



# St. John Land Exchange: NPS Addresses NORA Public Comments

## Affirmation of the Land Exchange

43 comments

### Summary of Comments

Notice of Realty Action (NORA) commenters felt that a new school is imperative for the future of children on St. John and important for the U.S. Virgin Islands in general. They cite the lack of a permanent school for children due to the destruction from Hurricanes Irma and Maria. They express that the current temporary modular structures for K-8th grade and the necessity of travel for highschoolers are not conducive to the needs of St. John youth.

### NPS Response

The National Park Service values the importance of an accessible education for all youth and appreciates the need for a new school on St. John. NPS worked diligently with territorial agencies to ensure the land exchange will not degrade existing cultural artifacts, and will provide an environment where the children can pursue scholastic achievement.

## Preservation of Artifacts and Other Items of Historical Significance

5 comments

### Summary of Comments

Commenters expressed concerns about the potential degradation or complete eradication of the artifacts that represent the historic significance of the Virgin Islands.

### NPS Response

The National Park Service worked closely with the VI Department of Property and Procurement (VIDPP), VI Department of Education (VIDE) and the VI State Historic Preservation Office (VISHPO) to evaluate the extent of artifacts in the designated area and to agree upon mitigating actions for impacts within the Catherineberg Historic District. These collaborations resulted in development restrictions in the deeds for a portion of the Catherineberg parcel and for Whistling Cay.

## Catherineberg Parcel Constraints

4 comments

### Summary of Comments

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

### NPS Response

The deed provided 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. The deed is available for viewing via [parkplanning.nps.gov/StJohnLandExchange](https://parkplanning.nps.gov/StJohnLandExchange).

## Public Involvement in the Land Exchange Action

5 comments

### Summary of Comments

There were various concerns about a lack of notice to and involvement with the residents of the Virgin Islands.

### NPS Response

VIDE hosted in-person and virtual sessions on the future of education in the Virgin Islands, including St. John, in 2019 and 2020. The Preliminary Land Exchange Agreement was widely publicized during the fall of 2020. After NPS cultural resource studies were completed, public comments were elicited through civic engagement during Spring 2022, followed by a second public comment period during the National Environmental Policy Act (NEPA) process during Fall 2022. The NPS requested comments during the Notice of Realty Action (NORA) comment periods, that occurred during the period of 12/13/2022–02/21/2023 and again from 02/23/2023–03/15/2023. The NPS reached audiences via print media, radio broadcasts, and virtual meetings during civic engagement and public comment periods in 2022 and 2023. During the NORA, NPS conducted direct outreach to multiple nonprofits on St. John, including faith-based organizations, and offered "office hours" on St. John and St. Thomas for the public to interact directly with park staff to submit comments.

## Donate or Lease the Land for Construction of the School

41 comments

### Summary of Comments

Commenters proposed a donation of land for the construction of the school and not an exchange that would add land to the existing VIIS boundary unit. Some commenters felt this was an attempt by the United States/NPS to grab land and further diminish the available private land in the islands. Other commenters suggested leasing the land to the GVI as opposed to an exchange so that more land would not be conveyed to the VIIS boundary unit.

### NPS Response

**Regarding a donation:** The NPS 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. 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).

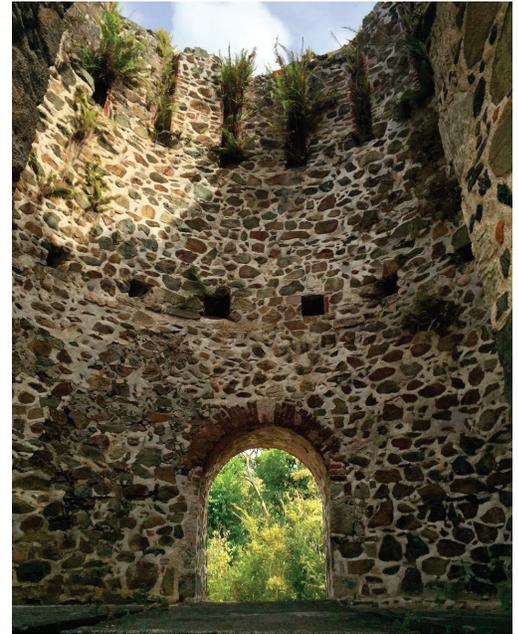
**Regarding a lease:** The GVI is not requesting a lease from the NPS as the FEMA Disaster Assistance for the GVI cannot be directed to the National Park Service. Furthermore, neither leasing authority of the NPS offers a clear leasing option for the vacant land needed for the GVI to build a preK-12th 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. 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.

## Opposition to Development on the Catherineberg Parcel

3 comments

### Summary of Comments

A commenter expressed dissatisfaction with the construction of the school as it may be a slippery slope that leads to other development in the area. That adjacent property owner claims the reason he/she purchased the property in the first place was due to the tranquility of undeveloped surroundings. Another commenter stated that GVI needs to use land it already owns to construct a school and giving more land to the NPS sets a dangerous precedent, as lands already administered by the NPS are already dilapidated and not properly managed.



Catherineberg windmill interior

### NPS Response

Development inside the boundaries of a park unit is generally not authorized, but for very limited exceptions. This land exchange is an exception in order to fulfill a decades-long request for a preK-12th grade public school on St. John. Development outside of the NPS boundary is managed by the territory through the VI Department of Planning and Natural Resources. Comments concerning other possible locations for a new public school have been shared with the VIDE.

## Inappropriate Lands Chosen for Construction of the School Site

4 comments

### Summary of Comments

Commenters concerns about the inappropriate topography of the selected site for the school (Catherineberg Estate) in addition to the cultural artifacts located there. These commenters also suggested other sites for the location of the school and possibly an exchange of submerged lands to the NPS.

### NPS Response

Years 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 and GVI collaboratively 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, and the GVI held public meetings to display a conceptual model of a new preK-12th grade 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. Other suggested non-NPS locations for a new public school have been shared with VIDE. Other suggested GVI land parcels for exchange have been shared with VIDPP.

## **Demanding Termination of Land Exchange**

**300 comments**

### **Summary of Comments**

Form letters entitled “Declarations,” demanded termination of the land exchange. The main concern pertained to the legality or illegality of the exchange as premised on Treaty Series No. 629. The commenters expressed that the treaty conveyed property to the residents of the Virgin Islands (“the people”) and not the Government of the Virgin Islands.

### **NPS Response**

The referenced treaty was signed in New York on August 4, 1916, which was a proposal to purchase/complete a cessation of the land from the Danish government. The treaty was subsequently approved by the Danish government on December 14, 1916 and signed by President Woodrow Wilson on January 16, 1917. The land was transferred to the U.S. government on March 31, 1917. For a full history of the process, see the following website: <https://2001-2009.state.gov/r/pa/ho/time/wwi/107293.htm>. There was no indication in the treaty that the land would be divided pro rata amongst the existing inhabitants of the land, unless they were currently the record title owners of various pieces of the property in question. The Revised Organic Act of 1954 established the current basis of law and governance in the U.S. Virgin Islands. The authority for this exchange is the Act of October 5, 1962, P.L. 87-750, Stat 746, Sec. 2, the Act of July 15, 1968 (54 U.S.C. §102901), and Title 31 V.I. Code § 231a. The Department of Property and Procurement - Division of Property is authorized by Title 3 V.I.C. § 218(a)(2), (5) & (8), 31 V.I.C. § 232(4), 31 V.I.C. §§ 201, 202, 205 to manage and control all Government real properties and assets to include acquisitions, dispositions, commercial leasing, and property distribution. While the original Catherineberg parcel was ~55 acres only the ~11 acres requested by the territorial government was evaluated for exchange during the NEPA process. The NORA publications were issued in accordance with the NPS policy. The NORA was published once a week for three consecutive weeks in the papers of general circulation where descriptions of the parcels were provided. The legal notices were published in the St. John Source on 12/13/2022, 12/20/22 and 12/27/2022. The publication in both the VI Daily News and VI Consortium occurred on 12/16/2022, 12/23/2022 and 12/30/2022. There was a subsequent NORA publication in the aforementioned papers allowing for public comments from 2/22/23–3/15/23.



Catherineberg Estate