS to respond to the request from the GVI to exchange a parcel of NPS-owned land, known as the Catherineberg Estate (Tract No. 01-137A), with the GVI as a possible location to support the island’s local educational needs. In exchange, the GVI has offered the island of Whistling Cay (Tract No. 02-101) for consideration. The environmental assessment focused on the environmental impacts of the land exchange itself, with a particular emphasis on the historic district and visitor use experience. The construction of any facilities will go through a separate environmental planning process managed by the GVI.

How were the lands for exchange identified?

A decade ago, NPS partnered with the GVI to evaluate Park locations suitable for a school and that could be exchanged for other naturally or culturally significant GVI lands. The NPS identified an 11-acre parcel within the Estate Catherineberg portion of the Park. Examples of criteria requested by the GVI included (a) the need for a central location on the island to minimize impact of a long commute from any part of St. John, (b) relatively flat land, and (c) access via an existing road. By the end of 2014, with support from the DOI Office of Insular Affairs, the GVI and NPS completed an archaeological and cultural survey of the Catherineberg parcel, held public meetings and displayed a conceptual model of a new school programmed for the 11-acre site. In 2019, GVI identified Whistling Cay as a parcel that meets criteria necessary for an exchange such as being within the current NPS legislative boundary and demonstrating features consistent with park interpretive themes and management practices.



Customs House on Whistling Cay

Can the Catherineberg parcel boundary be changed or expanded to reach the same acreage as Whistling Cay?

Yes, an expansion of the parcel is possible. Any expansion to the Catherineberg parcel boundary would require additional funding and may take approximately 2 years to evaluate, as the appraisal, site assessment, archeology investigation and NEPA processes would need to be resourced and activated.

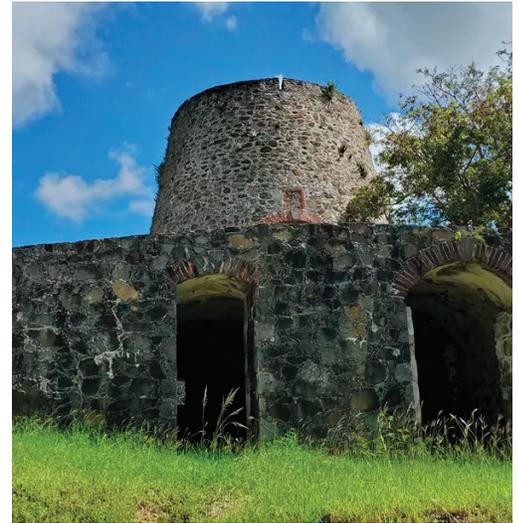
Can the NPS lease land to GVI for a school?

The GVI is not requesting a lease from the NPS as the FEMA Disaster Assistance for the GVI cannot be directed to the National Park Service. In short, the FEMA funds cannot be used for a lease. Furthermore, neither leasing authority of the NPS offers a clear leasing option for the vacant land needed for the GVI to build a pre-kindergarten to 12th grade school. 36 CFR Part 17 prohibits leaseholds within a declared “national park” within

the National Park System. 36 CFR Part 18 renders vacant land (i.e., not associated with a building to be leased) ineligible for consideration for leasing. Furthermore 36 CFR Part 18 does not allow any lease to undertake major construction of new buildings or structure. Leases, by nature, are for designated terms, yet the GVI has an indefinite need for an educational facility. NPS has leasing authority for historic property, however protecting the historic features as required by law would preclude the construction of a new school.

Can the NPS build and manage a school (e.g., Bureau of Indian Affairs federal schools)?

Administering state or territory level formal primary and secondary education is outside of the scope of the NPS mission.



Historic windmill at Catherineberg Estate

Does the deed to the Catherineberg parcel express how the property should be used for “community benefits” such as a public school?

The deed provides rights to Ms. Ethel Bishop for continued, limited use of the land for the remainder of her life. The deed does not express any use or benefits to any other entity.

What changes will the NPS make at Whistling Cay?

Whistling Cay is considered public lands by the territory and will remain public lands under NPS management. Whistling Cay is currently surrounded by Virgin Islands National Park waters within the park’s legislative boundary. As per the proposed deed restriction, no significant management changes in fishing rights or access rights will occur.

What other land exchange options did the NPS and GVI explore?

This effort has evolved over many years to mutually meet the GVI’s educational needs and the NPS mission. Criteria established by the GVI led to the Catherineberg parcel being an ideal candidate for the VI Department of Education circa 2012. Since then, the GVI has considered other non-NPS locations before and after Hurricanes Irma and Maria, with the Catherineberg parcel being the location that meets their needs best. Over the past decades territorial parcels that meet NPS criteria (e.g., consistency of natural and cultural resources with NPS legislative mandate and within congressionally authorized boundary), particularly on St. Croix, were considered by the GVI for exchange, yet for various reasons were ultimately deemed unsuitable. Whistling Cay squarely meets the NPS criteria and has an unencumbered deed with clear title.

References

36 CFR 60: <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol1/pdf/CFR-2012-title36-vol1-part60.pdf>

36 CFR Part 17: [eCFR :: 36 CFR Part 17 -- Conveyance of Freehold and Leasehold Interests on Lands of the National Park System](#)

36 CFR Part 18: [eCFR :: 36 CFR Part 18 -- Leasing of Properties in Park Areas](#)

NPS Management Policies 2006: <https://www.nps.gov/policy/mp/policies.html>

NPS Reference Manual 38 2008: [NPS Reference Manual For Leasing \(RM#38\)](#)

NPS authority for land transfers: [54 U.S.C. §102901](#)

GVI authority for land transfers: [Title 31 V.I. Code§ 231a](#)