

H.R. 53- Virgin Islands National Park School
Lease Act (enter agreement w/ VI Gov't), VI

and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ:
H.R. 41. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:
H.R. 42. A bill to amend the Communications Act of 1934 to continue in effect and expand the Lifeline Assistance Program and the Link Up Program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:
H.R. 43. A bill to amend the Housing and Community Development Act of 1974 to provide financial assistance for the development and reuse of brownfields; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself and Mr. TOWNS):
H.R. 44. A bill to preserve affordable housing opportunities for low-income families, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. CROWLEY, and Mr. TOWNS):

H.R. 45. A bill to authorize the Secretary of Agriculture to make grants to community-based organizations and local redevelopment agencies operating in low-income communities to promote increased access to and consumption of fresh fruits, fresh vegetables, and other healthy foods among residents of such communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:
H.R. 46. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. CLYBURN, and Ms. NORTON):

H.R. 47. A bill to direct the Architect of the Capitol to establish and display within the Capitol Visitor Center a suitable exhibit which depicts the Congressional careers, accomplishments, and contributions of the 22 African-American Members of Congress who served during the Reconstruction and Post-Reconstruction Eras, and a suitable exhibit which acknowledges the use of slave labor in the construction of the Capitol; to the Committee on House Administration.

By Mr. WELCH of Vermont:
H.R. 48. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:
H.R. 49. A bill to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:
H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:
H.R. 51. A bill to amend titles XI and XIX of the Social Security Act to remove the cap

on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:
H.R. 52. A bill to amend the Internal Revenue Code of 1986 to repeal the cap on the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:
H.R. 53. A bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:
H.R. 54. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and Labor.

By Mr. CHRISTENSEN:
H.R. 55. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:
H.R. 56. A bill to extend the supplemental security income benefits program to Guam and the United States Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:
H.R. 57. A bill to repeal certain sections of the Act of May 26, 1935, pertaining to the Virgin Islands; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:
H.R. 58. A bill to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to create municipal governments; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:
H.R. 59. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. BAIRD (for himself, Mr. BRADY of Texas, Mr. COOPER, Mr. WAMP, Mr. McDERMOTT, Mr. INSLEE, Mr. DICKS, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. REICHERT, Mr. HASTINGS of Washington, and Mrs. McMORRIS RODGERS):

H.R. 60. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:
H.R. 61. A bill to amend the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to extend the deadline for the submission of the final report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, to provide for the appointment of additional members for the Commission, to ensure the availability of funds for the Commission, and for other purposes; to the Committee on Armed Services.

By Mr. BARTLETT of Maryland:
H.R. 62. A bill to amend the National Defense Authorization Act for Fiscal Year 2006 to extend the deadline for the submission of the final report of the Commission on the Implementation of the New Strategic Posture of the United States, to provide for the appointment of additional members for the Commission, to ensure the availability of

funds for the Commission, and for other purposes; to the Committee on Armed Services.

By Mr. BARTLETT of Maryland:
H.R. 63. A bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:
H.R. 64. A bill to direct the Secretary of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region; to the Committee on Homeland Security.

By Mr. MCINTYRE (for himself, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. HAYES, Ms. HERSETH, Mr. HINCHIEY, Mr. KILDEE, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. WATT, and Mr. RAHALL):

H.R. 65. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. MCINTYRE (for himself and Mr. HAYES):

H.R. 66. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE:
H.R. 67. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCINTYRE:
H.R. 68. A bill to amend the Water Resources Development Act of 1976 to allow the Secretary of the Army to extend the period during which the Secretary may provide beach nourishment for a water resources development project; to the Committee on Transportation and Infrastructure.

By Mr. MCINTYRE:
H.R. 69. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:
H.R. 70. A bill to authorize States to regulate the receipt and disposal of out-of-State municipal solid waste; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:
H.R. 71. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:
H.R. 72. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:
H.R. 73. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and

110TH CONGRESS
1ST SESSION

H. R. 53

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mrs. CRISTENSEN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Virgin Islands Na-
5 tional Park School Lease Act".

1 **SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL**
2 **PARK, SAINT JOHN, VIRGIN ISLANDS.**

3 (a) **LEASE AUTHORIZED.**—The Secretary of the Inte-
4 rior may lease to the Government of the United States
5 Virgin Islands a parcel of real property, including any im-
6 provements thereon, located within the boundaries of Vir-
7 gin Islands National Park on the island of Saint John,
8 Virgin Islands, as depicted on the map entitled
9 “_____”, numbered _____, and
10 dated _____ 2007, for the purpose of providing a suit-
11 able location for the establishment of a school by the Gov-
12 ernment of the United States Virgin Islands on the island.

13 (b) **TERM OF LEASE.**—The lease authorized by sub-
14 section (a) may not exceed a term of 99 years.

15 (c) **AVAILABILITY OF MAP.**—The map referred to in
16 subsection (a) shall be on file and available for public in-
17 spection in the appropriate offices of the National Park
18 Service.

19 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the lease under this section as
22 the Secretary considers appropriate to protect the inter-
23 ests of the United States.

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110TH CONGRESS
1ST SESSION

H. R. 53

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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3 tional Park School Lease Act".

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6 (a) **LEASE AUTHORIZED.**—The Secretary of the Inte-
7 rior may lease to the Government of the United States
8 Virgin Islands a parcel of real property, including any im-
9 provements thereon, located within the boundaries of Vir-
10 gin Islands National Park on the island of Saint John,
11 Virgin Islands, as depicted on the map entitled "Virgin
12 Islands National Park School Exchange", numbered 161/
13 80,037, and dated September 19, 2007, for the purpose
14 of providing a suitable location for the establishment of
15 a school by the Government of the United States Virgin
16 Islands on the island.

17 (b) **TERM OF LEASE.**—The lease authorized by sub-
18 section (a) may not exceed a term of 99 years.

19 (c) **AVAILABILITY OF MAP.**—The map referred to in
20 subsection (a) shall be on file and available for public in-
21 spection in the appropriate offices of the National Park
22 Service.

23 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the lease under this section as

1 the Secretary considers appropriate to protect the inter-
2 ests of the United States.

Passed the House of Representatives October 22,
2007.

Attest: LORRAINE C. MILLER,
Clerk.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the Wells Hydroelectric Project, operated by the Public Utility District in Douglas County, provides electricity to approximately 17,000 customers in Washington State. The central feature of the project is a dam on the Columbia River.

The utility district is in the early stages of the Federal Energy Regulatory Commission's relicensing process. The project's current license was granted in 1962 and will expire in May 2012. An application for relicensing must be submitted by 2010.

H.R. 523 directs the Secretary of the Interior to sell 662 acres of BLM land within the project boundary to the utility district and requires the district to pay the appraised fair market value of the land.

Importantly, the legislation requires that, even after the conveyance takes place, the Secretary of the Interior will retain authority under the Federal Power Act to place conditions on the utility district's new license, if necessary, to protect the natural resources of the area.

Mr. Speaker, we have worked closely with the sponsor and our minority colleagues on the Natural Resources Committee to improve this legislation. We thank them for that and appreciate it very much.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise in support of H.R. 523 and yield myself such time as I may consume.

First, I would like to thank Committee Chairman RAHALL and Subcommittee Chairman GRIJALVA for scheduling and for pushing this important legislation. This straightforward bill allows for the conveyance of a few small pieces of public land to the Douglas Public Utility District for fair market value and then dedicates the sales proceeds to improving public access to existing Bureau of Land Management lands in Washington State. This conveyance from one public agency to another will better facilitate the use of this land.

Congressman DOC HASTINGS is also to be commended for his work. He has worked and pushed, and it's great to see this all coming to fruition. Congressman HASTINGS is traveling from his district at this time and cannot be here.

Mr. HASTINGS of Washington. Madam Speaker, I strongly support H.R. 523, legislation I introduced to convey certain Bureau of

Land Management land to the Douglas County Public Utility District in Washington state. The Douglas County PUD operates the Wells Hydroelectric Project on the Columbia River, in North Central Washington. The PUD manages the Wells Hydroelectric Dam and the associated reservoir for multiple purposes, including power generation, fish and wildlife protection, and recreation. Almost all of the land encompassing the project area is owned by the PUD, with the exception of several small BLM holdings.

Passing this legislation enables the PUD to manage the project in a far more efficient manner. It also allows the BLM to concentrate its limited resources elsewhere, in areas where there are large contiguous blocks of BLM land. It is clear that we can achieve a better and more efficient management of our resources with this land conveyance.

In addition, since the Douglas PUD is a public agency under Washington state law, the conveyance simply moves land from the control of one public agency to the control of another agency. It is also important to note that the Douglas PUD has a strong reputation as a steward of the environment. It has worked diligently with federal and state agencies, tribal governments, and environmental groups to develop a model Habitat Conservation Plan for salmon and steelhead. The PUD also protects other forms of wildlife and provides public access wherever possible.

As my colleagues may recall, similar legislation passed the House last year under suspension. There is one important addition to the legislation this year. H.R. 523 calls for the proceeds of this land sale to be used to improve public access to existing lands in Washington state. I am pleased that we were able to reach a consensus with members of the Natural Resources Committee to ensure that the proceeds are used for this purpose.

where I am pleased to be increasing the access to these lands.

toward the Douglas PUD. I am pleased that the bill will allow for an interesting transfer of land to their children. Designating the lands as difficult for the Douglas PUD. The Dunes are surrounded by private lands. There is a need to visit the public area, one has to cross private property. H.R. 523 gives the BLM the financial resources and the flexibility they need to improve access to Juniper Dunes.

Finally, I am pleased that I was able to work with the Resources Committee to include language clarifying that the BLM will retain authority under the Federal Power Act for the current FERC relicensing of the Wells project. This authority will remain with the BLM until a new license is in place, which is expected in 2012.

I want to thank my colleagues on the Natural Resources Committee, specifically Chairman RAHALL, Ranking Member YOUNG and Subcommittee Chairman GRIJALVA and Subcommittee Ranking Member BISHOP and their staffs for all their hard work on this legislation. H.R. 523 will benefit the Douglas County PUD,

the BLM as well as improve vitally needed public access throughout Washington state. I urge my colleagues to support this legislation.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 523, as amended.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VIRGIN ISLANDS NATIONAL PARK SCHOOL LEASE ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 53) to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 53

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virgin Islands National Park School Lease Act".

LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.

(a) LEASE AUTHORIZED.—The Secretary of the Interior may lease to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled "Virgin Islands National Park School Exchange", numbered 161/80,037, and dated September 19, 2007, for the purpose of providing a suitable location for the establishment of a school by the Government of the United States Virgin Islands on the island.

(b) TERM OF LEASE.—The lease authorized by subsection (a) may not exceed a term of 99 years.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

October 22, 2007

CONGRESSIONAL RECORD—HOUSE

H11791

The Chair recognizes the gentlewoman from the Virgin Islands.

□ 1500

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to explain the bill.

I want to thank the Chair of the Subcommittee on Parks for coming to the Virgin Islands and having a hearing in St. John on this important bill.

This bill, H.R. 53, was introduced by me on January 4 of this year to authorize the Secretary of the Interior to lease land on the island of St. John to the Government of the United States Virgin Islands to build a public school. The legislation is strongly supported by the people of the Virgin Islands, particularly the residents of St. John.

The Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation by Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. In 1962 and 1978, the park was enlarged by Congress so that it now takes up almost two-thirds of St. John, which is only 22 square miles.

For at least the past three decades, the Government of the Virgin Islands and the National Park Service have been discussing the question of securing suitable land on the island of St. John to construct the public school. Since the 1970s, public school enrollment on St. John has more than doubled, and the U.S. VI Government owns no land on the island to expand either of the two public schools that now exist or to build a new one.

The two existing public schools, Julius E. Sprauve and the Guy H. Benjamin Elementary School, only accommodate children up to the ninth grade. St. Johnian high school children have to travel to St. Thomas, 20 minutes by ferry over open ocean to complete their secondary education.

The Julius E. Sprauve School is in the middle of a heavily trafficked area, which really threatens and puts the lives of our children at risk as they come to and from school. About 2 years ago, a second-grade student was killed leaving a Christmas party. The schools are not in the best location; especially that school is not in the best location for our students.

It is clear that with limited land and the continued growth and population, this legislation is critically needed.

I want to thank Chairman RAHALL and Ranking Member DON YOUNG and Subcommittee Parks Chairman RAÚL GRIJALVA and Insular Affairs Subcommittee ranking member, LUIS

FORTUÑO, for their support to have this legislation considered on the floor today.

I also have to thank the One Campus Group in St. John, Kirstin Cox, Lorelei Monsanto, Alvis Christian, Ronnie Jones and all of the others for the work that they have done to get us this far and to bring the community together in support of the process that is outlined in H.R. 53 when all else failed.

I urge my colleagues to support the people of St. John and to support H.R. 53.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. I do thank my colleague from the Virgin Islands for outlining H.R. 53.

Two-thirds of the island of St. John is comprised of the Virgin Islands National Park. The park's dominant size is negatively impacting the quality of life for the growing population there at St. John. Without utilizing the park land, there is no other suitable property to build a school on St. John.

I urge my colleagues to support the bill. We had hoped to consider an amendment to convey the property outright for the school, as was offered, but then withdrawn by Congressman JEFF FLAKE during our committee consideration of this bill.

However, Chairman RAHALL has given his support for other long-term leases, and this bill does establish an important precedent for the National Park Service.

We support the bill. It is for a great purpose. I would urge my colleagues to support this, since we don't have an amendment to give it outright to my colleague, but, in the meantime, we support this bill and wish the project well.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. I thank the gentleman for his support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 53, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 767) to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Refuge Ecology Protection, Assistance, and Immediate Response Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is the premier land conservation system in the world.

(2) Harmful nonnative species are the leading cause of habitat destruction in national wildlife refuges.

(3) More than 675 known harmful nonnative species are found in the National Wildlife Refuge System.

(4) Nearly 8 million acres of the National Wildlife Refuge System contain harmful nonnative species.

(5) The cost of early identification and removal of harmful nonnative species is dramatically lower than removing an established invasive population.

(6) The cost of the backlog of harmful nonnative species control projects that need to be carried out in the National Wildlife Refuge System is over \$361,000,000, and the failure to carry out such projects threatens the ability of the System to fulfill its basic mission.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among the United States Fish and Wildlife Service, other Federal agencies, States, Indian tribes, and other interests for the following objectives:

(1) To protect, enhance, restore, and manage a diversity of habitats for native fish and wildlife resources within the National Wildlife Refuge System through control of harmful nonnative species.

(2) To promote the development of voluntary State assessments to establish priorities for controlling harmful nonnative species that threaten or negatively impact refuge resources.

(3) To promote greater cooperation among Federal, State, and local land and water managers, and owners of private land, water rights, or other interests, to implement ecologically based strategies to eradicate, mitigate, and control harmful nonnative species that threaten or negatively impact refuge resources through a voluntary and incentive-based financial assistance grant program.

(4) To establish an immediate response capability to combat incipient harmful nonnative species invasions.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Invasive Species Advisory Committee established by section 3 of Executive Order 13112, dated February 3, 1999.

(2) APPROPRIATE COMMITTEES.—The term "appropriate Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) CONTROL.—The term "control" means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species from areas where they are present; taking steps to detect early infestations on at-risk native habitats; and restoring native species and habitats to reduce the effects of harmful nonnative species.

(4) ENVIRONMENTAL SOUNDNESS.—The term "environmental soundness" means the extent of inclusion of methods, efforts, actions,

or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(5) **HARMFUL NONNATIVE SPECIES.**—The term "harmful nonnative species" means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region.

(6) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) **NATIONAL MANAGEMENT PLAN.**—The term "National Management Plan" means the management plan referred to in section 5 of Executive Order 13112 of February 3, 1999, and entitled "Meeting the Invasive Species Challenge".

(8) **REFUGE RESOURCES.**—The term "refuge resources" means all lands and waters, including the fish and wildlife species and the ecosystems and habitats therein, that are owned and managed by the Federal Government through the United States Fish and Wildlife Service and located within the National Wildlife Refuge System administered under the National Wildlife Refuge Administration Act of 1996 (16 U.S.C. 668dd et seq.), including any waterfowl production area.

(9) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(10) **STATE.**—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE (REPAIR) GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project consistent with relevant State plans that have been developed in whole or in part for the conservation of native fish, wildlife, and their habitats, and in accordance with this section, to—

(A) identify harmful nonnative species that occur in the State that threaten or negatively impact refuge resources;

(B) assess the needs to restore, manage, or enhance native fish and wildlife and their natural habitats and processes in the State to complement activities to control, mitigate, or eradicate harmful nonnative species negatively impacting refuge resources;

(C) identify priorities for actions to address such needs;

(D) identify mechanisms to increase capacity building in a State or across State lines to conserve and protect native fish and wildlife and their habitats and to detect and control harmful nonnative species that might threaten or negatively impact refuge resources within the State; and

(E) incorporate, where applicable, the guidelines of the National Management Plan.

The grant program under this section shall be known as the "Refuge Ecology Protec-

tion, Assistance, and Immediate Response Grant Program" or the "REPAIR Program".

(b) **FUNCTIONS OF THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) publish guidelines for and solicit applications for grants under this section not later than 6 months after the date of enactment of this Act;

(B) receive, review, evaluate, and approve applications for grants under this section;

(C) consult with the Advisory Committee on the projects proposed for grants under this section, including regarding the scientific merit, technical merit, feasibility, and priority of proposed projects for such grants; and

(D) consult with the Advisory Committee regarding the development of the database required under subsection (j).

(2) **DELEGATION OF AUTHORITY.**—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) **FUNCTIONS OF THE ADVISORY COMMITTEE.**—The Advisory Committee shall—

(1) consult with the Secretary to create criteria and guidelines for grants under this section;

(2) consult with the Secretary regarding whether proposed control projects are qualified control projects; and

(3) carry out functions relating to monitoring control projects under subsection (j).

(d) **ELIGIBLE APPLICANT.**—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, university, or private person;

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project; and

(3) have entered into an agreement with the Secretary or a designee of the Secretary, for a national wildlife refuge or refuge complex.

(e) **QUALIFIED CONTROL PROJECT.**—

(1) **IN GENERAL.**—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative species after the completion of the project, that is consistent with standards for monitoring developed under subsection (j);

(C) be conducted in partnership with a national wildlife refuge or refuge complex;

(D) be conducted on lands or waters, other than national wildlife refuge lands or waters, that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section and on adjacent national wildlife refuge lands or waters administered by the United States Fish and Wildlife Service referred to in subparagraph (C), that are—

(i) administered for the long-term conservation of such lands and waters and the native fish and wildlife dependent thereon; and

(ii) managed to prevent the future reintroduction or dispersal of harmful nonnative species from the lands and waters on which the project is carried out; and

(E) encourage public notice and outreach on control project activities in the affected community.

(2) **OTHER FACTORS FOR SELECTION OF PROJECTS.**—In ranking qualified control projects, the Director may consider the following:

(A) The extent to which a project would address the operational and maintenance

backlog attributed to harmful nonnative species on refuge resources.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative species threatening or negatively impacting refuge resources.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species or national wildlife refuge lands or non-Federal lands in proximity to refuge resources.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in controlling harmful nonnative species.

(F) The extent to which a project considers the potential for unintended consequences of control methods on ecosystems and includes contingency measures.

(f) **DISTRIBUTION OF CONTROL GRANT AWARDS.**—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all regions and States within which such projects are proposed to be conducted.

(g) **GRANT DURATION.**—

(1) **IN GENERAL.**—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) **RENEWAL.**—(A) If the Secretary, after reviewing the reports under subsection (h) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (e)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(h) **REPORTING BY GRANTEE.**—

(1) **IN GENERAL.**—(A) A grantee carrying out a control project with a grant under this section shall report to the Secretary every 24 months or at the expiration of the grant, whichever is of shorter duration.

(B) A State carrying out an assessment project with a grant under this section shall submit the assessment pursuant to subsection (a)(2) to the Secretary no later than 24 months after the date on which the grant is awarded.

(2) **REPORT CONTENTS.**—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (k)(2);

(ii) specific information on the methods and techniques used to control harmful nonnative species in the project area; and

(iii) specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

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THE UNITED STATES VIRGIN ISLANDS

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

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226853

November 21, 2007

The Honorable Dirk Kempthorne
Secretary of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Kempthorne:

I am writing to seek the Department of Interior's support for H.R. 53, a bill introduced by Delegate Christensen, to lease land at the St. John National Park for the purpose of constructing a much-needed public school facility. We believe that this legislation offers the best solution to an issue that has taken more than three decades to resolve. We are now facing an educational crisis on the island of St. John that has the potential fundamentally to alter the attitudes of local residents about the National Park Service.

Over the years, the National Park Service and the Virgin Islands Government have considered various options for addressing this problem, including the possibility of swapping National Park land for islets, cays and land on other islands owned by the Virgin Islands Government. All these efforts have failed. The extremely high property values on St. John have made a land swap unfeasible. Many Virgin Islanders believe that the National Park Service has already acquired enough land in the Territory. I would hope that you, as a former Governor, would agree that it is difficult to sacrifice the educational needs of a community because of needs of the National Park System.

We believe a lease is the best option for resolving this problem. Although some may claim that a lease arrangement would establish an unwanted precedent that may affect other National Parks in the system, we believe that the St. John National Park, with its proximity to the local population, and with its limited space for development is a unique and isolated case.

EXECUTIVE SECRET

OFFICE OF THE GOVERNOR

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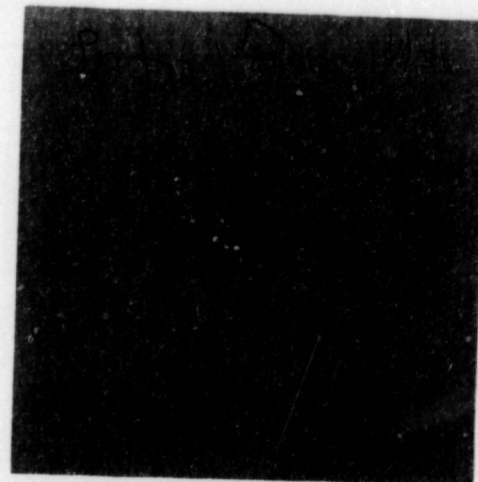
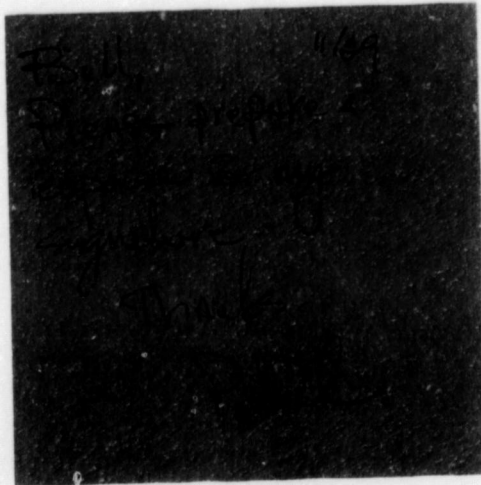
Secretary Dirk Kempthorne
November 21, 2007
Page 2

The St. John National Park's visionaries would agree that provisions should be made for the needs of the local population. I strongly believe that the St. John National Park and the people of St. John can develop together, and that a school can be constructed that honors our shared principles of conservation.

Sincerely,

John P. de Jongh Jr.
Governor

cc: Donna M. Christensen





IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

L58 (0120)

JAN 08 2008

The Honorable John P. de Jongh Jr.
Governor of the Virgin Islands
Charlotte Amalie, VI 00802

Dear Governor de Jongh:

Thank you for your letter of November 21, 2007, to Secretary of the Interior Kempthorne regarding the Department's position on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands (U.S. Virgin Islands). Your letter has been forwarded to my office for response.

Since receiving your letter, Secretary Kempthorne spoke with Delegate Christensen concerning H.R. 53 and the Department's position on the bill. While the Secretary reiterated the Department's position and concern with a precedent, he did agree with Delegate Christensen that a visit early this year would be helpful to solve this unique situation.

As you are aware, H.R. 53 would authorize the Secretary to lease to the U.S. Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. We understand that the property tentatively identified for this lease is a 10-acre plot within Virgin Islands National Park that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. H.R. 53 was reported by the House Committee on Natural Resources on October 10, 2007, and passed the House of Representatives on a voice vote on October 22. The bill has been sent to the Senate and referred to the Senate Committee on Energy and Natural Resources.

The Department stated its opposition to H.R. 53, in a letter to Delegate Christensen, because it would allow the lease of property within a unit of the National Park System for a use inconsistent with the purpose for which the park was created. We are concerned about the precedent that this would set for other communities adjacent to national parks that might want to develop National Park System lands for a local, civic purpose.

Virgin Islands National Park (park), authorized by Congress in 1956, was established largely by an initial land donation on St. John from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the coasts of St. John and, in 1978, by adding approximately 135 acres at Hassel Island in St. Thomas Harbor. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and owns 12,917 acres of land and water within its 14,689-acre authorized boundary.

While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings within the Park is in conflict with the direction given by the Park's authorizing legislation, which states, "The national park shall be administered and preserved by the Secretary of the Interior in its natural state..." (70 Stat. 940).

During the past 14 years, the U.S. Virgin Islands and the National Park Service have discussed other proposals that would allow the U.S. Virgin Islands to construct a school on land currently owned by the National Park Service.

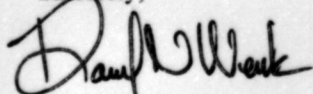
The Secretary of the Interior has the authority to make minor boundary revisions of a unit of the National Park System. The Land and Water Conservation Act stipulates several conditions that must be met before the boundary is revised. One of these conditions is that the total value of the land involved in a minor boundary revision must be less than \$750,000. Though no formal determination has been made, it appears that the Estate land alone is likely to be worth more than \$750,000.

Another proposal that has been examined is an administrative land exchange of National Park Service land for land owned by the U.S. Virgin Islands. In addition to assuring that the parties to the exchange are in agreement and the values of the lands involved are equal, in order to be completed administratively, an exchange of this type would have to meet a different set of monetary considerations.

The Department understands that the U.S. Virgin Islands would like to build a school in a central location on St. John and that reasonably priced private land is largely unavailable. However, the Department believes this would set a dangerous precedent for other units of the National Park System. Several National Park System units are located in areas where reasonably priced private land is unavailable for civic purposes. Enactment of H.R. 53 might encourage these communities to pursue the use of park lands for purposes other than the national purpose for which they were designated.

Thank you for giving us the opportunity to respond to you on this matter.

Sincerely,



Daniel N. Wenk
Deputy Director, Operations

VIRGIN ISLANDS NATIONAL PARK SCHOOL LEASE ACT

OCTOBER 22, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 53]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 53) to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virgin Islands National Park School Lease Act".

SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.

(a) LEASE AUTHORIZED.—The Secretary of the Interior may lease to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled "Virgin Islands National Park School Exchange", numbered 161/80,037, and dated September 19, 2007, for the purpose of providing a suitable location for the establishment of a school by the Government of the United States Virgin Islands on the island.

(b) TERM OF LEASE.—The lease authorized by subsection (a) may not exceed a term of 99 years.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under this section as the Secretary considers appropriate to protect the interests of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 53 is to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands (USVI) to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands (USVI) real property on the island of Saint John, including any improvements, for the purposes of constructing a public school complex. The property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island.

Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

For at least the past three decades, the government of the USVI and the National Park Service have been discussing the question of securing suitable land on the island of St. John to construct a public school. Since the 1970's, school enrollment on St. John has more than doubled and the USVI government has no more land on the island to either expand either of the two existing public schools or to build a new one. The island of St. John is only 28 square miles, two thirds which comprises the Virgin Islands National Park. Without utilizing National Park Service land, there is no other suitable property to build a school on St. John. The two existing public schools—Julius E. Sprauve (K-9) and Guy H. Benjamin Elementary (K-5)—on St. John only accommodate children up to the 9th grade. "St. Johnian" high school children must travel to St. Thomas twenty minutes by ferry, over Open Ocean, to complete their secondary education.

USVI Congressional Delegate Christensen has for several Congresses introduced legislation to provide for a "land-exchange" between the National Park Service and the USVI Government to build a school in a safer location. In recent years, because of the size of the NPS' holdings on the island, public support has shifted away from an exchange to some other mechanism for securing land for a school, such as a long-term lease, which H.R. 53 would accomplish.

COMMITTEE ACTION

H.R. 53 was introduced on January 4, 2007, by Delegate Donna Christensen (D-VI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs. On September 20, 2007, the Subcommittee met to mark up the bill. It was forwarded to the Full Committee, with-

out amendment, by voice vote. On October 10, 2007 the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by voice vote with an amendment offered by Mrs. Christensen.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Virgin Islands National Park School Lease Act."

Section 2. Long-term lease, Virgin Islands National Park, Saint John, Virgin Islands

Section 2(a) lease authorized—Provides for the Secretary of the Interior to lease certain property within the boundaries of the Virgin Islands National Park on St. John as depicted on the map entitled "Virgin Islands Park School Exchange," for the establishment of a school by the Government of the Virgin Islands.

Section 2(b) term of lease—States that the lease authorized by subsection may not exceed 99 years.

Section 3(c) availability of map—Provides for the map referenced in subsection (a) to be available for public inspection.

Section 2(d) additional terms and conditions—States that the Secretary may require additional terms and conditions in connection with the lease that he considers appropriate.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General performance goals and objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin

Islands (USVI) to provide land on the island of Saint John, Virgin Islands, for the establishment of a school.

4. Congressional Budget Office cost estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 53—Virgin Islands National Park School Lease Act

CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 53 would authorize the Department of the Interior (DOI) to enter into a 99-year lease with the Government of the Virgin Islands (U.S. Virgin Islands) to provide about 10 acres of land in the Virgin Islands National Park for the construction of a school. Leasing the property to the U.S. Virgin Islands would result in the collection of a negligible amount of offsetting receipts, which would be offset by an equal amount of spending by DOI.

H.R. 53 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the U.S. Virgin Islands, and any costs incurred by that government would be incurred voluntarily.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 53 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or (f) of rule XXI.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

110TH CONGRESS
1ST SESSION

Union Calendar No. 253

H. R. 53

[Report No. 110-399]

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mrs. CHRISTENSEN introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 4, 2007]

A BILL

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the "Virgin Islands National*
5 *Park School Lease Act".*

6 **SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL**
7 **PARK, SAINT JOHN, VIRGIN ISLANDS.**

8 (a) **LEASE AUTHORIZED.**—*The Secretary of the Inte-*
9 *rior may lease to the Government of the United States Vir-*
10 *gin Islands a parcel of real property, including any im-*
11 *provements thereon, located within the boundaries of Virgin*
12 *Islands National Park on the island of Saint John, Virgin*
13 *Islands, as depicted on the map entitled "Virgin Islands*
14 *National Park School Exchange", numbered 161/80,037,*
15 *and dated September 19, 2007, for the purpose of providing*
16 *a suitable location for the establishment of a school by the*
17 *Government of the United States Virgin Islands on the is-*
18 *land.*

19 (b) **TERM OF LEASE.**—*The lease authorized by sub-*
20 *section (a) may not exceed a term of 99 years.*

21 (c) **AVAILABILITY OF MAP.**—*The map referred to in*
22 *subsection (a) shall be on file and available for public in-*
23 *spection in the appropriate offices of the National Park*
24 *Service.*

1 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the lease under this section as the Sec-*
4 *retary considers appropriate to protect the interests of the*
5 *United States.*

Union Calendar No. 253

110TH CONGRESS
1ST SESSION

H. R. 53

[Report No. 110-399]

A BILL

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

OCTOBER 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed



Office of the Director

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

OCT 10 2007

Honorable Donna M. Christensen
Chairwoman, Subcommittee on Insular Affairs
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20510

Dear Ms. Christensen:

This letter provides the Department of the Interior's position on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands (U.S. Virgin Islands). The Department promised to forward this position to the subcommittee in our testimony on the bill at the field hearing held July 9, 2007 in the U.S. Virgin Islands.

H.R. 53 would authorize the Secretary to lease to the U.S. Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. We understand that the property tentatively identified for this lease is a 10-acre plot within Virgin Islands National Park that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road.

The Department opposes H.R. 53 because it would allow the lease of property within a unit of the National Park System for a use inconsistent with the purpose for which the park was created. We are concerned about the precedent that this would set for other communities adjacent to national parks who might want to develop National Park System lands for a local, civic purpose.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial donation of land on St. John from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

The lease authority proposed by H.R. 53 would exceed the authority currently granted to the Secretary to lease real property within units of the National Park System. The 1998 National Parks Omnibus Act gives the Secretary the authority to lease buildings and associated property (16 U.S.C. 1a-2(k)), as long as the lease does not "result in degradation of the purposes and values of the unit".

While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings is in conflict with the direction given by the park's authorizing legislation, which states, "The national park shall be administered and preserved by the Secretary of the Interior in its natural state..." (70 Stat. 940).

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property" (16 U.S.C. 470h-3). New construction of an education complex would not insure that the historic character of the land in question is preserved.

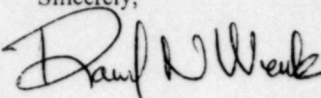
Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks" (16 U.S.C. 460l-22(a)).

During the past 14 years, the U.S. Virgin Islands and the National Park Service have discussed other proposals that would allow the U.S. Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The total value of the land exchanged – the combined value of both the land added and the land deleted from the unit – must be less than \$750,000. Though no formal determination has been made, it appears that the Estate land alone is likely to be worth more than \$750,000.

The Department understands that the U.S. Virgin Islands would like to build a school in a central location on St. John and that reasonably priced, private land is largely unavailable. However, the Department believes this would set a dangerous precedent for other units of the National Park System. Several units of the National Park System are located in areas where reasonably priced, private land is unavailable for civic purposes. The enactment of H.R. 53 might encourage these communities to pursue the use of park lands for purposes other than the national purpose for which they were designated.

Thank you for giving us the opportunity to respond to you on this matter.

Sincerely,

for Director

cc: Ranking Minority Member

STATEMENT OF MARTHA BOGLE, ACTING SUPERINTENDENT, VIRGIN ISLANDS NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS, HOUSE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 53, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS.

July 09, 2007

Ms. Chairwoman, thank you for the opportunity to appear before your subcommittee at this field hearing on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land for the establishment of a school. Because we do not typically provide positions on bills at field hearings, I will limit my comments to the history of this proposal and information concerning the National Park Service's existing administrative authorities to exchange or lease land within the park. We plan to send a followup letter providing our position on this bill.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. The piece of property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property in question was not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate. The property is near a road and other developments.

During the past 14 years, the Government of the United States Virgin Islands and Virgin Islands National Park have discussed many proposals that would allow the Government of the Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The land gained in the exchange must be "necessary for...the proper preservation, protection, interpretation, or management of an area of the national park system." Second, the total value of the land exchanged – the combined value of both the land added and the land deleted from the unit – must be less than \$750,000. Though no

formal determination has been made, a land exchange involving the Catherineberg Estate property does not appear to meet either of these criteria. The exchange does not appear necessary for the protection of the park, and it appears that the Estate land alone is likely to be worth more than \$750,000.

During the 109th Congress, Delegate Christensen introduced H.R. 272 to legislatively authorize a land exchange. The Department of the Interior did not take a position on H.R. 272.

The Secretary does not have any other authority to allow the construction of a school on property owned and managed by the National Park Service. The 1998 National Parks Omnibus Act does give the Secretary the authority to lease buildings and associated property (16 U.S.C. 1a-k), as long as the lease does not "result in degradation of the purposes and values of the unit". While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings appears to be in conflict with the direction given by the park's authorizing legislation, which states, "The national park shall be administered and preserved by the Secretary of the Interior in its natural state . . ." (70 Stat. 940).

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property" (16 U.S.C. 470h-3). New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks" (16 U.S.C. 4601-22(a)).

That concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

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Full Natural Resources
Committee Markup
withdrew
amendment

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 53
OFFERED BY MR. FLAKE OF ARIZONA**

Strike all after the enacting clause and insert the following:

SECTION 1. LAND CONVEYANCE VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.

(a) LAND CONVEYANCE.—The Secretary of the Interior may convey to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled “ ”, numbered 141/80,037, and dated September 19, 2007, for the purpose of providing a suitable

Virgin Islands
National
Park
School
Exchange

location for the establishment of a school by the Government of the United States Virgin Islands on the island.

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condi-

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ILLU.

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- 1 tions in connection with the conveyance under this section
- 2 as the Secretary considers appropriate to protect the inter-
- 3 ests of the United States.

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003/003

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H.L.A.

3

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to convey certain land to the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes."

HLC 10/10/07
Full Committee
mark up
Agreed to by
voice vote

AMENDMENT TO H.R. 53
OFFERED BY MRS. CHRISTENSEN OF VIRGIN
ISLANDS

Page 2, strike line 9 and all that follows through
"2007" on line 10, and insert "'Virgin Islands National
Park School Exchange', numbered 161/80,037, and dated
September 19, 2007".

110TH CONGRESS
1ST SESSION

H. R. 53

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mrs. CHRISTENSEN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Virgin Islands Na-
5 tional Park School Lease Act".

1 **SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL**
2 **PARK, SAINT JOHN, VIRGIN ISLANDS.**

3 (a) LEASE AUTHORIZED.—The Secretary of the Inte-
4 rior may lease to the Government of the United States
5 Virgin Islands a parcel of real property, including any im-
6 provements thereon, located within the boundaries of Vir-
7 gin Islands National Park on the island of Saint John,
8 Virgin Islands, as depicted on the map entitled
9 “_____”, numbered _____, and
10 dated _____ 2007, for the purpose of providing a suit-
11 able location for the establishment of a school by the Gov-
12 ernment of the United States Virgin Islands on the island.

13 (b) TERM OF LEASE.—The lease authorized by sub-
14 section (a) may not exceed a term of 99 years.

15 (c) AVAILABILITY OF MAP.—The map referred to in
16 subsection (a) shall be on file and available for public in-
17 spection in the appropriate offices of the National Park
18 Service.

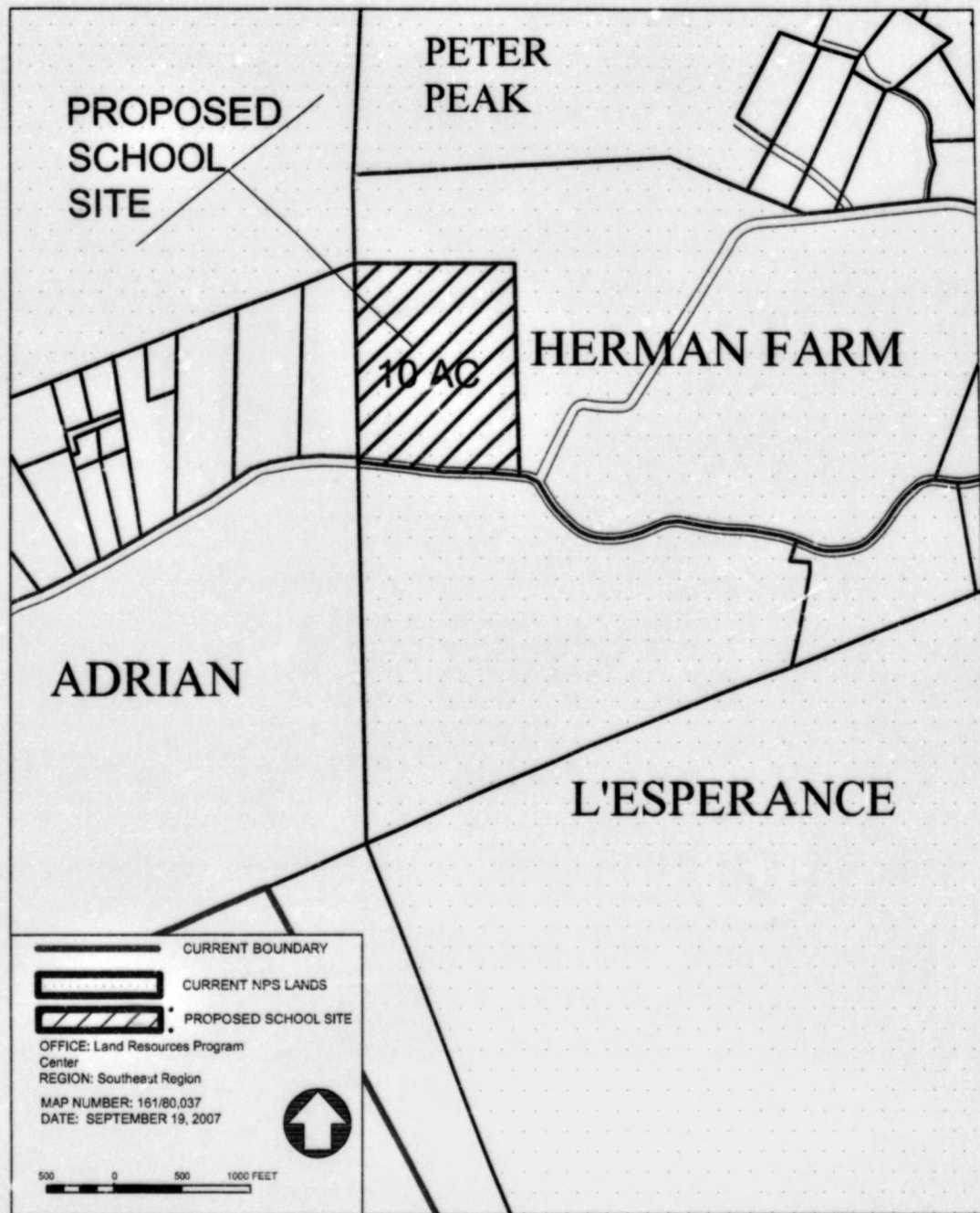
19 (d) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the lease under this section as
22 the Secretary considers appropriate to protect the inter-
23 ests of the United States.

○

Virgin Islands National Park

School Exchange

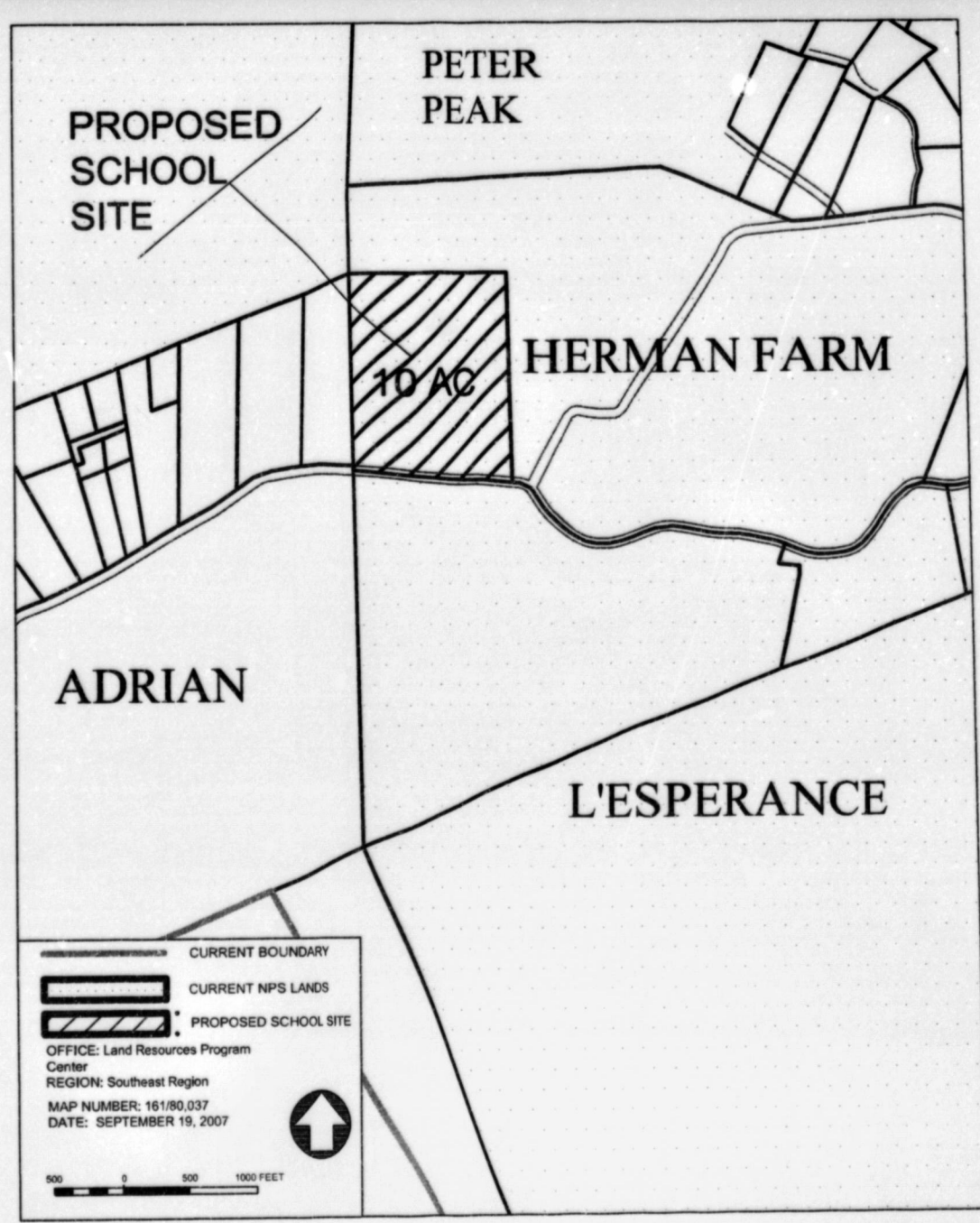
National Park Service
U.S. Department of the Interior



AR 53

Virgin Islands National Park
School Exchange

National Park Service
U.S. Department of the Interior





United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 13 2008



The Honorable Daniel Akaka
Chairman
Subcommittee on National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are responses prepared by the National Park Service to questions submitted following the Subcommittee's Wednesday, April 23, 2008, hearing on, **S. 662**: Harriet Beecher Stowe Home Study; **S. 827**; **S. 923/H.R.1528**: New England National Scenic Trail Designation; **S. 956**: Establish the land Between the Rivers National Heritage Area in Illinois; **S. 2073** Clarify the Statute of Limitations for the National Trails Act; **S. 2513**: Minuteman National Historical Park Boundary Adjustment; **S. 2604**: Establish Baltimore National Heritage Area; **S. 2804**: Everglades Boundary Adjustment; **H.R. 53**: Land lease from National Park Service for Virgin Islands School; and **H.R. 1483**: National Heritage Area Extension "

Thank you for the opportunity to provide this material to the subcommittee on National Parks of the Committee on Energy and Natural Resources.

Sincerely,

Jane M. Lyder
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Richard Burr
Ranking Member

feasibility study, and found that the criteria were fully addressed and met. While the proposed Freedom's Way National Heritage Area contains significant natural and cultural resources and meets the established criteria for congressional designation, we would again request that the committee defer action on S.827 until national heritage area program legislation is enacted.

(b) How many other National Heritage Areas are there in Massachusetts and New Hampshire and what is it that makes Freedom's Way unique?

Answer: There are no national heritage areas in New Hampshire. There are 4 heritage areas that include part of Massachusetts within its boundaries:

- John H. Chafee Blackstone River Valley NHC (MA/RI)
- Quinebaug & Shetucket Rivers Valley NHC (CT/MA)
- Essex NHA (MA)
- Upper Housatonic Valley NHA (CT/MA)

In terms of what makes the Freedom's Way National Heritage Area unique, this is a region that substantively influenced our democratic forms of governance and the development of intellectual traditions that underpin the concepts of American freedom, democracy, conservation, social justice, and ethnic diversity. Historically prominent leaders in literature and intellectual thought found the region to be a source of inspiration including Henry David Thoreau and Louisa May Alcott. It was also the locale for expressions of religious freedom and social experimentation with the settlements of such groups as the Shakers. The events that occurred here during the American Revolution include the ride of Paul Revere and the engagements at Lexington and Concord.

(3) New England National Scenic Trail Designation (S. 923/H.R. 1528):

(a) Is the New England National Scenic Trail a hiking trail?

Answer: The trail is a combination of existing trails that wind through Massachusetts and Connecticut and that are primarily devoted to hiking. Some sections support additional uses such as horseback riding and mountain biking.

(b) How much of the land associated with the trail would be owned by the National Park Service?

Answer: There is no existing federal land associated with the proposed trail route. The study concluded that at this time, there is no need for federal acquisition by the NPS. However, both bills provide the ability to purchase land from willing sellers if that is deemed advisable in the future.

(c) How much of the trail is in private ownership and does the National Park Service plan on someday owning the entire trail in fee?

Answer: The ownership of land across the two states varies. Some of it is state-owned, some privately owned, some of it is owned by corporations, some by municipalities, and some by non-profits. Part of the trail crosses public roads and public water utilities. None of it is owned by the federal government. The NPS does not plan on owning any of the trail in fee.

(4) Establish the Land Between the Rivers National Heritage Area in Illinois (S. 956):

(a) Will this designation as a National Heritage Area place any new restrictions on property owners' regarding use or development of their property?

Answer: This legislation places no restrictions on owners of private property including zoning and land use regulations. The legislation also provides protection for private property rights tailored to the specific needs of the region.

(b) Have National Heritage Area designations in any state had any adverse impact on private property?

Answer: As of 2007, there were over 61 million people who live in the 37 designated national heritage areas and to date, we have found no examples of private property complaints stemming from a NHA designation. The March 2004 GAO-04-593T report documents that the heritage area program has had no adverse impact on rights of private property owners.

(5) Clarify the Statute of Limitations for the National Trails Act (S. 2073): The rails-to-trails program is not administered by the NPS. Please direct these questions to the appropriate office in the Administration.

Answer: You are correct that the NPS generally is not involved in the rails-to-trails cases that arise under the National Trails System Act (the "Act"). The Surface Transportation Board (STB) of the Department of Transportation has authority over the construction, operation and abandonment of most of the nation's rail lines. The STB also has authority to issue a Notice of Interim Trail Use ("NITU") under Section 8(d) of the Act, 12 U.S.C. § 1247(d), when the conditions for such a notice are met.

The NPS referred Question 5 regarding the Act to the Department of Justice (DOJ), which handles, on behalf of the United States, the cases that these questions concern. S. 2073 would amend the National Trails System Act by establishing an accrual date for Fifth Amendment takings claims brought in connection with the implementation of that Act. The accrual date established by S. 2073 is different from the accrual date determined for such claims by the United States Court of Appeals for the Federal Circuit

in *Caldwell v. United States*, *Renewal Bodyworks v. United States*, and *Barclay v. United States*. In these cases, the Federal Circuit determined that the issuance of an original NITU triggers the running of the statute of limitations. S. 2073 would amend Section 8(d) of the Act to state that claims for damages shall not begin to accrue before the date on which a State, political subdivision, or qualified private organization enters into an agreement with the railroad to assume full responsibility for the right-of-way and interim use of that right-of-way.

DOJ also informs us that it previously raised a number of concerns, including constitutional concerns, regarding a similar bill, H.R. 4581, by letter dated August 1, 2006. A copy of that letter is attached. DOJ advises us that the concerns expressed in that letter, including the constitutional concerns, apply equally with respect to S. 2073.

(a) How many property owners are involved in the Missouri dispute and how much will it cost the Federal government to resolve the case if this legislation is enacted?

Answer: The case of *Gale and Sarah Illig v. United States* is a class action consisting of approximately 140 plaintiffs with claims involving 99 parcels of property along a 6.2-mile railroad right-of-way in St. Louis, Missouri. In December 2004, prior to the decision in *Caldwell v. United States*, the parties had filed with the court a proposal to settle the class action for approximately \$5.2 million, which included the fair market value of the easements taken (\$2.36 million), interest calculated under the Declaration of Takings Act, 40 U.S.C. § 258e-1 (\$1.55 million), and statutory attorney's fees and costs under the Uniform Relocation Assistance and Real Property Act, 42 U.S.C. § 4654(c) (\$1.26 million), although we understand that plaintiffs' counsel would actually receive one-third of any settlement or court award, plus expenses, pursuant to a contingent fee agreement. The proposed settlement was never entered because the district court dismissed the *Illig* plaintiffs' claims in the wake of *Caldwell*. Approximately 70 of the *Illig* plaintiffs then appealed, and the United States Court of Appeals for the Federal Circuit resolved those appeals in favor of the United States on April 7, 2008. For the reasons set forth in its August 1, 2006, letter, DOJ believes that the provision of S. 2073 that would allow parties to reopen final court judgments raises serious constitutional concerns. Nonetheless, in answer to the question, the exact amount it would cost the Federal government to resolve this case if S. 2073 is enacted is unknown because we do not know how many of the *Illig* plaintiffs would be permitted to proceed with their claims or the amount of additional interest and attorney's fees that plaintiffs would seek in connection with the appeal of some of their claims.

(b) I understand that similar issues may exist in Kansas and California. How many cases exist in each of those states and what is the anticipated cost of settlement if this law is enacted?

Answer: There are no pending cases in Kansas or in California that present similar issues. However, the takings claims brought in *Barclay v. United States*, which involved Kansas properties, and *Renewal Body Works v. United States*, which involved a

California property, were dismissed as time-barred under the claim accrual rule set forth in *Caldwell v. United States*. The judgments in those cases became final on September 12, 2006. By its terms, Section 2(c) of the proposed law would permit the claimant in *Renewal Body Works* and some of the claimants in *Barclay* to seek review of the merits of their claims. (See also discussion above in response to (5(a.)) Since the merits of these claims were never addressed prior to the dismissal of the claims as time-barred, the costs of settlement are unknown at this time. The demand in *Renewal Body Works* was for \$1,242,000, plus interest from the alleged date of taking, attorneys' fees, and costs; in *Barclay*, there were 25 claims, with the total amount claimed \$250,000, plus interest from the alleged date of taking, attorneys' fees, and costs.

(c) Is S. 2073 retroactive and if so, how many other cases are out there that may be resurrected for settlement?

Answer: S. 2073, as written, is retroactive and would resurrect claims that have been dismissed by the courts as time-barred under the applicable six-year statute of limitations. (See also discussion above in response to (5(a.)) Other than the cases identified above, we are unaware of any other rails-to-trails cases previously dismissed as time-barred that would be resurrected by this proposed legislation.

(d) Are you aware of any states other than Missouri, Kansas, and California that have rails-to-trails issues affected by this legislation?

Answer: To date, the Department of Justice has defended several thousand rails-to-trails takings claims in approximately 40 cases involving property in 18 different states. With the exception of the three cases noted above (*Illig v. United States*, *Barclay v. United States*, and *Renewal Body Works v. United States*), we are not aware of any previously dismissed rails-to-trails actions that could be resurrected by this proposed legislation. The only pending case with time-barred claims that would be affected by the proposed legislation is *Schneider v. United States*, a state-wide class action involving over 2,000 claims in Nebraska, some of which are subject to dismissal under the claim accrual rule set forth in *Caldwell v. United States*, but would not be subject to dismissal under the proposed legislation.

There are however a number of pending rails-to-trails class actions that would be affected by this proposed legislation in other ways. In each of these cases, the parties have transmitted notices to potential class members that utilize the claim accrual date established in *Caldwell v. United States*. If S. 2073 is enacted, the parties would be required to issue an amended notice to potential class members, reopen the time period for potential class members to opt-in or opt-out of the pending class actions, and reassess any previously completed appraisal or valuation work. The proposed legislation would also adversely affect the pending claims of some plaintiffs and class members. For example, if the claim accrual date is changed with respect to pending cases, there will be current plaintiffs and class members who are presently eligible to receive just compensation for the taking of their property whose overall compensation will be reduced, or who will become ineligible for any such compensation, due to the change in

the claim accrual date. Further, a change in the claim accrual date will result in the dismissal of some pending claims that are timely under the claim accrual date established in *Caldwell*, but would not be ripe for review under the claim accrual date that would be established by S. 2073.

(6) Minuteman National Historical Park Boundary Adjustment (S. 2513):

(a) How is the land proposed for acquisition by this legislation currently being used?

Answer: The bill would expand the park by 67 acres in two, non-contiguous parcels. The Colonel Barrett House and surrounding farmland (Barrett Farm) property includes 64 acres. The Joshua Brooks House property, in Lincoln, includes 3 acres of natural land with a single-family home on the back portion of the property that is currently occupied.

The Barrett House and immediately adjacent farmland is now owned by Save Our Heritage, Inc. a local nonprofit organization, which seeks to preserve it for public use and enjoyment. It is currently being rehabilitated and is open to the public for interpretation a few days a year. Most of the remaining farmland is owned by the Town of Concord and preserved as conservation land.

The only other property actively considered for acquisition or a conservation easement at this time is the 3-acre parcel adjacent to the Joshua Brooks House. It contains a single-family home on the rear portion of the parcel and wetlands on the front portion including part of Elm Brook. The parcel could be acquired in fee or through a conservation easement by NPS.

(b) Does the land proposed for acquisition at Minuteman National Historical Park have any specific interpretive value or is it needed to protect the park from encroachment?

Answer: Yes the Barrett Farm has significant interpretive value and is a key resource in the park's story of the events of 1775 that started the American Revolution. The property at the Joshua Brooks House is part of the original farm properties and its acquisition will help protect the House and its viewshed from imminent inappropriate development.

(c) How will the National Park Service use the property that is proposed for acquisition?

Answer: The Barrett Farm will be used primarily for interpretation; along with formal programs, living history demonstrations will be a central component. There is a remarkable degree of integrity to the Barrett House so Save Our Heritage, Inc. is expected to be involved in the long-term fundraising efforts to complete interior restoration and furnishing of the house. The landscape will be restored as well since farming is a key element of the historic landscape. For the parcel at Joshua Brooks

House, the land will protect the viewshed and will also protect a section of Elm Brook, the remainder of which is within the park boundary.

(7) Establish Baltimore National Heritage Area (S. 2604):

(a) What makes the Baltimore National Heritage Area unique and worthy of national designation?

Answer: The foremost reason the area is unique is its role in the defense of Baltimore against the British in 1814 by a populace of largely first-generation immigrants and free and enslaved African Americans. The Star-Spangled Banner, our national anthem, and a new sense of national identity were forged in large part out of this experience. Other resources representing the theme of national identity include the National Road, the Nation's first federally funded interstate transportation route, that begun in 1811 in Baltimore and headed westward. Additionally, Baltimore was a major shipbuilding center beginning with the famous Baltimore clippers, a major port of entry for new immigrants second only to New York, and the starting point and industrial center of the first long-distance railroad into the American frontier.

(8) Everglades Boundary Adjustment (S. 2804):

(a) What is the estimated value of the land identified for addition to the Everglades National Park?

Answer: The Nature Conservancy purchased the land, proposed to be added to Everglades National Park by this bill, for approximately \$500,000 in 2003. Applying an escalation amount of six percent overall per year brings the current value to \$650,000. The NPS would still need to do an appraisal of the land's current value, as the Department does not pay carrying costs based on escalation.

(b) What is the "Hurricane Hole" mentioned in the legislation, who will be allowed to use it, and how long will they be allowed to use it (that is, for the rest of their life or that of their heirs)?

Answer: The Hurricane Hole is a small body of water, located on the northeastern section of the property, where boat owners have traditionally moored their sailing vessels during tropical storms and hurricanes.

It was the original intent of NPS staff to permit only sailboat owners who had previously demonstrated use of the Hurricane Hole to be allowed to secure their vessels there during storms. However, subsequent discussions within NPS determined that the permit system would be difficult to enforce and may run contrary to maritime law. The Department worked with committee staff to clarify the language in the bill relating to the Hurricane Hole. The bill, as reported out of committee, states that the Secretary "may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary."

(9) Land Lease from National Park Service for Virgin Islands School (H.R. 53):

(a) How many schools currently operate within the boundaries of a national park unit?

Answer: There are eight schools that operate within the boundaries of a national park:

- Three schools in Yosemite National Park, all operated by a local school district;
- One school in Death Valley National Park, operated by a local school district;
- One school in Yellowstone National Park, operated by NPS, which is closing at the end of the 2007-2008 school year;
- One school in Grand Canyon National Park, operated by the state;
- One school in Valley Forge National Historical Park, operated by a private concern in a leased space; and
- One school in Big Bend National Park, operated by the San Vicente Independent School District.

There are six elementary schools, six junior or senior high schools and two colleges/universities operating within the boundary of Santa Monica Mountains National Recreation Area. None of these schools are located on National Park Service-owned land.

(b) What if any national park units currently lease land or real property to a government or private entity and what is the primary use of the leased property?

Answer: Attached is a listing of all current leases within the National Park Service, as reported to the seven NPS regional offices.

(c) The NPS witness mentioned at the hearing on April 23, 2008, that Virgin Islands National Park expects to receive various parcels of land in the near future. What are the specific parcels that are due to be received by NPS (please provide a map that illustrates their location) and is there any opportunity to work with the current land owner and the Virgin Islands Government to treat the acquisition as an exchange for the 10-acre site?

Answer: The Trust for Public Land has purchased more than 400 acres on the island of St. John. These lands, part of the once-private Estate Maho Bay and located in the area highlighted in the attached map, will be acquired by NPS in the near future. However, park staff knows of no other parcels that are slated to be purchased by or transferred to the National Park Service.

The National Park Service remains engaged with the territorial government on finding solutions to the school issue.

(d) A large portion of Virgin Islands National Park was originally acquired from the Rockefellers with restrictions regarding future use. Is the land proposed for lease a part of the land acquired from the Rockefellers?

Answer: The land proposed for the long-term lease is not part of the original 1958 land grant from Laurance Rockefeller. It was purchased in 1968 as part of the Estate Catherineberg parcel and is not subjected to the reversionary clause that governs the Rockefeller lands.

(10) National Heritage Area Extensions (H.R. 1483):

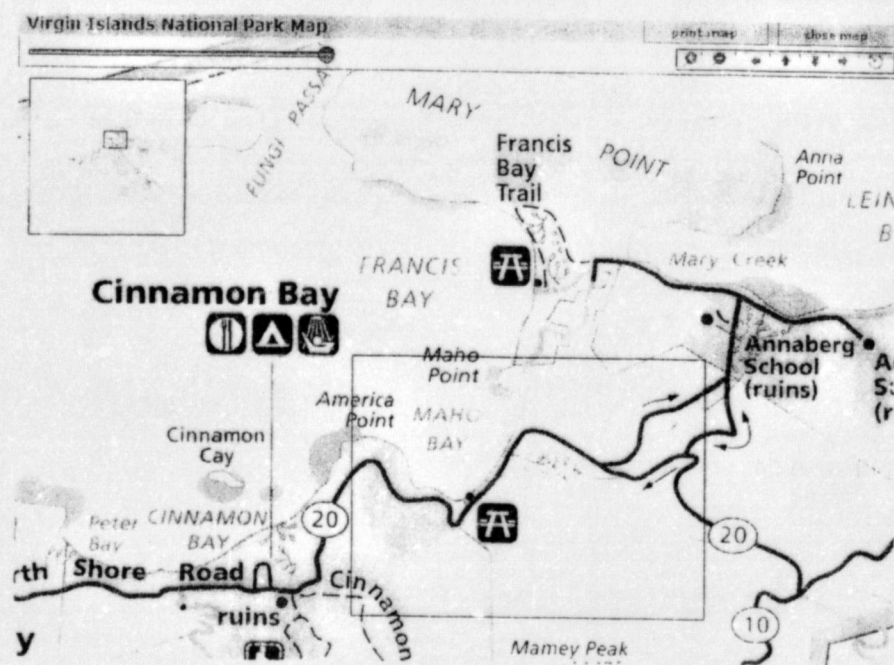
(a) Have any National Heritage Areas reached the end of their initial authorization without being reauthorized?

Answer: The Illinois and Michigan National Heritage Corridor reached the end of its authorization for federal funds in 2004. However, in 2006 Congress reauthorized its funding for an additional 15 years. In addition, the authority for federal funding for Cache la Poudre National Heritage Area has expired. But in general, most national heritage areas that reached the end of their initial authorization were reauthorized for additional funding. We hope by requiring an evaluation three years before the cessation of federal funds, the heritage area will plan for how to secure funding through non-NPS sources, thus working towards self-sufficiency.

(b) What type of relationship would the National Park Service maintain with a National Heritage Area if it was not reauthorized by Congress?

Answer: While the designation of a national heritage area continues indefinitely, federal funding normally expires after a 15-year period. When federal funding to a heritage area expires, the NPS is still authorized to provide technical assistance to a heritage area. Because many heritage areas contain one or more park units, the partnership between the heritage area and the NPS remains an important part of carrying out the area's management plan and protecting and interpreting resources associated with nationally important stories on a larger scale.

Maho Bay Map
U.S. Virgin Islands
Answer 9 (c)



PARK LEASE INFORMATION					
Region	Lease Name	Park	Lessee	Authority	Description
AKR	Boss Bakery Building	Klondike Gold Rush National Historical Park	Karl and Rosemary Klupar, Boss Bakery, LLC	P.L. 105-391	Retail sales of packaged baked goods, beverages, and associated gift items.
AKR	Red Front Building	Klondike Gold Rush National Historical Park	Alaska Fur Gallery, Inc.	P.L. 105-391	Retail sales of fur and leather clothing and gift items.
AKR	Pantheon Saloon Building	Klondike Gold Rush National Historical Park	Mirson's International, Ltd., dba Princess World Jewelers	P.L. 105-391	Retail sales of diamond, gold, and tanzanite jewelry.
AKR	Lynch & Kennedy Dry Goods Store	Klondike Gold Rush National Historical Park	Lynch & Kennedy Dry Goods, Inc.	P.L. 105-391	Retail sales of art and craft items, clothing, jewelry, and objets d'art. Second floor employee quarters and office.
AKR	Pacific Clipper Line Office	Klondike Gold Rush National Historical Park	Klondike Tours, Inc.	P.L. 105-391	Retail sales of children's apparel and fabric quilts.
AKR	Hern Liquor Store Building	Klondike Gold Rush National Historical Park	Klondike Tours, Inc.	P.L. 105-391	Retail sales of sightseeing tours and hand-carved wooden flutes.
AKR	Boas Tailor & Furnier Shop	Klondike Gold Rush National Historical Park	W. Jeff Brady	P.L. 105-391	Offices for the Skagway News Company, Publishing The Skagway News, twice monthly, retail sales of books, magazines, newspapers, recordings, etc.
AKR	Verbauwhe de's 'Cribbs' Bldg	Klondike Gold Rush National Historical Park	David A. Lee	P.L. 105-391	Sightseeing tour office and retail sales of tours, souvenirs, and related items.
AKR	Frederick Verbauwhe de Confectionery	Klondike Gold Rush National Historical Park	Casey McBride	P.L. 105-391	On-premises manufacture and retail sale of gold nugget jewelry, and retail sale of other jewelry items.
IMR	No leases				
MWR	Brown & Hammond / Cranz Farms	Cuyahoga Valley National Park	National Historic Inns, Inc. 8230 Brandywine Road Sagamore Hills, OH 44067	36 CFR Part 18, Historic Property (prior to PL 105-391)	Historic Property. Used as lodging accommodations, restaurant, meeting facilities. Brown Farm: approx. 6.57 acres, four structures: house, garage, greenhouse, barn. Hammond Farm: approx. 9.61 acres, 7 structures: house, 2 smokehouses, carriage house, chicken house, 2 barns.
MWR	Parry Farm	Cuyahoga Valley National Park	Michael/Margaret Lytz 1274 W. Steels Corner Road Cuyahoga Falls, OH 44223	36 CFR Part 18, Historic Property (prior to PL 105-391)	Countryside Initiative. Site consists of farmland and homestead. Total acres approx. 50.55. Structures: house, garage. Lessee operates diversified fruit production enterprise with vineyard, orchard, and berries grown for wines, juices, jams, preserves, pies, tarts, etc.

MWR	Wallace Farm	Cuyahoga Valley National Park	National Historic Inns, Inc. 63 College Street Hudson, OH 44235	36 CFR Part 18, Historic Property (prior to PL 105-391)	Historic Property. The James Wallace Farm. Operated as a bed and breakfast inn. Property contains approx. 2.53 acres.
MWR	Bathhouse Row	Hot Springs National Park	IN PROCESS OF LEASING Six structures	PL 105-391 & 2002 36 CFR Part 18	Historic Property. Bathhouse Leasing Feasibility Analysis includes six structures: the Hale, Lamar, Maurice, Ozark, Quapaw, and Superior historic bathhouses. 1) Quapaw leased 4/20/07 -- 55 year lease to Quapaw Baths LLC for Family Spa -- use of thermal waters, children's swimming club, coffee shop and reception room, catering
NCR	Piper Farm	Antietam National Battlefield	Mr. & Mrs. Lou Clark	36 CFR Part 18	One historic house and two small outbuildings (springhouse and slave quarters) on approximately two acres. Operated as a bed and breakfast, and is residence for the Clarks.
NCR	Frederick Kas. (Cooper) House	Chesapeake and Ohio Canal NHP	Jennifer Sterner, Dwayne Sterner and Andrew Lesisko	36 CFR Part 18	Private, seasonal residence
NCR	Lockhouse 10	Chesapeake and Ohio Canal NHP	Michael & Melissa Gaffney	36 CFR Part 18	Private residence
NCR	Christian Smith (Myers) House	Chesapeake and Ohio Canal NHP	Art and Ingrid Stretzel	36 CFR Part 18	Private residence
NCR	West House	Chesapeake and Ohio Canal NHP	Donald F. Handy (David Ritter, sub-lessee)	36 CFR Part 18	Used by Outer Quest (specializing in adventure recreation activities as a local headquarters.)
NER	Old City Hall	Lowell National Historical Park	1st Holding Trust	Former Historic Leasing Authority	Office space--Under review for a new AMD
NER	Market Mills Bldg	Independence National Historical Park	Lowell Telecommunications Company	Former Historic Leasing Authority	At the end of five year option
NER	Parking Garage	Independence National Historical Park	Philadelphia Parking Authority	Former Historic Leasing Authority	Parking garage. Lease finalized 2008.
NER	Thomas Bond House	Independence National Historical Park	Thomas Bond House Association	Former Historic Leasing Authority	Hotel -- 99 year lease
NER	Kennedy Supplee House	Valley Forge National Historical Park	Piazza Associates	Former Historic Leasing Authority	Restaurant. Letter of Intent with Piazza Associates
NER	David Walker Farmstead	Valley Forge National Historical Park	in process	36 CFR Part 18	Montesori School
NER	Valley Forge Post Office	Valley Forge National Historical Park	United States Postal Service	36 CFR Part 18	Post Office. New lease signed 07/07
NER	Ellis Island Kitchen Bldg	Statue of Liberty National Monument	Save Ellis Island Foundation	36 CFR Part 18	Kitchen and Laundry Building

NER	Bullet Hole House	Minute Man National Historical Park	William Hall & Myra Harrison	New Historic Leasing Authority	Residential lease. Extended for additional year
NER	Burke House	Minute Man National Historical Park	The Thoreau Society	New Historic Leasing Authority	Office space lease
NER	Ahem House	Cape Cod National Seashore	Michael J. Seiser	Former Historic Leasing Authority	Single Family Residence-- Historic lease
NER	Cliff Park Inn	Delaware Watergap National Recreational Area	Cliff Park Associate.	Carry Over From Acquisition	Hotel, Restaurant & Golf Course
NER	Slatford Farm	Delaware Watergap National Recreational Area	Hal Bromm	36 CFR Part 18	Historic Building -- commercial use
NER	Reynolds House	Morristown National Historical Park	Great Swamp Watershed	36 CFR Part 18	Three year lease -- Office Space
NER	Fort Hancock	Gateway National Recreation Area/Sandy Hook	Sandy Hook Associates	36 CFR Part 18	33 Historic Buildings -- still in litigation
NER	Apartments	Johnstown Flood National Memorial	Various Renters	Carryover from Acquisition	Leases are not up for renewal
PWR		Golden Gate National Recreation Area	Fort Mason (lower)	36 CFR Part 18	Fort Mason Foundation, lessee with a lease term of up to 60 years based on performance to the phased development plan. The FMF organization currently has the parking, Gatehouse, Guardhouse and Firehouse (event rental space) until 12/2010. The remainder of the buildings are under a Cooperative Agreement. If FMF satisfactorily meets all the conditions precedent to Phase 2 of the phased improvement development and preservation plan, the FMF lease can be expanded to acquire the entire premises under a lease term of 20-25 years for performance. The 38 resident non-profits groups assigned to the Fort Mason Foundation will convert to sub-lessees when the entire premises is under lease.
PWR	Fort Mason (upper)	Golden Gate National Recreation Area		36 CFR Part 18	(24 residential buildings leased to individuals)
PWR	Quarter 2	Golden Gate National Recreation Area	Darren Palm and Jason Huck	36 CFR Part 18	residential
PWR	Quarter 3	Golden Gate National Recreation Area	Evan Thornley	36 CFR Part 18	residential
PWR	Quarter 7E	Golden Gate National	Gareth Wood	36 CFR Part 18	residential

Recreation Area					
PWR	Quarter 7W	Golden Gate National Recreation Area	Caron Stempel	36 CFR Part 18	residential
PWR	Quarter 36E	Golden Gate National Recreation Area	Mark Kamal	36 CFR Part 18	residential
PWR	Quarter 36W	Golden Gate National Recreation Area	Mark Cashel	36 CFR Part 18	residential
PWR	Quarter 38N	Golden Gate National Recreation Area	Tim Lee	36 CFR Part 18	residential
PWR	Quarter 38S	Golden Gate National Recreation Area	Rob Knaiz	36 CFR Part 18	residential
PWR	Quarter 39E	Golden Gate National Recreation Area	Julie Wajzman	36 CFR Part 18	residential
PWR	Quarter 39W	Golden Gate National Recreation Area	R. Gardner	36 CFR Part 18	residential
PWR	Quarter 41	Golden Gate National Recreation Area	Kenneth and Emily Blaske	36 CFR Part 18	residential
PWR	Quarter 42	Golden Gate National Recreation Area	Michelle Antic	36 CFR Part 18	residential
PWR	Quarter 43	Golden Gate National Recreation Area	Tom Fejes	36 CFR Part 18	residential
PWR	Quarter 44	Golden Gate National Recreation Area	Pat Shereck	36 CFR Part 18	residential
PWR	Quarter 46	Golden Gate National Recreation Area	Mr. and Mrs. Fleischer	36 CFR Part 18	residential
PWR	Quarter 47	Golden Gate National Recreation Area	Mr. and Mrs. Scott Case	36 CFR Part 18	residential
PWR	Quarter 48	Golden Gate National Recreation Area	Brandon Petri	36 CFR Part 18	residential
PWR	Quarter 49	Golden Gate National Recreation Area	Todd Rossoff	36 CFR Part 18	residential
PWR	Quarter 50E	Golden Gate National Recreation Area	Melissa Henkel	36 CFR Part 18	residential
PWR	Quarter 50W	Golden Gate National Recreation Area	Carl Blakey	36 CFR Part 18	residential
PWR	Quarter 35N	Golden Gate National Recreation Area	Oceanic Society	36 CFR Part 18	Office Lease
PWR	Quarter 35S 1st	Golden Gate National Recreation Area	Yacht Racing Assn of SF Bay/ Sailing Education Adventures	36 CFR Part 18	Office Leases - 2
PWR	Quarter 35S 2nd	Golden Gate National Recreation Area	Animal Fund	36 CFR Part 18	Office Lease
PWR	Fort Barry	Golden Gate National Recreation Area		36 CFR Part 18	

PWR	955 A&B Simmonds Road	Golden Gate National Recreation Area	The Marine Mammal Center	36 CFR Part 18	essential marine hospital & rescue employees
PWR	956 A&B Simmonds Road	Golden Gate National Recreation Area	The Marine Mammal Center	36 CFR Part 18	essential marine hospital & rescue employees
PWR	Fort Baker Retreat and Conference Center	Golden Gate National Recreation Area	Fort Baker Retreat and Conference Center	36 CFR Part 18	Commercial -- term up to 60 years
PWR	Ford Assembly Building	Rosie the Riveter/World War II Home Front National Historical Park	Ford	Authority: Specifically provided in enabling legislation	The park will lease the Ford Assembly Plant for provision of visitor services
PWR	Hazlett Warehouse	San Francisco Maritime National Historical Park	Kimpton Corporation	36 CFR Part 18	Hazlett Warehouse Leased to Kimpton Corporation - Argonaut Hotel
SER	Land Parcel	Big Cypress National Preserve	Crown Castle	inherited through a land exchange agreement, thus it will not be converted to a NPS lease under 36 CFR Part 18 until it expires in 2014.	Communications tower ID No. 1020923 leased to Crown Castle
SER	Land Parcel	Big Cypress National Preserve	Quest Communications	36 CFR 14, as a right of way permit	Utilization of lands pursuant to the Right-of-way Permit along Loop Road, Quest Communications
SER	Historic District Developme nt Bldg.	Martin Luther King, Jr. National Historic Site	Historic District Development Cooperation	36 CFR Part 18	House (six rooms) leased to Historic District Development Cooperation (HDDC)
SER	Leslie Barber Shop	Martin Luther King, Jr. National Historic Site	Leslie Jordan	36 CFR Part 18	A small commercial shop leased to Leslie Jordan (Barber Shop)
SER	Plum Orchard	Cumberland Island National Seashore	in process of leasing	36 CFR Part 18	Plum Orchard at some point will be leased

**H.R. 53, VIRGIN ISLANDS
NATIONAL PARK
SCHOOL LEASE ACT**

LEGISLATIVE FIELD HEARING

BEFORE THE
SUBCOMMITTEE ON INSULAR AFFAIRS
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS
FIRST SESSION

Monday, July 9, 2007, in Cruz Bay, St. John, USVI

Serial No. 110-34

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**LEGISLATIVE FIELD HEARING ON H.R. 53,
TO AUTHORIZE THE SECRETARY OF THE
INTERIOR TO ENTER INTO A LONG-TERM
LEASE WITH THE GOVERNMENT OF THE
UNITED STATES VIRGIN ISLANDS FOR
THE ESTABLISHMENT OF A SCHOOL, AND
FOR OTHER PURPOSES. "VIRGIN ISLANDS
NATIONAL PARK SCHOOL LEASE ACT"**

Monday, July 9, 2007
U.S. House of Representatives
Subcommittee on Insular Affairs
Committee on Natural Resources
Cruz Bay, St. John, USVI

The Subcommittee met, pursuant to call, at 6:00 p.m., in the St. John Legislature Hearing Room, Cruz Bay, St. John, USVI, Hon. Donna Christensen [Chairwoman of the Subcommittee] presiding. Present: Representatives Christensen and Grijalva.

**STATEMENT OF THE HONORABLE DONNA M. CHRISTENSEN, A
DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS**

Mrs. CHRISTENSEN. Good evening. Can everyone hear me? Good evening. The legislative hearing by the Subcommittee on Insular Affairs will come to order.

The Subcommittee is meeting today to hear testimony on H.R. 53, to authorize the Secretary of Interior to enter into a long-term lease with the Government of the United States Virgin Islands for the establishment of a school, and for other purposes.

Under the Committee Rules, the Chairman and other members may make an opening statement. I will begin with my opening statement. I want to begin by welcoming my colleague, Mr. Raúl Grijalva, who is the Chairman of the Subcommittee on National Parks, Forests and Public Lands of the Committee on Natural Resources. He is also a member of the Committee on Education and Labor. So, I think it's very fortuitous for us that Mr. Grijalva is here wearing both hats. One, on the Education Committee, and two, as Chair of the Subcommittee on Parks.

And this is a very important hearing as can be witnessed by the number of people in attendance this evening, and I'm sure some more will join us as we go on from here. I don't think there is any more important issue before the people of St. John right now than securing suitable land to construct a school.

I want to welcome everyone who came out this evening, especially our witnesses, those who will give written testimony and those who will give oral testimony as well.

We received written statements thus far from Mr. Alvis Christian, Mr. Steve Black, Ms. Crystal Fortwangler and Ms. Myrtle Barry. They will be included in the record of tonight's hearing, and we welcome anyone else who wishes to submit a statement as well. Anyone wishing to do so have up to ten business days from today to send it in. I want to especially welcome our Administrator and our Senator-at-Large who is just joining us.

Let me just say before we get into the testimony, I introduced the bill before us, H.R. 53, in an attempt to move the issue of a school for St. John forward. For many years now we've been bogged down, administration after administration, in working to find suitable land to exchange with the Park Service. And over the years both sides, the Park Service as well as the Virgin Islands Government, has acted in good faith in attempting to come up with an exchange of land without success. And I'm sure there are many people in the room who are glad that has been without success.

In the meantime, more than 30 years have passed and the school age population in St. John has doubled. High school students continue to make the trip by ferry over to St. Thomas every day just to attend school. And I'm certain that all of us remember little Javone Alfred, a second grader on his way home from a Christmas party at Julius Sprauve School, who was struck and killed by a delivery truck while crossing the street, in full view of many other students who were also heading home. And this tragedy clearly demonstrates that the crowded town of Cruz Bay is not the place for an elementary school and the urgency to get the school out of downtown.

Over the years, more and more of you have met me and expressed your strong opposition to the people of St. John and the Virgin Islands giving any more land to the National Park. After researching other options through the Congressional Research Service and committee staff, I introduced H.R. 53, which calls for a long-term lease instead of the exchange of land. And we all appreciate what the Park means to St. John and the territory.

But I still know that many of you still believe that owning more than two-thirds of the land of the island of St. John is enough land for the National Park, and would like to see the Park outright donate the land needed to build the school as a gesture of good will to the people of St. John.

While the Park Service does not have the legal authority to donate or lease land, we still have not ruled out the option of a conveyance completely. And this hearing today is the first step in deciding which is the best option and which is the most feasible option for us to pursue. But the most important thing is getting our children out of harm's way in a supportive and nurturing educational environment as soon as possible.

And in closing, I want again to thank everyone who is attending this evening. I want to recognize two Senators who are with us, Senator Hill, excuse me, and Senator Ottley. Thank you for the use of the Legislative Chamber. And also I want to recognize our former Judge Moore. This morning we were at the Federal Court in St. Thomas.

At this time I would like to recognize for such opening statement as he may want to make, Congressman Raúl Grijalva.

STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Madam Chair. Can you hear me? Thank you, Madam Chair. I will just lean closer.

Good evening, and let me begin by once again thanking Congresswoman Christensen for hosting these hearings here in her district. The U.S. Virgin Islands are truly a special place, and it's been an honor to be able to visit this beautiful place with my distinguished colleagues, and other colleagues that joined us earlier in the day. As I mentioned at our hearing this morning in St. Thomas, Chairwoman Christensen is the leader on the National Resources Committee. She is active on a variety of issues, education, health care, homeland security, and just to let her constituents know that you are well represented by a strong advocate and with a great deal of intelligence and discipline in Congress. And you should be pleased by her representation.

As Chairman of the National Parks, Forests and Public Lands Subcommittee, I am particularly pleased to have had the opportunity to visit St. John and the Virgin Islands National Park. This Park includes some of the most beautiful special places and scenery in the entire National Park System. But what's also significant is the historic and cultural resources that are being preserved.

The topic today is the need for school facilities on St. John. On the Education and Labor Committee we've had a variety of hearings as we've gone through the process of reauthorizing No Child Left Behind. And one of—with the intent of reauthorizing No Child Left Behind and with a mission behind No Child Left Behind, was to close out achievement gap and make sure that every child had the opportunity equal to anybody else's opportunity. And one of—besides all the other complicated issues we need to go through, one of our hearings I recall posing a question to a school superintendent, and I asked him, the issue of school facilities, how important is that to achievement, to the well-being, the quality of education, the safety, the security of children and students. And they said, well, that is sometimes not factored into the issue of achievement and is a critical part of the issue of achievement.

So, I'm looking forward to the witnesses today. I think it is imperative that the students here on St. John have the opportunity to have education on their island and it's critical. The Federal government, National Park Service, and the Government of the Virgin Islands must work together to address this very, very critical issue. It is a pressing need on behalf of the students of St. John.

So, I look forward again to hearing from our witnesses this evening regarding the best solution for this problem, and the next steps we can take to move toward a solution. I appreciate the time and the effort of our witnesses and thank them for joining us this evening. And with that, Madam Chairwoman, thank you and I yield back.

Mrs. CHRISTENSEN. Thank you, Mr. Grijalva. I will allow some of the people joining us to take some seats. And when we run out of seats we will start to use some of these up here. But at this time I would like to recognize the witness for our first panel. And as is customary, we begin with the representative from the Federal government.

So our first panel will be Ms. Martha Bogle, the Acting Superintendent of the Virgin Islands National Park. And if you will join us here, I will recognize you for five minutes to give testimony. We

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have a little light here to help guide you on that, and welcome to the hearing.

**STATEMENT OF MARTHA BOGLE, ACTING SUPERINTENDENT
OF THE VIRGIN ISLANDS NATIONAL PARK**

Ms. BOGLE. Thank you, Ms. Chairwoman. Thank you for the opportunity to appear before your subcommittee at this field hearing on H.R. 53, a bill to authorize the Secretary of Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land for the establishment of a school. Because we don't typically provide positions on bills at field hearings, I will limit my comments to the history of this proposal and information concerning the National Park Service's existing administrative authorities to exchange or lease land within the park. We plan to follow up with a letter providing our position on the bill at a later date.

As you know, Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 and additionally in 1978 when they added Hassel Island in St. Thomas Harbor to the park.

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. The piece of property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property in question was not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate. The property is near a road and other developments.

During the past 14 years, the Government of the United States Virgin Islands and Virgin Islands National Park have discussed many proposals that would allow the Government of the Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park Service through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The land gained in the exchange must be "necessary for the proper preservation, protection, interpretation, or management of an area of the national park system." Second, the total value of the land exchanged must be less than \$750,000. Though no formal determination has been made, a land exchange involving the Catherineberg Estate property does not appear to meet either of these criteria. The exchange does not appear necessary for the protection of the park, and it appears that the Estate land alone is likely to be worth more than \$750,000.

During the 109th Congress, Delegate Christensen introduced H.R. 272 to legislatively authorize a land exchange. The Department of Interior did not take a position on H.R. 272.

The Secretary does not have any other authority to allow the construction of a school on property owned and managed by the National Park Service. The 1998 National Parks Omnibus Act does give the Secretary the authority to lease buildings and associated property as long as the lease does not "result in degradation of the purposes and values of the unit." While public education is not in conflict with the purpose of the Virgin Islands National Park, the construction of a complex of buildings appears to be in conflict with the direction given by the park's authorizing legislation.

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease will adequately insure the preservation of historic property. New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to property within national parks.

That concludes my prepared remarks and I would be pleased to answer any questions that you or other members of the Subcommittee may have.

[The prepared statement of Ms. Bogle follows:]

Statement of Martha Bogle, Acting Superintendent, Virgin Islands National Park, National Park Service, U.S. Department of the Interior

Ms. Chairwoman, thank you for the opportunity to appear before your subcommittee at this field hearing on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land for the establishment of a school. Because we do not typically provide positions on bills at field hearings, I will limit my comments to the history of this proposal and information concerning the National Park Service's existing administrative authorities to exchange or lease land within the park. We plan to send a followup letter providing our position on this bill.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. The piece of property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property in question was not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate. The property is near a road and other developments.

During the past 14 years, the Government of the United States Virgin Islands and Virgin Islands National Park have discussed many proposals that would allow the Government of the Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land ex-

Mr. GRIJALVA. OK, is it removed from the National Park itself?

Ms. BOGLE. No, sir. It is part of national—

Mr. GRIJALVA. Geographically it is not—

Ms. BOGLE. No, it is not geographically removed. It is about the center of the island. That's why we thought that it would potentially be a good place for a school when the park was discussing the possibility of a land exchange.

Mr. GRIJALVA. And just finally, can you explain if there is a significance to the fact that the parcel that we're talking about is not covered by a reversionary clause that covers other land in the park.

Ms. BOGLE. The reversionary clause applies to the initial lands that were basically established in 1956 when the park was established. Laurance Rockefeller owned the land. And in that, he put a reversionary clause that said that at any time any of that land was used for anything but a park or for the public, basically a National Park, that it would revert back to the foundation.

Mr. GRIJALVA. And so this parcel is covered or not covered by that clause?

Ms. BOGLE. It is not covered by that clause. It was added at a later date.

Mr. GRIJALVA. Thank you. I don't have any more questions.

Mrs. CHRISTENSEN. Thank you, Mr. Grijalva. I just have a few questions. You said in your statement that for a transfer to be done administratively, the property shouldn't have a value of not more than \$750,000. Do you know what the value—is there an estimated value of the property that you're talking about?

Ms. BOGLE. We haven't appraised it. I can tell you that that's for a minor boundary adjustment. There are certainly adjustments to boundaries all the time within national parks, but those require legislative authority to adjust boundaries. For a minor boundary adjustment, it has to be \$750,000 or less.

We haven't done an appraisal on this property. My guess with the acreage involved on St. John, my guess is it would appraise for over \$750,000.

Mrs. CHRISTENSEN. I think that's a safe guess. Was any other parcel of land, as you review the history and the discussions that might have gone on between the Park Service and the Government of the Virgin Islands, are you aware of any other parcels of land that were a part of that discussion?

Ms. BOGLE. No, I'm not. But hang on just one second, if you will, let me confer. My technical expert, can you come up for a moment?

Is that OK, Madam Chair?

Mrs. CHRISTENSEN. Sure.

Ms. BOGLE. He said that this piece of land was the only land that was looked at mainly because it was the center part of the island, relatively flat, would be fairly easy to develop, we thought, as well as the fact that we believe that the historic structures as part of the Catherineberg Estate, are not on the ten acres that were identified. So the archeological work would not be as stringent.

Mrs. CHRISTENSEN. Can you go ahead and state your name and position for the record?

Mr. BOULON. My name is Ralph Boulon, Jr.

Mrs. CHRISTENSEN. My next question would be, also in your review of the discussions between the Park Service and the

Government of the Virgin Islands, did the Government of the Virgin Islands indicate that they accepted this as a parcel of land that would be suitable for the school?

Ms. BOGLE. In my review of the files, it appeared that the Government of the Virgin Islands seemed to be willing to talk about that again for the same reasons that I expressed before. The concern with the exchange was again trying to find equal value of land for that.

Mrs. CHRISTENSEN. My last question, as you've stated in your testimony, the Park Service generally doesn't take a position on field hearings. But in your opinion, is there anything about H.R. 53 that goes against established Park Service policy that would likely lead the department and the service to oppose H.R. 53? Is there anything about policy as you read the bill that would likely lead to opposition?

Ms. BOGLE. There is no doubt that there is a dire need for a school on St. John. The only thing that I would see is that this would very possibly set a precedent for things of this sort happening, leases happening in the future elsewhere.

Mrs. CHRISTENSEN. Is there no precedent for a long-term lease of park property anywhere in the parks?

Ms. BOGLE. Not anywhere. There are historic leases which would be to maintain historic structures so that the Park Service benefits, and the public benefits, because the historic structures are maintained in the historic fashion. There are agricultural leases. And for that, say for example, in the Blue Ridge Parkway, we lease out land to keep for—we lease out land for hay fields, instead of us mowing them to keep the rural nature of the fields, people mow them for us. So, basically it is for the good of the public and the good of the National Park Service, but there is really not a precedent for a lease such as this.

Mrs. CHRISTENSEN. Well, wouldn't you consider this for the good of the public, the school?

Ms. BOGLE. The school is very good for the public, I agree.

Mrs. CHRISTENSEN. Thank you.

Mr. Grijalva, did you have any other questions?

Mr. GRIJALVA. No, I don't, thank you.

Mrs. CHRISTENSEN. Well, thank you, Acting Superintendent Bogle. You're excused, and I will call up the next panel.

Ms. BOGLE. Thank you.

Mrs. CHRISTENSEN. OK, I would like to recognize the second panel of witnesses and ask them to come up to the podium: The Honorable Leona Smith, the St. John Administrator; The Honorable Lisa Forde, the St. Thomas/St. John Superintendent of Schools; and The Honorable Carmen Miranda Wesselhoft, Senator-at-Large of the 28th Legislature.

The Chair now recognizes Administrator Smith to testify for five minutes.

STATEMENT OF THE HONORABLE LEONA SMITH, ST. JOHN ADMINISTRATOR, GOVERNMENT OF THE U.S. VIRGIN ISLANDS

Ms. SMITH. Good evening, Honorable Donna Christensen, and members of the House Subcommittee on Insular Affairs. Thank you for the opportunity to appear before you in this setting to convey

the views of the DeJongh-Francis administration as it regards H.R. 53. By the way of introduction, I am Leona Smith, a resident of St. John, and the appointed Administrator of this island.

The Delegate's bill, H.R. 53, authorizes the Interior Secretary to enter into a long-term lease with the Virgin Islands Government to provide land on this island for the establishment of a school. As I am sure you will hear or have heard from other witnesses who will testify at tonight's hearing, the DeJongh-Francis administration wholly supports the legislation as a long-term lease would represent the less challenging option in securing the land that is necessary for the construction of a school on St. John. The administration looks forward to passage of the bill and subsequent negotiations toward identifying the most suitable location for the school's development. I cannot emphasize enough the need for the process to get underway in earnest that will lead to the construction of a new school on St. John.

The residents of this island have for years commuted very early in the morning and very late at night to and from our neighboring island of St. Thomas to facilitate their children's attendance of high school, whether at private, parochial or at public institutions of learning. The construction of a new school would end this daily commute, one that is often challenged by inclement weather, rough seas and transportation snafus, for the many families who have made St. John their home.

I will defer to the Acting Superintendent of Schools for the St. Thomas-St. John district, Lisa Hassell-Forde, to provide the panel with more details on the need to establish a school on St. John.

I thank the Delegate and members of the House Subcommittee on Insular Affairs for the opportunity to convey the administration's position in full support of a long-term lease with the Virgin Islands National Park on St. John for the development of a school which will better serve the residents of this island.

And Madam Chair, I will have Ms. Lisa Forde continue.

[The prepared statement of Ms. Smith follows:]

**Statement of The Honorable Leona Smith, St. John Administrator,
Government of the U.S. Virgin Islands**

Honorable Donna Christensen and members of the House Subcommittee on Insular Affairs, thank you for the opportunity to appear before you in this setting to convey the views of the De Jongh-Francis administration as regards H.R. 53. By way of introduction, I am Leona Smith, a resident of St. John and the appointed Administrator of this island.

The Delegate's bill, H.R. 53, authorizes the Interior Secretary to enter into a long-term lease with the Virgin Islands Government to provide land on this island for the establishment of a school. As I am sure you will hear or have heard from other witnesses who will testify at tonight's hearing the DeJongh-Francis administration wholly supports the securing of the land that is necessary for the construction of a school on St. John. The administration looks forward to passage of the bill and the subsequent negotiations towards identifying the most suitable location for the school's development. I cannot emphasize enough the need for the process to get underway in earnest that will lead to the construction of a new school on St. John.

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I will defer to the Acting Superintendent of schools for the St. Thomas-St. John district, Lisa Hassell-Forde to provide the panel with more details on the need to

establish a school on St. John. I thank Delegate and members of the House Subcommittee on the Insular Affairs for the opportunity to convey the administration's position in full support of a long-term lease with V.I. National Park on St. John for the development of a school which will better serve the residents of this island.

Mrs. CHRISTENSEN. Ms. Forde, we now recognize you.

**STATEMENT OF LISA FORDE, ST. THOMAS/
ST. JOHN SUPERINTENDENT OF SCHOOLS**

Mrs. FORDE. Good evening, Delegate Christensen, Committee Member Grijalva, and audience. My name is Lisa Forde. I'm the Insular Superintendent for the St. Thomas/St. John district.

I'm here this evening to testify on the proposed land lease upon review of the proposed bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the Virgin Islands and the island of St. John, with the ultimate end being a lease of land for the establishment of a school. The Office of the Insular Superintendent has attempted to research the possibilities and probabilities associated with this bill and the benefits which can be reaped from such a long-term lease.

It is the opinion of the Office of the Insular Superintendent that clearly a school educational facility is needed that takes care of the needs of all of the students in the St. John district.

Currently, there are two public school facilities, the Julius E. Sprauve School, which houses K-9 students, and the Guy Benjamin Elementary School which houses K-6.

Because of the vast land spread on the island, these two public facilities currently educate 304 students, 240 in Cruz Bay and 64 in the Coral Bay area. The students in Cruz Bay receive services in regular education, gifted and talented, special education, school to work and career and technical education. In Coral Bay, students receive services in regular education. And all students at both sites are identified as individuals with varied needs and achievement goals.

Students requiring a senior high education must be transported to St. Thomas to receive their education, as there are currently no public educational facilities on St. John for grades 10-12. This clearly places students at a disadvantage as they are forced to travel inter-island twice daily to receive a free and quality public education.

A school facility to provide full services to all K-12 students on the island of St. John is definitely needed. Students must be able to avail themselves to special education, vocational education, music education, scholarship consideration, JROTC participation, participation in sports, membership in competitive and travel clubs, as well as intervention strategies to which they have no access while they are on St. John.

The St. Thomas/St. John Office of the Insular Superintendent is willing to partner with any entity and/or organization that has the best interest of our public education students in mind. My office looks forward to making the necessary moves to ensure that all students in the St. Thomas/St. John district receive quality educational experiences that prepare them to be life-long learners and productive citizens within our global society. Thank you.

[The prepared statement of Mrs. Forde follows:]

Statement of Lisa A. Hassell-Forde, Government of the United States Virgin Islands, Department of Education, Office of the Insular Superintendent, St. Thomas, Virgin Islands

Upon review of the proposed bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the Virgin Islands on the island of St. John, with the ultimate end being a lease of land for the establishment of a school, the Office of the Insular Superintendent has attempted to research the possibilities and probabilities associated with this bill and the benefits which can be reaped from such a long-term lease.

It is the opinion of the Office of the Insular Superintendent that clearly a school/educational facility is needed that takes care of the needs of all of the students in the St. John District. Currently, there are two public school facilities, the Julius E. Sprauve School, which houses K-9 students and the Guy Benjamin Elementary School which houses K-6 students. Because of the vast land spread on the island, these two public facilities currently educate 300 students, 240 in Cruz Bay and 64 in the Coral Bay area. The students in Cruz Bay receive services in Regular Education, Gifted and Talented, Special Education, School to Work and the Career and Technical Education. In Coral Bay, students receive services in regular education and all students at both sites are identified as individuals with varied needs and achievement goals.

Students requiring a senior high education must be transported to St. Thomas to receive their education as there are currently no public educational facilities on St. John for grades 10-12. This clearly places students at a disadvantage as they are forced to travel inter-island twice daily to receive a free and quality public education. A school facility to provide full services to all K-12 students on the island of St. John is definitely needed. Students must be able to avail themselves of Special Education, Vocational Education, Music Education, Scholarship consideration, JROTC participation, participation in sports, membership in competitive and travel clubs, as well as intervention strategies to which they have no access while they are on St. John.

The St. Thomas-St. John Office of the Insular Superintendent is willing to partner with any entity and/or organization that has the best interests of our public education students in mind. My office looks forward to making the necessary moves to ensure that all students in the St. Thomas-St. John District receive quality educational experiences that prepare them to be life-long learners and productive citizens within our global society.

Mrs. CHRISTENSEN. Thank you. The Chair now recognizes the Senator-at-Large, The Honorable Carmen Wesselhoft.

STATEMENT OF THE HONORABLE CARMEN MIRANDA WESSELHOFT, SENATOR-AT-LARGE, 28TH LEGISLATURE OF THE U.S. VIRGIN ISLANDS

Ms. WESSELHOFT. Thank you, and good evening Delegate Christensen, members of the Subcommittee on Insular Affairs, staff and all concerned St. Johnians gathered here for this important hearing. I am Carmen Wesselhoft, the Senator-at-Large, and I am a proud native-born St. Johnian, but I'm especially concerned about St. John issues and the pressing need for a new school.

I am very pleased that we are going forward on this issue today or tonight, and we truly must all work together to see the construction of this new school through. Thanks to Delegate Christensen's Office and all those involved in organizing this meeting.

The need to relocate Julius Sprauve School is clear to all of us, as is the need for a high school here on St. John. The school was once conveniently located at the center of town, but now that the town of Cruz Bay has grown exponentially, it is no longer an optimal location for students. It is noisy, there is no room for expansion, little parking and there are danger zones all around the campus.

Just this March a truck lost its brakes and rammed a car into the school's crosswalk, ending up hanging over the school's ball field. There is a great deal of traffic surrounding the school on all sides. We have heavy drinking taking place just across the street from morning until night. It is not an environment that is especially conducive to learning.

I would like to see a new school include both a high school and some kind of vocational training program. We do have a high school on St. John, but it is a private school and tuition is out of reach for most residents. Students drop out every year, I believe partly because of the frustration of traveling to St. Thomas each day for their classes. Good students are motivated to make the trip, but it doesn't take much to discourage those young people already at-risk.

Construction of a new school would allow the Virgin Islands Government to reassign the property at Sprauve School for other purposes.

Our need for a fire station is well known as is the lack of youth and senior centers. We are also in need of a centrally located government complex. Land on St. John is certainly at a premium and I will push for the campus to continue to be used for the greater public good. I wholeheartedly support the good intentions behind H.R. 53. One question I ask, though, why can't this land be given outright to the people of St. John?

Construction of a new school has been stymied by the lack of available and affordable land on St. John, but so has construction of affordable housing, a nursing home, a fire station and recreational facilities for our young people. The skyrocketing cost of property on St. John, this has put home ownership out of reach of many, if not most, St. Johnians.

Some change is inevitable and there is certainly a new culture being developed here on St. John, but it is time we took some significant steps toward making homeownership more feasible. The most significant step we could take and the only real remedy at this point is for the Virgin Islands National Park to transfer some land back to the people of this Territory.

I love the park. It has been a tremendous blessing in terms of keeping our island serene and beautiful. I cannot imagine St. John without the park and the significant land it protects. It has been a tremendous tourist attraction and has created many jobs and opportunities for Virgin Islanders. St. John is the gem of the Caribbean largely because of the National Park.

But when Rockefeller created what is known as the National Park, he said that it was never to bring hardship to the people of St. John. Well, today it has created a hardship in terms of lack of land for a school, for a new basketball court, for a fire station, for a senior center, for housing, for homeownership, and for local families. The National Park owns two-thirds of St. John or approximately 9,000 acres. If even just 200 of these acres, if even just 200 of these acres were returned to the people of St. John, we could greatly relieve this hardship for decades to come.

Just a couple hundred acres out of 9,000 could make all the difference in the world to young St. Johnians and those older St. Johnians who would like to return home but cannot. I am confident

we could do this without jeopardizing the beauty or ecology of the Virgin Islands National Park.

If we do not take steps to make land available for infrastructural improvements and homeownership now and work toward building and stabilizing a shrinking middle class, I truly fear for the future of St. John. We must make our voices heard in Washington. If we all unite, I am confident we can find creative ways to resolve the lack of developable land without further disenfranchising St. Johnians.

I truly hope that you will take my words under consideration. I know that untold numbers share my sentiments and I hope we can move forward in giving back a small portion of land to St. Johnians.

I ask for the Committee members' support for any efforts to assist in the construction of a new school on St. John, and I stand ready to offer any local legislation that may be necessary to facilitate this process. I thank you.

[The prepared statement of Ms. Wesselhoft follows:]

Statement of Carmen Wesselhoft, Virgin Islands Senator-At-Large

Good Evening to Delegate Christensen, the members of the Subcommittee on Insular Affairs, staff and all the concerned St. Johnians gathered here for this important hearing.

My name is Carmen Wesselhoft and I am the Virgin Islands Senator-At-Large. This is my first term in office and I was sworn in on January 8 of this year. Although I represent constituents throughout the Territory, I am a proud native born St. Johnian and I am especially concerned about St. John issues and the pressing need for a new school.

I am very pleased that we are going forward on this issue today as we truly must all work together to see the construction of this new school through. Thanks to Delegate Christensen's Office and all those involved in organizing this meeting.

The need to relocate Julius Sprauve School is clear to all of us. As is the need for a high school here on St. John. The school was once conveniently located at the center of town, but now that the town of Cruz Bay has grown exponentially it is no longer an optimal location for students. It is noisy, there is no room for expansion, little parking and there are danger zones all around campus. Just this March a truck lost it breaks and rammed a car into the school's crosswalk, ending up hanging over the school's ballfield. There is a great deal of traffic surrounding the school on all sides. We have heavy drinking taking place just across the street from morning until night. It is not an environment that is especially conducive to learning.

I would like to see a new school include both a high school and some kind of vocational training program. We do have a high school on St. John, but it is a private school and tuition is out of the reach for most residents. Students drop out every year partly because of the frustration of traveling to St. Thomas each day for their classes. Good students are motivated to make the trip, but it doesn't take much to discourage those young people already at risk.

Construction of a new school would allow the Virgin Islands Government to reassign the property at Sprauve School for other purposes. Our need for a fire station is well known, as is the lack of youth and senior centers. We are also in need of a centrally located Government complex. Land on St. John is certainly at a premium and I will push for the campus to continue to be used for the greater public good.

I wholeheartedly support the good intentions behind H.R. 53, but I do have some concerns.

The information I was provided with did not provide specific information as to the plot size and location of the land in question and I am hoping this will be addressed in the course of this hearing.

The question that many St. Johnians are asking is whether or not there is some legal reason why we must lease this land from the Federal Government? Why can't this land be given outright to the people of the St. John? What purpose does a 90 year lease serve?

Construction of a new school has been stymied by the lack of available and affordable land on St. John, but so has construction of affordable housing, a nursing

home, a fire station and recreational facilities for our young people. The skyrocketing cost of property on St. John and this has put home ownership out of the reach of many, if not most, young St. Johnians.

No matter how flexible the terms or low the interest rate may be, no one making \$33,000 a year—and that is about what the average Virgin Islander earns—can afford a mortgage on a million dollar home. Prices do go up and property values will increase, but local salaries have not risen to match the rise in prices of homes and land on St. John. Prices have primarily been driven up by outside investors who have made their money elsewhere. There is a growing gap between the haves and the have nots here on St. John and, at this point, the Federal Government is the only entity with the power and the land to ameliorate some of these concerns.

We as a community have attempted to respond by creating affordable housing opportunities at Bellevue and soon at Calabash Boom. This is not enough. And I do not think our people should be relegated to solely living in "affordable housing communities". They should have the opportunity to purchase land at a reasonable price and to build a home of their own preference and style.

There are those newcomers among us who have been heard to say that if St. Johnians cannot afford to live on St. John, they should move to St. Croix or St. Thomas. This is insulting and unacceptable. Our families are being broken apart. Our culture and our traditions lost.

Some change is inevitable and there is certainly a new "culture" being developed here on St. John, but it is time we took some significant steps towards making homeownership more feasible. The most significant step we could take and, the only real remedy at this point, is for the Virgin Islands National Park to transfer some land back to the people of this Territory.

I love the park, it has been a tremendous blessing in terms of keeping our island serene and beautiful. I cannot imagine St. John without the park and the significant land it protects. It has been a tremendous tourist attraction and has created many jobs and opportunities for Virgin Islanders. St. John is the gem of the Caribbean, largely because of the National Park.

But there is always a flipside. All those people coming from outside that fell in love with the beauty of the park have driven up real estate prices. All the land held by the park has made little available for growth. All those tourists have altered our way and quality of life.

When Rockefeller created what is now known as the Virgin Islands National Park he said that it was never to create a hardship for the people of St. John. Well today it has created a hardship in terms of lack of land for a school, for a new basketball court, for a fire station, for a senior center, for housing and for homeownership for local families.

The National Park owns 2/3s of St. John or approximately 9,000 acres. If even just two hundred of these acres were returned to the people of St. John, we could greatly relieve this hardship for decades to come.

I know that some may find this idea controversial, but what is the alternative? I propose that this Committee undertake a feasibility study in this regard. The park is bringing in hundreds of thousands of visitors, yet there is not adequate land available to host the services and employees needed to serve these guests. A detailed plan would have to be crafted whereby established families would have first opportunity to purchase this land and be required to hold on to it for a specified number of years. It wouldn't be easy, but it can be done.

When the National Park was created, Virgin Islanders did not have a strong voice in national affairs and there was certainly a different standard in terms of racial relations and politics back in 1956. Things have changed in the world, things have changed on St. John and it is time that we demand that changes are made to better accommodate our people.

Just a couple of hundred acres out of over 9,000 could make all the difference in the world to young St. Johnians and those older St. Johnians who would like to return home, but cannot. I am confident we could do this without jeopardizing the beauty or ecology of the Virgin Islands National Park.

If we do not take steps to make land available for infrastructural improvements and homeownership now and work towards building and stabilizing our shrinking middle class, I truly fear for the future of St. John. No one is immune from the social and economic crisis being created here.

We must make our voices heard in Washington. If we all unite I am confident we can find creative ways to resolve the lack of developable land, without further disenfranchising St. Johnians.

I truly hope that you will take my words under consideration. I know that untold numbers share my sentiments and I hope we can move forward in giving back a small portion of land to St. Johnians.

I ask that Committee members support any efforts to assist in the construction of a new school on St. John and I stand ready to offer any local legislation that may be necessary to facilitate this process.
Thank you.

Mrs. CHRISTENSEN. Thank you, Senator. And the applause were restrained at least two points in your testimony and I know what you said definitely reflects the sentiment of many in the audience. I will now recognize Mr. Grijalva for such questions as he may have.

Mr. GRIJALVA. Thank you, Madam Chair. If I may, Madam Senator, a couple of questions just for my background. The trip that students must take to St. Thomas for high school, how long is that?

Ms. WESSELHOFT. Well, if you take into consideration, sir, you have some students that live on the eastern end of the island, they must get up probably about 4:30 in the morning to catch the school bus, take the 6:00 o'clock ferry to Red Hood. The ferry ride is about 20 minutes. Most of them attend school on the eastern end of St. Thomas. So, it could take anywhere just in travel an hour, two hours just to get across the ocean one-way. And then travel back late in the evening to get back. You have homework. You have other things to do at home.

Mr. GRIJALVA. Thank you. And you mentioned in your testimony tuition to private school. How high is that tuition?

Ms. WESSELHOFT. We have a private school on St. John, and the tuition, if you don't get a scholarship, could range anywhere from \$350 and even higher, \$550, and even higher.

Mr. GRIJALVA. Per month.

Ms. WESSELHOFT. Per month.

Mr. GRIJALVA. I would assume that price takes a lot of people out of that opportunity.

Ms. WESSELHOFT. Definitely.

Mr. GRIJALVA. If a suitable parcel was to be leased, direct transfer, whatever, as that process moves along, do you know what the estimated cost, Senator, is for the construction of those facilities and the funding available if it is available?

Ms. SMITH. Probably over \$3 million to construct a school.

Ms. WESSELHOFT. It's probably more than \$3 million and up. Because I don't know if you realize but St. John, the cost of living is very high. To build on St. John is very, very costly. So it could range anywhere, I believe, double \$3 million and up. Anywhere from \$10 million and up it could cost.

Mrs. FORDE. Those are conservative estimates considering that if we were to build a facility on St. John, we wouldn't want a half done facility. We want to make sure that it had an auditorium that could take care of public use, as well as school use. You would want a gymnasium facility so that the children have all sports advantages that other schools have been afforded in other islands in the territory.

Mr. GRIJALVA. You would want a comprehensive high school.

Mrs. FORDE. Yes. And not just a high school. Recognize that we're talking a K-12 education.

Mr. GRIJALVA. Thank you. And if I may, Superintendent, you mentioned in your testimony, and I appreciate that comment, keeping the public education students in mind as we go through this

process, and you mentioned a partnership with entities that sub. Elaborate how you see that partnership, and Administrator Smith as well.

Mrs. FORDE. I think it's important for us to understand that education cannot exist on its own. We know that for education to be successful, we have to partner with the Legislature. We have to partner with private entities, businesses. There are corporations. There are community groups. If we are to be successful, we have to pull all entities in. And we're willing to do that. We don't intend to be an insular education. We intend to make use of all partners who are willing to provide service, goods, expertise, so that we can build quality education in the Virgin Islands again.

Ms. SMITH. I concur with Ms. Forde.

Mr. GRIJALVA. Thank you. Madam Chair, I don't have any further questions. Thank you.

Mrs. CHRISTENSEN. Thank you, Mr. Grijalva. I would like to get a couple of things on the record. Administrator Smith, thank you for your support of the bill and the intention on the lease. Would you know if the administration supports the position, and Senator Wesselhoft, have you had that discussion with them that a reference to a lease, they would prefer a conveyance or an outright conveyance of land?

Ms. SMITH. I really don't have that knowledge at this moment.

Mrs. CHRISTENSEN. OK. And this is not the end of the discussion. So we can follow-up with you and the administration on that issue.

Ms. Forde, in your testimony you talked about the number of students attending school on St. John, and in other testimony the estimates have been 700 students traveling to 1,000 students traveling from St. John to attend school in St. Thomas. Do you have a number on the number of students that leave St. John every day?

Mrs. FORDE. No, but recognize that these are the students that attend school in St. John. We know that to attend Eudora Kean High School between eleventh and twelfth grade we've got conservatively 60 to 70 students traveling daily. We also have students from the St. John community that attend private schools in St. Thomas, and that number I don't have available.

But we do know that it's enough that if you attend school in the St. John district, if you live in the St. John district, you should be able to attend school in the St. John district comfortably. And if you make the choice to attend school in St. Thomas, that's a choice. It shouldn't be that it has to be a travel for these children every day.

Mrs. CHRISTENSEN. I totally agree with you on that, the need for a school, period. But just for the record, I wanted to know if we had an accurate number of the students that travel. But certainly it does present a hardship as described by the Senator, getting up that early in the morning and having to travel across the island and then the ferry and so forth and so on. It's difficult enough just as if they were attending school here.

The other question I would have for you, Ms. Forde, is the 10 acres suitable, in your estimation and the estimation of the department, do you have any idea what the acreage is of the larger school that we have in the St. Thomas/St. John district?

Mrs. FORDE. No, I don't have that information. Ten acres would be conservative in my guess. If we're going to put a full service facility, 10 acres is conservative. If you're going to put something here, you're going to want a state-of-the-art gymnasium; you're going to want a track and field that the children can run on, that they can practice on and prepare for competitive meets stateside; you're going to want classrooms where we can put comfortably 30 children in a classroom and they are not hitting elbows against each other; that we've got computer drops in the classrooms for these children; that there are cafeterias where the children can eat and we don't have to jam them into lunch hours.

What we want is a vision for education. Ten acres can do it. We can make do with that, but certainly I think we would want to double that number if we wanted to put a full fledged facility in St. John.

Mrs. CHRISTENSEN. For example, Eudora Kean, do you have any idea what the acreage is?

Mrs. FORDE. No, I have no idea. But we also recognize that with Eudora Kean, we're sharing land with Housing, Parks, and Rec. So—

Mrs. CHRISTENSEN. Right, I understand that.

And Senator Wesselhoft, are there any current measures in the 27th Legislature addressing any school related issues on St. John?

Ms. WESSELHOFT. Not that I know of, Delegate Christensen. And if I may, just for the record, just to clarify what you said, I'm not against the land lease.

Mrs. CHRISTENSEN. I understand.

Ms. WESSELHOFT. I'm hoping that one day that the National Park will recognize our needs and start giving us something as opposed to us having to enter into a lease. And even if we do a lease, it will be lease to own eventually. So, I'm in full support of it.

Mrs. CHRISTENSEN. I understand. But for the record, because this is the official record of the Congress, we just want to make sure that we're clear on all of the opinions that are being voiced here. And I'm clear that you support the lease, but that you also would support an outright conveyance.

I don't have any other questions. Do you have any other questions, Mr. Grijalva? Is there anything else that was left unasked that you would like to add before we dismiss you?

Ms. SMITH. Madam Chair, I would like to see this come to fruition. We've been speaking about the school situation for the last 30 years.

Mrs. CHRISTENSEN. Yes.

Ms. SMITH. So, we would really like to see it come to fruition.

Mrs. CHRISTENSEN. I think that's the bottom line and as quickly as possible.

So, thank you for your testimony, and I would now like to call up the last panel which is a relatively large panel of witnesses.

Mrs. CHRISTENSEN. OK, the next panel consists of Ms. Lorelei Monsanto—as they are coming up, if there is room on the bench in which you're sitting, if you would just move over a little it would allow our individuals who are still standing to have a place to sit.

So, Ms. Monsanto, Mr. Ronnie Jones of Unity Day Group, Ms. Kristen Cox of the One Campus Group, Mr. Gaylord Sprauve, Mr.

dren and the future of our community and opportunity for the local residents of St John.

I am here before you today to testify why St John needs a new K through 12 School on St John.

The Fourteen years that I have been residing on St John I have watched the schools become deplorable. I have also heard, read and have been told that our local Government has been involved in ongoing negotiations to work on finding a location and obtaining land to build a new public school for the community of St John.

The conditions our children are being taught and the intrusive environment that our teaching staff has surrendered to noise pollution and dilapidating unsafe conditions of our buildings is simply unjust. We have made due with what we have because we have not had a choice in the matter. It is time the Virgin Islands Department of Education is held accountable for the lack of follow through and responsibility to our local Government to make sure our schools are safe and comfortable for our children, staff and the community.

I am asking for your panel to bring this bill forth in the House of Representatives. The Virgin Islands National Park signing a lease with the Virgin Islands Government to obtain and be part of a Team network, building a new state of the art K through 12 school with a vocational center that will be utilized by the children of St John, Community organizations and offer opportunities for any persons wanting to further their education.

We want to assist and/or provide through this complex and incorporate the National Park Service in Educating and mentoring the St John children, our community and tourists from abroad.

We live in the 21st Century and our children need to be technologically competitive in this growing world we live in. Unless ALL of our children are born naturally A+ students that excel in every subject, while attending grades K through 12, the rate we are going the U.S. Virgin Islands will revert to adult functional illiteracy. Our children are being left behind and are continuing to regress and the community is now becoming filled with delinquents and criminals because they are not being educated at a competitive level as the Iowa test results demonstrate each year as does our drop out rate.

The island of St. John resident children are about 1,000 students +/- divided up between public and private schools in grades K through 12. Our drop out rate is increasing yearly as is our crime rate and our homicide rate of ages 16 through 25. The poverty and low income level residents and our population is growing. We need change and the foundation for any change begins with education.

We have an opportunity to change history and make the difference we have been waiting for. The One Campus Group wants to work together to accomplish a common goal of well educated students for a positive future, join hands with those who have, will and want to make a difference in the future of; the National Park Service of the U.S. Virgin Islands, Friends of the National Park of the Virgin Islands, The Rockefeller Foundation, The Jackson Hole Preserve, the Government of the Virgin Islands, the Department of Education of the Virgin Islands and incorporate the following in a State of the Art Education Complex far superior to any other in the Virgin Islands and the Caribbean abroad.

My Vision of what St John's future School needs are as follows:

1. 3 Separate buildings on One Campus for Elementary, Middle and High school.
*Computers in each class room (1 for each student) OR each building be equipped with a Computer Lab.
2. One central Library
3. Athletic Park with Ball field (base ball, Track & Field, Soccer, Football, etc), Swimming pool, Basket ball court, Tennis court, Gymnastics, Gym with exercise equipment, etc.
4. A Vocational Learning Center that combines existing facilities elsewhere in the United States with the skills of teachers, researchers and the National Park Service to educate and share information on: marine biology, ecology, farming, science, communications, business management, wood working, auto mechanics and restoration, port authority, coast guard, EMT, FEMA, Red Cross, public works, etc.

I know we can work together and will be successful as a team and No Child will be Left Behind. Refer to: Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E and Exhibit F why we can start building our new future together today.

I hope that you will push this bill through the House of Representatives so this Lease can be procured and remember we leave No Child Behind.

Thank you for your time.

[NOTE: The exhibits submitted for the record have been retained in the Committee's official files.]

CORRECTION

The previous document(s)
may have been microfilmed
incorrectly.....

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So, Ms. Monsanto, Mr. Ronnie Jones of Unity Day Group, Ms. Kristen Cox of the One Campus Group, Mr. Gaylord Sprauve, Mr.

Joe Kessler, President of Friends of the Virgin Islands National Park, and former Senator-at-Large, Craig Barshinger.

OK, thank you. We will begin this panel by recognizing Ms. Monsanto for five minutes. Ms. Monsanto of the One Campus Group.

STATEMENT OF LORELEI C. MONSANTO, ONE CAMPUS GROUP

Ms. MONSANTO. Good evening, distinguished guests, Members of Congress and our Delegate to Congress Donna Christensen and other guests and the audience. I am Lorelei Monsanto, a St. John resident and member of One Campus Group. I would like to thank you in advance for the opportunity to give my presentation to the Committee on Natural Resources on H.R. 53, also known as the Virgin Islands National Park School Lease Act.

St. John has no doubt been changed by the existence of the National Park Service. I do believe the various agencies that support the park and its growth will support this initiative to acquire lands to demonstrate a team effort to educate the local populous of students that reside on St. John.

I would like to give a brief history. Number one, the overall population of students on St. John in both the private and public sector is approximately 700 students and growing with a rash of development on the island.

Two, the current educational complexes on the island of St. John are crumbling, dark, located in congested areas and have outgrown their overall usefulness.

Three, due to lack of land space on St. John and overall planning for the future, we are at a point where our partner, Jackson Hole Foundation, the Rockefeller Foundation, Friends of the National Park, students, parents and all concerned groups on the island of St. John, have recognized that we must become team players in this venture.

Four, the private sector has established a school on St. John that clearly states a need for K-12 on the island. Their location is quite hilly and provides some difficulties in expansion and diversification.

However, we're talking about the public school sector here. My group, the One Campus Group, have done several studies and investigations. One, we found that Laurance Rockefeller donated lands with a special stipulation that lands be held to enhance the local population on the island of St. John. Our Delegate to Congress was advised by a Mr. Clayton Frye, Jr. On November 10, 2006 that Jackson Hole Preserve retains no property that might be suitable for such a purpose, and finds that they didn't own any land on the island. Investigation reveals that they liquidated a good portion of that property and disregarded Mr. Rockefeller's wishes.

Two, discussion of swapping local Virgin Islands' land and/or cays with the National Park Service in 2006 raised a high public outcry against such an action.

Three, Ms. Ethel Bishop died March 2006. She conveyed a deed to the United States National Park in 1968. That parcel is known as No. 6 Estate Catherineberg, and it consists of 55 acres of land, more or less, and it is not subject to any reversionary clause. The National Park Service noted that this is just one of several land

parcels managed by the National Park Service that has this condition. However, based on the location, this parcel seems to be the best location for the project that we are now considering, and we did send to you a copy of her death certificate and a deed of conveyance.

Four, the opportunity will provide the most educational venture the National Park System, Virgin Islands and Congress has ever seen. St. John's needs are truly unique, and this joint venture will enable the National Park Service and the Department of Education to construct a school complex that adds a Marine Biology, Botany, National Park Service Mid-island Visitor's Center and Educational Complex, all under one environmental friendly environment.

It is my belief that this request for a lease will enhance the overall position on the National Park Service and the Virgin Islands. With the goal of incorporation of National Park Service programs and the educational programs, the possibilities are limitless. An investigation on leasing National Park lands now exist in the Park system.

Preservation of the Bishop home, educating the students with National Park Service programs, advising the visitors of how St. John and this co-adoption enhances the knowledge power of kids' learning both inside and outside the classroom will be mind-boggling.

The bill, H.R. 53, is an excellent solution to the educational goals. I do have a few suggestions, however, that might enhance the bill. I would request the Secretary of Interior request that a volunteer school board be set up to work with the National Park Service on this plan.

Also, I would like the school to be designed by a certified school design group with an environmentally friendly design so that we can co-exist with the National Park's mandate and our own. I would clearly like to request the entire 55 acres of the Bishop land.

And four, intent with the formation of the National Park Service, to be designated for such a purpose.

In conclusion, I know that this bill will become a reality. We will forge ahead to make this a reality. We will lobby, we will call you, we will harass you, we will do whatever it takes to make this happen. Thank you again for hearing this testimony. Respectfully yours, Lorelei Monsanto.

[The prepared statement of Ms. Monsanto follows:]

Statement of Lorelei Monsanto, One Campus

Good Evening distinguished Members of Congress and our Delegate to Congress Donna Christensen and other distinguished guests and audience.

I am Lorelei Monsanto, a St. John resident and member of the One Campus group. I would like to thank you in advance for the opportunity to give my presentation to the Committee on Natural Resources on H.R. 53, also known as the "Virgin Islands National Park School Lease Act".

St. John has no doubt been changed by the existence of the National Park Service. I do believe the various agencies that support the park and its growth will support this Initiative to acquire lands to demonstrate a team effort to educate the local populous of students that reside on St. John.

Brief History:

1. The overall population of students on St. John in both the private and public sector is proximately seven hundred students and growing with the rash of development on the island.

2. The current educational complexes on the island of St. John are crumbling, dark, located in congested areas and have out grown their overall usefulness. (see Photos)
3. Due to lack of land space on St. John and overall planning for the future we are at a point where our partners, Jackson Hole Foundation, Rockefeller Foundation, Friends of the National Park, Students, Parents and all concerned groups on the island of St. John have recognized that we must become team players in this venture.
4. Private sector has established a school on St. John that clearly states for a need for a K-12 on the island. Their location is quite hilly and provides some difficulties in expansion and diversification.

Investigation:

1. Laurance Rockefeller donated lands with a special stipulation that lands be held to enhance the local population on the island of St. John. Our Delegate to Congress was advised by a Mr. Clayton Frye Jr. on November 10, 2006 that Jackson Hole Preserve retains no properties that might be suitable for such a purpose, and find that we do not at this time own any land on the island. Investigation reveals lands were liquidated with an apparent disregard for Mr. Rockefeller's wishes. (See attachment)
2. Discussion of swapping local Virgin Island land and or cays with the National Park Service in 2006 raised a HUGE PUBLIC OUTCRY against such an action.
3. Mrs. Ethel May Bishop died March 2006. She conveyed a deed to the United States National Park in 1968. That parcel, known as Number 6 Estate Catherineberg, consists of fifty-five (55) acres of land more or less and is not subject to any reversionary clause. The NPS noted that this is just one of several land parcels managed by the National Park Service that has this condition. However based on location this parcel seems to be the best location for the project we are now considering. (Death certificate and deed of conveyance attachment)
4. This opportunity will provide to me the most educational venture in the NPS and Virgin Islands and Congress. St. John needs are truly unique and this joint venture will enable the National Park Service and the department of Education to construct a school complex that adds marine biology, botany, National Park Service Mid-island Visitor's Center and educational complex all under one environmental friendly environment.

Overview:

It is my belief that this request for a lease will enhance the overall position on the National Park Service and The Virgin Islands. With the goal of incorporation NPS programs with the Educational programs the possibilities are limitless. And investigations on leasing NPS land now exist in the Park system.

Preservation of the Bishop home, educating the student with NPS programs, advising the visitors to St. John how this co-adoption enhances the knowledge power of kids learning both inside and outside of the classroom.

The bill, H.R. 53, is an excellent solution to the educational goals. I have a few suggestions that might enhance the bill: 1. that the Secretary Interior request that a volunteer school board be set up to work along with the NPS on this plan. 2. Design of the school is done by a certified school design group with environmental friendly design. 3. Clear request of 55 acres of the land. 4. It was the intent with the formation of the NPS that an area be designated for such a purpose.

In conclusion, I know that this bill will become a reality. We are ready to forge ahead to make this a reality.

Thanking you again for having this hearing respectfully yours Lorelei Monsanto

Mrs. CHRISTENSEN. Thank you, Ms. Monsanto. The Chair now recognizes Mr. Jones for five minutes.

STATEMENT OF RONNIE JONES, UNITY DAY GROUP

Mr. JONES. Good evening. My name is Ronnie Jones. I am honored to be here today. Thank you, Congresswoman Donna Christensen, and all the Committee members and everyone else that's here with us today listening. Again, I am honored to be a witness in regard to H.R. 53.

I was born on the island of St. John and I've seen many changes take place. Most of these changes have been positive, mainly because they relate to population growth.

I come from a very large family. My grandfather was Halvor Richards, born on April 15, 1896, on the island of St. John. He had 18 children. My grandfather had brothers and sisters, but the most prominent was Julius E. Sprauve.

Halvor was a foreman with the Civilian Conservation Corps in 1938 on St. John. The CCC Program or Civilian Conservation Corps Program, employed many St. Johnians and helped to maintain the structure of the island, especially our roads. He eventually purchased Estate Susannaberg in 1945 and ended his time on this earth on St. John in 1970 as a successful farmer.

Julius C. Sprauve was an advocate for the people of St. John. He was a Councilman and eventually the first Senator of St. John. Julius helped St. Johnians get their first bank, better roads and much needed employment opportunities in the 1930's. Julius left the legacy of community service, but his most, far-reaching accomplishment was helping Laurance Rockefeller convince the Department of Interior that the National Park was a good thing for everyone involved.

This collaboration happened before I was born, and the results are evident today as over 5,000 acres is still preserved for our future. The 3,000 acres that was left for the families and friends of Julius, and the friendly inhabitants encountered by Mr. Rockefeller and Mr. Stit (phon.) has greatly diminished in the past 71 years.

Families have continued to grow and many visitors have decided to stay. I attended Julius C. Sprauve School 43 years ago, and today our island has outgrown it.

The acquisition of the National Park in 1936 has reduced the exploitation of St. John. The families connected to that era are pleased, but the children of this era have little options in regard to land space. We need a secured and safe area for which conducive learning could be produced and provide opportunities for vocational and athletic programs.

Julius C. Sprauve convinced the Department of Interior and the local people to present their lands for preservation in 1936. We, today in 2007, have our Delegate to Congress, Donna Christensen, and her constituents trying to convince the Department of Interior that to allow the Virgin Islands to lease land for a school would be in the best interest of the entire island and its inhabitants.

In 1936, the people and the Department of Interior even after some opposition, did what was right for the future good of the Virgin Islands and the people that come here.

We are asking the Department of Interior to consider the needs of our children, and just as in 1936, there will be opposition, but be aware that the people of St. John will be following this bill and with deep conviction of the right and wrong, Bill H.R. 53 works for our children. Thank you for your consideration.

[The prepared statement of Mr. Jones follows:]

Statement of Ronnie Jones, Unity Day Group

I am honored to be a witness in regard to bill H.R.53. I was born on the Island of St. John and I have seen many changes take place. Most of these changes have been positive, mainly because they relate to population growth. I come from a very large family. My grandfather was Halvor Neptune Richards, born on April 15, 1896 and he had 18 children.

My grandfather had brothers and sisters but the most prominent was Julius E. Sprauve. Halvor was a foreman with the Civilian Conservation Corps. in 1938 on St. John. The C.C.C. program employed many St. Johnians and helped to maintain the structure of the Island especially our roads. He eventually purchased, Estate of Susannaberg in 1945 and ended his time on earth in 1978 as a successful farmer.

Julius E. Sprauve was an advocate for the people of St. John. He was a Councilman and eventually the first Senator of St. John. Julius help St. Johnian's get their first bank, better roads and much needed employment opportunities in the 1930's. Julius E. Sprauve left a legacy of Community Service but his most far reaching accomplishment was helping Laurence Rockefeller and Frank Stick convince the Department of Interior that a National Park was a good thing for everyone evolved.

This collaboration happened four years before I was born in 1936, and the results are evident today as over 5000 acres is still preserved for our future. The 3000 acres that was left for the family and friends of Julius, and the friendly inhabitants in countered by Mr. Rockefeller and Mr. Stick, has greatly diminished in the past 71 years. (1936-2007) Families have continued to grow and many visitors have decided to stay. I attended Julius E. Sprauve School 48 years ago and today our island has out grown it.

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Julius E. Sprauve convinced the Department of Interior and the local people to present their land for preservation in 1936, we today in 2007, have our Delegate to Congress Donna Christensen and her constituents trying to convince the department of Interior, that to allow Virgin Islanders to lease land for a school would be in the best interest for the entire island and its inhabitants. In 1936 the people and the Department of Interior (even after some opposition), did what was right for the future good of the Virgin Islands and the people that come here.

We are asking the Department of Interior to consider the needs of our children and just as in 1936 there will be opposition, but be aware that the people of St. John will be following this bill with deep conviction of right and wrong. Bill H.R.53 works for our children.

Thank you for your consideration.

Mrs. CHRISTENSEN. Thank you, Mr. Jones. And the Chair now recognizes Ms. Cox for five minutes.

STATEMENT OF KRISTEN COX, ONE CAMPUS GROUP

Ms. COX. Good evening to the House of Representatives' Committee on Natural Resources, Delegate to Congress Donna Christensen, and members of the panel. I am Kristen Cox, Co-Chairperson of the One Campus Group on St. John.

The 14 years that I have been residing on St. John, I have watched the schools become deplorable. I have heard, read and been told about our local government being involved in ongoing negotiations to work on finding, locating, and obtaining land to build a new public school for the community of St. John.

The conditions that our children are being taught and the intrusive environment of that of our teaching staff, have surrendered to noise pollution, and the dilapidating, unsafe conditions of the building is simply just unjust. We have made do with the situation because we have not had any choice in the matter, and it's time that we make a safe, comfortable environment for our children, staff and the community in our schools.

I am asking the panel to bring the bill, H.R. 53, forth in the House of Representatives on behalf of the Virgin Islands with the Virgin Islands National Park's signing a lease with the Virgin Islands Government to obtain and be part of a team network, building a new state-of-the-art K-12 school, with a vocational center that will be utilized by the children of St. John, community organizations, and offer opportunities for any persons wanting to further education is very important.

We want to assist and provide, through this complex, and incorporate the National Park Service, in educating and mentoring the children of St. John, the community and tourists from abroad.

We live in the 21st Century and our children need to be technologically competitive in this growing world we live in. Unless all of our children are all born naturally A-plus students and excel in every subject while attending grades K-12, the rate we are going, we are falling behind in the competitive world and we do not want to revert to functional illiteracy in the Virgin Islands. Our children are being left behind and are continuing to regress and the community is now becoming filled with criminals and are not being educated in a competitive level as the Iowa test results demonstrate each year, as does our drop-out rate at 40 percent this year.

The island of St. John resident children are about 1,000 students plus or minus, divided between public, private schools and home school students from grades K-12. Our drop-out rate is increasing yearly, as our crime rate and our homicide rate between the ages of 16 and 25, obtained through the Daily News.

My vision for St. John's future school is three separate buildings, elementary, middle and high school, computers in each classroom, one central library, an athletic park with ball field, track and field, soccer, football, swimming pool, basketball court, tennis court, gymnasium with gymnastics, exercise gym equipment, a vocational learning center that combines existing facilities elsewhere with the United States, and the skills of teachers, researchers, the National Park Service, to educate, share information on marine biology, ecology, farming, science, communications, business management, auto mechanic, EMT, FEMA, Red Cross, Public Works. There is a long list where we can go with this.

I now want to work together and be as successful as a team and Leave No Child Behind, all the sentiments that we've expressed, the deed, conveyance, death certificates, what the National Park has given us as reasons why this land in Catherineberg will work for a school, we are asking for 55 acres. We need 55 acres to be competitive in today's world for a state-of-the-art complex.

I hope that you will push this bill through the House of Representatives so this lease can be procured, and remember, we Leave No Children Left Behind.

I thank all of you for hearing our testimony this evening.

[The prepared statement of Ms. Cox follows:]

Statement of Kristen Cox, Co-Chair, One Campus Group

Good Evening:

To The U.S. House of Representatives on the Committee on Natural Resources, Delegate to Congress Donna M. Christensen, and Members of the panel.

I am, Kristen Cox, Co-Chair person of the One Campus Group on St John, I am a mother, an aunt, a cousin, a friend, and I am someone who cares about our chil-

dren and the future of our community and opportunity for the local residents of St John.

I am here before you today to testify why St John needs a new K through 12 School on St John.

The Fourteen years that I have been residing on St John I have watched the schools become deplorable. I have also heard, read and have been told that our local Government has been involved in ongoing negotiations to work on finding a location and obtaining land to build a new public school for the community of St John.

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We want to assist and/or provide through this complex and incorporate the National Park Service in Educating and mentoring the St John children, our community and tourists from abroad.

We live in the 21st Century and our children need to be technologically competitive in this growing world we live in. Unless ALL of our children are born naturally A+ students that excel in every subject, while attending grades K through 12, the rate we are going the U.S. Virgin Islands will revert to adult functional illiteracy. Our children are being left behind and are continuing to regress and the community is now becoming filled with delinquents and criminals because they are not being educated at a competitive level as the Iowa test results demonstrate each year as does our drop out rate.

The island of St. John resident children are about 600 students +/- divided up between public and private schools in grades K through 12. Our drop out rate is increasing yearly as is our crime rate and our homicide rate of ages 16 through 25. The poverty and low income level residents and our population is growing. We need change and the foundation for any change begins with education.

We have an opportunity to change history and make the difference we have been waiting for. The One Campus Group wants to work together to accomplish a common goal of well educated students for a positive future, join hands with those who have, will and want to make a difference in the future of; the National Park Service of the U.S. Virgin Islands, Friends of the National Park of the Virgin Islands, The Rockefeller Foundation, The Jackson Hole Preserve, the Government of the Virgin Islands, the Department of Education of the Virgin Islands and incorporate the following in a State of the Art Education Complex far superior to any other in the Virgin Islands and the Caribbean abroad.

My Vision of what St John's future School needs are as follows:

1. 3 Separate buildings on One Campus for Elementary, Middle and High school.
*Computers in each class room (1 for each student) OR each building be equipped with a Computer Lab.
2. One central Library
3. Athletic Park with Ball field (base ball, Track & Field, Soccer, Football, etc), Swimming pool, Basket ball court, Tennis court, Gymnastics, Gym with exercise equipment, etc.
4. A Vocational Learning Center that combines existing facilities elsewhere in the United States with the skills of teachers, researchers and the National Park Service to educate and share information on: marine biology, ecology, farming, science, communications, business management, wood working, auto mechanics and restoration, port authority, coast guard, EMT, FEMA, Red Cross, public works, etc.

I know we can work together and will be successful as a team and No Child will be Left Behind. Refer to: Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E and Exhibit F why we can start building our new future together today.

I hope that you will push this bill through the House of Representatives so this Lease can be procured and remember we leave No Child Behind.

Thank you for your time.

[NOTE: The exhibits submitted for the record have been retained in the Committee's official files.]

Mrs. CHRISTENSEN. Thank you, Ms. Cox, and I will now recognize Mr. Kessler for five minutes.

**STATEMENT OF JOE KESSLER, PRESIDENT,
FRIENDS OF VI NATIONAL PARK**

Mr. KESSLER. Thank you. The Friends of Virgin Islands National Park welcome the esteemed members of the Subcommittee to St. John. You honor our island and our park by your presence. We are pleased that you are holding these field hearings here so that you have the opportunity to hear from the entire community on the proposed legislation. We hope these hearings and ensuing discussions will move resolution of this important issue forward.

The Friends is a non-profit membership based organization that is dedicated to the preservation and protection of the natural and cultural resources of Virgin Islands National Park and promotes the responsible enjoyment of this national treasure.

Concerning the proposed Virgin Islands National Park School Lease Act, H.R. 53, the Friends, along with nearly everyone else as you've heard today, recognize the absolute need to relocate the current schools from their cramped, inappropriate and dangerous locations, and to expand the facilities to include 10-12 so that the island's children do not have to leave St. John to attend public high school.

The need for new educational facilities is not in question. It is real, it is urgent, and it must be made a high priority for the territorial government and this community. However, where to locate the new facility, what it should realistically include, how to build it, how to finance it, how to maintain it, and how to staff it are the real questions. These hearings address the key issue of the first question: How the required land for the new facility is to be acquired. We trust that the other issues will be dealt with in due course.

Prior to the introduction of H.R. 53, three alternatives to acquire land for a new facility were being considered: The V.I. Government would either allocate land that it already owned; purchase sufficient land; or swap land with the National Park Services.

However, as the territorial government does not own sufficient land on St. John and large parcels are generally difficult to find and prohibitively expensive if they were to be located, discussion centered on a land swap between the territorial government and the National Park Service.

The Friends has strongly supported the concept of the swap and believe that we have played a key role in urging the National Park Service to be open and flexible in considering this possibility. This contributed to the NPS in February 2003, providing the V.I. Government with a list of properties which is comprised of land on St. John, small uninhabited offshore islands and even submerged lands that in some combination can be considered in exchange for land for a school within Virgin Islands National Park. The list was not exclusive and was meant to initiate concrete discussions on the issue. The proposal has languished since then.

While we support swapping land, we have fundamental concerns and misgivings about providing V.I. National Park land to some sort of long-term lease arrangement as proposed by this legislation.

Let's be frank. Depending on the terms and conditions of the lease, the arrangement is the de facto sale or gift of the property to the V.I. Government. It will result in the net loss of National Park property and resources. Clearly, this land will never revert to being park land.

The National Park Service is in the forever business. It is legally mandated to preserve unimpaired the natural and cultural resources and value of the National Park System. In this case, Virgin Islands National Park is for the enjoyment, education and inspiration of this and future generations. Without question, this legislation would diminish, and therefore impair the natural and cultural resources of the Virgin Islands National Park.

Furthermore, and perhaps more troubling, it will set a precedent that would in turn threaten national parks throughout the country. We wouldn't dream of selling off or giving away parts of Yosemite or Grand Canyon National Parks, nor should we sell or give away a part of Virgin Islands National Park, especially since it's a viable and preferable alternative.

An exchange or swap of land remains, in our view, the most viable alternative. And in addition, an exchange could happen in a relatively short time if there is the institutional and political will to make it a reality.

We appreciate and understand the concerns of some members of the community toward what is perceived as giving up additional lands to the National Park Service. Land is always an emotional issue, and passion about land does not run any deeper than it does here in the Virgin Islands. However, the underlying principle of a land exchange, or a swap, is that there is a give and there is a get. When two pieces or parcels of equally valued land are exchanged, both parties give up something and both parties get an equal share back in return.

While the National Park Service is willing to exchange land for the benefit of St. John's children, we must be clear, it is not a win-win situation. Aside from perhaps garnering some community goodwill and the satisfaction accrued from helping solve a community problem, the NPS has nothing whatsoever to gain from a land swap. The only beneficiaries of the land exchange that will provide for a new school are the children of St. John.

In conclusion, we reiterate our position that H.R. 53 is not in the best interest of the people of St. John, the American public in general, nor the National Park Service. H.R. 53 will diminish, and therefore impair the natural and cultural resources of this beautiful National Park. And because of the precedent it sets, H.R. 53 threatens all national parks and Americans enjoyment of these natural, cultural and historic treasures.

Further, we ask this subcommittee, and particularly its Chairwoman, to use your influence to encourage the V.I. Territorial Government and the National Park Service, to enter into serious deliberations to exchange land for a school. The children of St. John deserve an immediate and concerted effort to resolve this impasse.

Thank you for affording me the opportunity to offer this testimony.

[The prepared statement of Mr. Kessler follows:]

**Statement of Joe Kessler, President,
Friends of Virgin Islands National Park**

The Friends of Virgin Islands National Park (Friends) welcomes these field hearings on the proposed Virgin Islands National Park School Lease Act (H.R. 53) and we are pleased that you are here to hear from this community on the proposed legislation. We hope that these hearings and the ensuing discussions will help move resolution of this important issue forward.

As President of the Friends I testify before you representing the 3,612 members of this organization. About 20% of our members are from the Virgin Islands and we are also proud to have members hailing from all 50 states, as well as twelve foreign countries. Members of the Friends are bound together by our love for Virgin Islands National Park, our commitment to the preservation and protection of the natural and cultural resources of the Park, and our appreciation of what the Park means for St. John and all of the Virgin Islands.

Our appreciation is based on the conviction that because of VI National Park St. John is a world class tourist destination, a unique and safe place to live, and it enjoys considerable prosperity. St. John is a prosperous little island. Prosperous in the context of the Virgin Islands and prosperous in the context of the Caribbean:

- St. John has one of the highest per capita incomes in the Caribbean;
- St. John has the highest rate of private home ownership in the Caribbean; and,
- Just about anyone on St. John who wants a job can find one—particularly in the hospitality industry, with retail businesses, or in the building trades. Just witness the hundreds of people who arrive every morning from St. Thomas to work here.

We really have the Park to thank for this. In addition to the people of St. John—it is the Park that makes this island so special! Furthermore, the Park is what drives the prosperity of this island; a 2004 study demonstrated that VI National Park generated more than \$127 million in annual sales and 2,500 jobs in the Virgin Islands.

Concerning the proposed Virgin Islands National Park School Lease Act (H.R. 53):

The Friends, along with nearly everyone on St. John, recognizes the absolute need to relocate the current schools from their current cramped, inappropriate and dangerous locations; and expand the facilities to include grades 10-12 so that the island's children do not have to leave St. John to attend public high school.

The need for new educational facilities is not in question—it is real, it is urgent, and must be made a high priority for the territorial government and this community. However, where to locate the new facility, what it should realistically include, how to build it, how to maintain it, and how to staff it are the real questions. These hearings address the key issue of the first question: how the required land for a new facility is to be acquired. We trust that the other issues will be dealt with in due course.

Prior to the introduction of H.R. 53, three alternatives to acquire land for a new educational facility were being considered:

- The VI Territorial Government would allocate land that it already owned;
- The VI Territorial Government would purchase sufficient land; and/or,
- The VI Territorial Government would swap land with the National Park Service.

However, as the territorial government does not own sufficient land on St. John and large parcels are generally difficult to find and prohibitively expensive if they were to be located, discussion centered on a land swap between the territorial government and the National Park Service.

The Friends has strongly supported the concept of the swap and we have played a key role in urging the National Park Service to be open and flexible in considering this possibility. This contributed to the NPS, in February 2003, providing the VI Government a list of properties (comprised of land on St. John, small uninhabited offshore islands and submerged lands) that in some combination could be considered in an exchange for land for a school within VI National Park. This list was not exclusive and was meant to initiate concrete discussions on the issue. This proposal has languished since then.

While we support swapping land we have fundamental concerns and misgivings about providing VI National Park land through some sort of long-term lease arrangement as proposed by this legislation.

Let's be frank; depending on the terms and conditions of a long-term lease, the arrangement is the de facto sale or gift of this property to the VI government and will result in the net loss of National Park property and resources. Clearly, this land will never revert to being parkland.

The National Park Service is in the "forever business". It is legally mandated to: **"preserve unimpaired the natural and cultural resources and values of the national park system [in this case, Virgin Islands National Park] for the enjoyment, education and inspiration of this and future generations".** Without question, this legislation would diminish, and therefore impair, the natural and cultural resources of VI National Park.

Furthermore, it will set a precedent that would in turn threaten national parks throughout the country. We wouldn't dream of selling off or giving away parts of Yosemite or Grand Canyon national parks, nor should we sell or give away a part of VI National Park. This should not be given serious consideration, since there is a viable and preferable alternative.

An exchange, or swap, of land remains the most viable option as it is allowable under existing NPS policy and does not require any new authorizing legislation, and there are properties that the NPS would accept in such an exchange. In addition, an exchange could happen in a relatively short time, if there is the institutional and political will to make it a reality.

We appreciate and understand the concerns of some members of the community towards what is perceived as giving up additional lands to the NPS. Land is always an emotional issue and passion about land does not run any deeper than here in the Virgin Islands. However, the underlying principle of a land exchange, or swap, is that there is a "give" and a "get"—two pieces (or combination of pieces) of equally valued land are exchanged. Both parties give up something and both get an equal share back in return.

However, we must be clear: this is not a "win-win" situation. Aside from perhaps garnering some community goodwill and the satisfaction accrued from helping solve a community problem, the NPS has nothing to gain from a land swap—yet they are willing to go ahead with it. The only beneficiaries of a land exchange that will provide for a new school are the children of St. John. I suggest that we all look at the bigger picture and envision this island's children growing up, learning, and playing in a modern educational facility located in a peaceful environment conducive to learning.

In conclusion, we reiterate our position that H.R. 53 is not in the best interests of the people of St. John, the American public in general, nor the National Park Service. H.R. 53 will diminish, and therefore impair, the natural and cultural resources of this beautiful national park; and, because of the precedent it sets, H.R. 53 threatens all national parks and Americans' enjoyment of these natural, cultural and historic treasures.

Further we ask this subcommittee, and particularly its Chairwoman, to use your influence to encourage the VI Territorial Government and the National Park Service to enter into serious deliberations to exchange land for a school. The children of St. John deserve immediate and concerted efforts to resolve this impasse.

Thank you for affording me the opportunity to offer this testimony.

Mrs. CHRISTENSEN. Thank you, Mr. Kessler. The Chair now recognizes Mr. Sprauve for his testimony.

STATEMENT OF GAYLORD SPRAUVE

Mr. SPRAUVE. First of all, good evening. I am Gaylord A. Sprauve. I'm a resident of the U.S. Virgin Islands with long established family relationships on the island of St. John.

As a youngster and later as a teenager, I was privileged to be in the company of my siblings and other relatives as we roamed across the landscape hunting and collecting bait for fishing around the islands and cays that surround the main island of St. John. We enjoyed the land and we enjoyed the sea that was all around us. We did this before there was ever a National Park in our midst and we enjoyed our experiences without restrictions other than those that were self-imposed.

Though not schooled in the science or art of conservation or preservation, we employed our own sense of what amounted to appropriate behavior in the treatment and care of our ecology. We did so keeping in mind that others will follow in our footsteps who would want to enjoy the same precious experiences that were ours.

Those happy, joyful, pleasant memories remain in my consciousness today.

It was in the mid-1950's when we realized a National Park would come to St. John. With limited or no experience with such an endeavor, many of us witnessed, while standing silently on the sideline, as our cultural upbringing dictated, while senior heads of our families sold off their lands for the purpose of what would become the Virgin Islands National Park. Little did senior heads of our families, and even those of us coming of age realize that we knew very little about what was entailed in having a National Park on St. John and what it meant for the future of the homeland. As the park developed, St. John was rediscovered, and over time was transformed forever into what it is today, with the scarcity of affordable land for the resident population, to build individual homes or adequate land reserved by the government for important public programs and services. H.R. 53, as proposed by Delegate Christensen, is an acknowledgement of the contention that our leaders failed to plan adequately for the future needs of our school-aged population and the larger St. John community. H.R. 53 attempts to address the most vexing problem of acquiring a site upon which to construct an educational, cultural and recreational complex that would satisfy not only the immediate need of moving the school or schools, but also the future needs of St. John as envisioned by the people of St. John, in consultation with their government leaders.

Conceptually, I support this major step by the Delegate. The land lease that H.R. 53 proposes is the third option of those that I suggested in an August 7, 2006 guest opinion in our local Daily News, following a public announcement that the then, Governor Charles Turnbull, was proposing a land swap with the Virgin Islands National Park that included several of St. John cays.

In my rebuttal to the Governor's proposed land swap, I called his announcement premature and suggested that we seek congressional assistance with our plight in the form of an outright grant of the acreage required to accomplish the desired public purposes of such a grant. Alternatively, I suggested a use permit for a number of years and possibly into perpetuity. The lease option, the subject of H.R. 53 was my third option. I hope that whichever option is approved by Congress will be one that is negotiated for no more than a nominal fee and, therefore, economically feasible for the local government.

Once again, I take this opportunity to commend Delegate Christensen for her leadership and vision in this matter. I hope that she is successful in having this legislation adopted. Thank you.

[The prepared statement of Mr. Sprauve follows:]

**Statement of Gaylord A. Sprauve,
Resident of the U.S. Virgin Islands**

I am Gaylord A. Sprauve. I am a resident of the U.S. Virgin Islands with long established family relationships on the island of St. John. As a youngster and later as a teenager, I was privileged to be in the company of my siblings and other relatives as we roamed across the landscape hunting and collecting bait for fishing around the islands and cays that surround the main island of St. John. We enjoyed the land and we enjoyed the sea. We did this before there was ever a National Park in our midst and we enjoyed our experiences without restrictions other than those

that were self-imposed. Though not schooled in the science or art of conservation or preservation, we employed our own sense of what amounted to appropriate behavior in the treatment and care, of our ecology. We did so keeping in mind that others would follow in our footsteps who would want to enjoy the same precious experiences that were ours. Those happy, joyful, pleasant memories remain in my consciousness today!

In the mid-1950s, we realized that a National Park would come to St. John. With limited or no experience with the introduction of such an endeavor, many of us witnessed, while standing silently on the sideline as our cultural upbringing dictated, as senior heads of our families sold off their lands for the purpose of what would become the Virgin Islands National Park. Little did the senior heads of our families and even those of us coming of age realized what the creation of a National Park on St. John entailed and what it meant for the future of the homeland. St. John was soon rediscovered and over time was transformed forever into what it is today with a scarcity of affordable land for the resident population to build individual homes or adequate land reserves by the government for important public programs and services.

H.R. 53 as proposed by Delegate Christensen is an acknowledgement of the contention that our leaders failed to plan adequately for the future needs of our school-aged population and the larger St. John community. H.R. 53 attempts to address the most vexing problem of acquiring a site upon which to construct an educational and cultural complex that would satisfy not only the immediate need of moving the school or schools, but also, the future needs of St. John as envisioned by the people of St. John, in consultation with their government leaders.

Conceptually, I support this major step by the Delegate. The land lease that H.R. 53 proposes is the third option of those that I suggested in an August 7, 2006 Guest Opinion in our local Daily News, following a public announcement that the then, Governor Charles Turnbull was proposing a land swap with the Virgin Islands National Park that included several of St. John cays.

In my rebuttal to the Governor's proposed land swap, I called his announcement premature and suggested that we seek congressional assistance with our plight in the form of an outright grant of the acreage required to accomplish the desired purposes of such a grant. Secondly, I suggested a use permit for a number of years and possibly on into perpetuity. The lease option, the subject of H.R. 53 was my third option. I hope that the option approved by Congress will be one for no more than a nominal fee and therefore, economically practical for the local government.

Once again, I take this opportunity to commend Delegate Christensen for her leadership and vision on this matter.

Mrs. CHRISTENSEN. Thank you, Mr. Sprauve for that very moving testimony.

Our last person to testify on this panel is former Senator Craig Barshinger. And we recognize you for five minutes.

STATEMENT OF CRAIG BARSHINGER, FORMER SENATOR

Mr. BARSHINGER. Thank you, Delegate Christensen. Welcome to the members of the Committee, all those who are here to support, and the many St. Johnians of our beloved and beautiful, diverse St. Thomas community.

Delegate, you asked a little while ago about legislation. Senator Hill has in place a bill that provides for the Virgin Islands Government to interface with this. Anticipating this, I introduced legislation in the 26th Legislature for drafting, and turned it over to Senator Hill when I left on January 8th. It's all there. We were hoping that the previous administration would work on it and it seems that it's now in this administration under your leadership that we're really going to go forward.

I would like to tell the Committee something about St. John. St. John and the Virgin Islands National Park is, indeed, a beautiful place. But when you think of St. John, you have to realize it's not the blue waters and green hills that make it valuable. It's the people who live here, and the history, the story that goes with it.

From back in the 1700's we have a rich history and a culture. There is nothing you can do as stewards of the National Park that is a greater investment than to partner with us in educating our youths.

By our very success as the National Park, our community is beleaguered. You have heard that you cannot really buy land on St. John. Let me put that into perspective. A young man or woman growing up on St. John today cannot reasonably hope to purchase a home. It's about \$1 million for the home. We are in trouble and we need some help from the National Park Service, Department of the Interior, and ultimately the Congress.

So, although I'm a businessman at heart and believe in a quid pro quo, if we are to have a lease, and that lease was to be for \$1.00 a year for 15 acres or 100 acres, it would be a good deal for the people of the United States, because in return, they would get an opportunity to strengthen the culture of St. John, which, as I said, is what makes this such a valuable park.

It's not just the land, but it's the way we use the land, the way we interact, the way we sail, the way we go fishing for yellow-tail. All the things that we do in this park, the history. And if we don't have a good educational system, we are not able to offer that vital communication to those people who visit this park.

As far as exchanging, I'm a little dismayed that there has been some talk about an even exchange of land. While I cannot say that it's not appropriate to exchange things of equal value, I have to ask you, what is the comparison between some generally featureless land, as the Acting Superintendent Martha Bogle has pointed out, and maybe an exchange of stewardship for something on Congo Cay where the park could get petroglyphs. Isn't it true that just one small highly important historical site might be worth many acres of flat land where we could build a school? Think about that in your negotiations. Don't allow yourself to miss the opportunity to partner with St. John in our educational quest by insisting on unreasonable exchanges.

We have so much to offer in terms of our people, our culture, and also certain sites where perhaps you would like to be in the business of being stewards for them. But certainly we cannot find 55 or 100 acres, but we can find intensely valuable sites that if you would be willing to be custodians, that certainly would be something that is reasonable to discuss, but please don't be unreasonable. We don't want to be back here five years from now, ten years. We want to invite you five years from now for the big party as we cut the ribbon on our new educational complex.

My time is coming to an end, so I'll just tell you that students sense how serious we, as adults are, about their education and future.

Right now, I hope you have a chance to tour what we have on St. John. It's insufficient. Many of our social problems will be healed if we can show the students that we are fighting for them as we are beleaguered by the 1.2-plus million visitors to our shores every years.

We need your help in making sure that St. John can deal with the changes. And the way you can help us best is to help us by giving us the land we need in order to make a school complex which

is state-of-the-art. Not 10 acres, not 20 acres, but enough in the range of 50 acres will allow us to do it right. Architecturally we can make it something you will be very proud of, but we need your help, and I ask the Delegate and all from the committee to assist us. Thank you very much.

Mrs. CHRISTENSEN. I want to thank all of the panelists for their testimony. And now, I would like to recognize Mr. Grijalva for such questions that he might have.

Mr. GRIJALVA. Thank you, Madam Chair, and I will be brief. Let me begin with Ms. Monsanto. Can you just for background again, can you give me a breakdown of the 700 students roughly from John, roughly grade level? I'm also interested in how that separates, as you mentioned it, between public students and private students.

Ms. MONSANTO. What I did is I incorporated public and private school students who live on St. John and traverse back and forth and also attend school on St. John. So you're not only looking at students who go to the public school right now. You have to look at those high school students who go to St. Thomas. You have to look at the private sector who also goes to St. Thomas for school for educational benefits. So, we encompassed that number. That's the number we came up with roughly.

Mr. GRIJALVA. Do you then see this campus that we're talking about to serve both populations?

Ms. MONSANTO. Yes, because ultimately the population on the east end of St. Thomas is also saturated. That school is full to capacity.

Mr. GRIJALVA. The assumption being that the private school students would then come back to a public school.

Ms. MONSANTO. Hopefully, yes.

Mr. GRIJALVA. Because it would be a public facility.

Ms. MONSANTO. Correct.

Mr. GRIJALVA. And Mr. Kessler, you mentioned—Mr. Jones, if I may. Mr. Jones, if I may, thank you for the historical context in which—the background that you gave us.

When Mr. Rockefeller made the decision the two-thirds of the land on St. John will be given as a National Park, but correspondently as you mentioned, there was also a commitment to the people of St. John as part of that process. And to answer some of the issues of precedence, which I think is a question that needs to be dealt with, is there any, in that historical record or in that historical contents, educational opportunities for children of St. John? Was that part of the consideration in that transfer?

Mr. JONES. Sir, the specifics of it, we have here in front of us from a letter to Senator Anderson from L.S. Rockefeller, September 13, 1962, which speaks specifically to the Jackson Hope, consideration and acreage that were laid out. We have Estate Bellevue, 101 acres; Estate Beverthouberg, 265.6 acres. These are the properties that were spoken about to be used for the betterment of the island, for the people. But as Ms. Monsanto discussed earlier, when she went back to Jackson Hope Preserve, they said that that land was no longer in existence.

So, more specific as to what Mr. Rockefeller meant when he said for the betterment of the community, frankly, I personally never

envisioned the need for condemnation from the earliest days of acquiring the land of the Virgin Islands, as well as throughout the discussions leading to the Park in 1956. I have felt and I have said I was not in favor of condemnation. I don't have the specifics as to what he meant broadly, but I understand that when the Senator, which is Mr. Julius C. Sprauve, my great uncle, when he looked at the island, he was looking at the island at that time as what would be a good deal for—as his relative, another cousin of mine on the table stated, that we didn't have the bigger vision.

When I was 18 years old, I always said that one day as we continue to grow, without not understanding how the National Park worked, I always said, one day the National Park would have to give us pieces and pieces of its land, because as our people grew and our population grew, what do we do? Do we just pack up and leave and then say only tourists can come and look at an island that people used to inhabit? So, at some point I always figured that it would be a reasonable thing as population grew. And these were the people who are from here, that you would make room for us to grow and to live on the same island.

And to add to that, when people come here, people come here to talk to the people. They come to talk to us. They want to hear me say, "Hey mon, fry fish and johnny cake today." They don't come to see some deers running around in some bush. They come to see that, plus hear me speak or hear my family speak. Other than that, they tell us all the time, if I want to get an American experience, I stay in America. They come here for us.

Mr. GRIJALVA. And your point is well-taken, because the tradition where I come from is that there is a deep and abiding historical and cultural bond between the land and the people, and the originators of that land. So, yes, I couldn't agree with you more.

Mr. Kessler, you mentioned the issue of the swap and the precedence, which I think, as we go through this process, that needs to be dealt with. But given the parcel that we talked about, that is being talked about today, is there specific concerns that the Friends have related to that parcel and the leasing of that parcel? How would that impact the Park?

And maybe, if I could for the record, Madam Chair, we've been dealing with a 10-acre discussion here, but also repeatedly from the witnesses, we are dealing with a 55 acre discussion, and we could reconcile that by information as to why the Park Service is dealing with 10, when consistently we've heard of 55. Maybe we can get that from the Park Service, OK?

Mr. KESSLER. OK. To your first question, Friends has no problem at all with the land that's been proposed for a swap, the land that's been proposed as being suitable for some sort of interaction to provide for an educational facility.

If I could on the issue of the 10 versus 55 or whatever, and this is more of a personal observation, there hasn't been any sort of consensus as to what this facility would actually include, what the land would actually be used for other than a school. And certainly, as part of the process of determining, one, how much land is really required, is the process of planning out whatever this facility will be, and whatever other ancillary services or structures or activities that would happen on there, and also what's feasible, we have to

look, one, how much land is potentially available; how much it will cost to develop that into some sort of facility; how much money is going to be available to do it. And then we have to also deal with all of the other problems that the current education services in the Virgin Islands has to face, which is how do you maintain it? How do you staff the facility?

Mr. GRIJALVA. Thank you.

Mr. KESSLER. Those issues need to be dealt with, and I have every confidence they will be dealt with within the community, with extra assistance. Those things need to be determined. You just can't pull out a figure and say, well, we need 55 acres or even we need 10 acres.

And again, the Friends has been supportive of the swap, and think that the land that has been identified is appropriate in terms of a location.

Mr. GRIJALVA. The issue to you is the mechanism.

Mr. KESSLER. The issue to us is the lease. The lease is a de facto sale or gift to the property, a precedent that was set for National Parks throughout the country.

Mr. GRIJALVA. And let me just follow up with a hypothetical. I don't know how to phrase this question, but I was asking Mr. Jones and the One Campus representatives about the history of the Rockefeller, the context, the historical context. And as I understand from them, from their testimony and from answering the question, there was an intent on the part of Rockefeller to, as part of the process, there would be a net public benefit for the people of St. John and your point regarding the precedence of a lease and what effect that could have across the National Park Service system nationally in the territory.

So, is that an either/or proposition, giving the intent and giving the issue of the precedence.

Mr. KESSLER. Well, the intent was also—the Jackson Hall Preserve owned lots of land on St. John, in addition to the land that was donated to the Department of the Interior for the creation of Virgin Islands National Park, and over time, they sold off that property.

I have no further information than what was provided by the other testifiers, and I'm certainly happy to accept their understanding of it, but we do have Virgin Islands National Park created initially from the 5,000 acres donated by Jackson Hall Preserve. Another 2,800 acres have been acquired and added in the last 50 years. So, we have some—or 1,800 acres.

Mr. GRIJALVA. I appreciate it, Mr. Kessler. Thank you for responding to my question. Sir, you wanted to respond, Mr. Jones.

Mr. JONES. In relation to helping you get the perspective on the 10 acres, the administration before under Governor Turnbull, we had an administrator by the name of Julien Harley, and he had gathered a group of people together when the first options were coming up of the swap and so forth. And at the time, given the size of the island and the population, they came up with—and they weren't looking at a full complex. They were looking at a basic school. And they came up—that's why 10 acres came up and that's what the National Park had started moving with.

But as we look at the school now, the potential for a school now, and as the school administrator spoke a minute ago, and she talked about a full campus, that's not throwing something out of the hat. You can look at any school in the United States and know what a full campus is. And a full campus is more than 10 acres. And we have groups here now who have already started the process of identifying the cost, the exact size. They are not throwing out 55 acres like throwing it out of a hat. It's just that our organization on St. John hasn't all yet come together to get the consensus, but we know the average of a full campus with a gymnasium and all the other avenues, and we're also asking the National Park to participate, because they have programs that can help our culture in educating people that come here, that they can use that facility to benefit the community also. But still, we haven't all come together on what we're trying to do. That's why we're honoring the Delegate on what she's doing, because the first thing we have to do is get the land.

Mr. GRIJALVA. Madam Chair, I have no further questions, thank you. I yield back.

Mrs. CHRISTENSEN. Thank you, Mr. Grijalva. And if you do have a question as we go along, I will yield to you again. Thank you.

Let me begin with—I'll ask Ms. Monsanto, because you first raised the issue of the 55 acres. Can you speak to the typography of those 55 acres? I assumed that 10 were singled out because the land is suitable. It is flat. It is more easily—it could more easily accommodate the school and all of the other parts of the complex that have been mentioned, but could you speak to the typography of the 55 acres?

Ms. MONSANTO. In reference to the 55 acres, we submitted information to your office before testimony. We gave a map the National Park gave us of the property. The property is basically flat. No, we have not had a surveyor to go out there. We do know there are a lot of guts and stuff like that that will have to be worked on. However, we do want to build an environmental friendly environment there. So, these are things that we can work together to make this campus an excellent campus for everyone to be happy with.

Mrs. CHRISTENSEN. I'm glad you raised up the map, because I was going to ask Mr. Jones if he would like to submit the document you were reading from for the record.

Ms. MONSANTO. I submitted that already.

Mrs. CHRISTENSEN. That's part of the testimony and your map is part of the testimony too, OK.

Ms. MONSANTO. Yes.

Mrs. CHRISTENSEN. OK. And I know Ms. Monsanto, too, that you, Ms. Cox and others have done extensive research on properties. For the record, have you identified alternative properties or any local government property on St. John?

Ms. MONSANTO. The local government does not have enough property to match the school that we're speaking of.

I do want to make a very important comment.

Mrs. CHRISTENSEN. Yes.

Ms. MONSANTO. The children of this community, and I have a child that's being raised in this community, they are diamonds. And they are pure diamonds. They have to be polished. So, they

But as we look at the school now, the potential for a school now, and as the school administrator spoke a minute ago, and she talked about a full campus, that's not throwing something out of the hat. You can look at any school in the United States and know what a full campus is. And a full campus is more than 10 acres. And we have groups here now who have already started the process of identifying the cost, the exact size. They are not throwing out 55 acres like throwing it out of a hat. It's just that our organization on St. John hasn't all yet come together to get the consensus, but we know the average of a full campus with a gymnasium and all the other avenues, and we're also asking the National Park to participate, because they have programs that can help our culture in educating people that come here, that they can use that facility to benefit the community also. But still, we haven't all come together on what we're trying to do. That's why we're honoring the Delegate on what she's doing, because the first thing we have to do is get the land.

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need this school. And they are not going to be put on the sideline to protect lands. Because some of this land—some of the lands that the National Park has is not theirs. So, if you really want to talk about history, we could go have a history class tonight, but we don't have the time, OK.

So, the National Park, I have asked for years, show me your survey, show me your bounds. You own land that is not yours. We are asking for 55 acres to educate the diamonds of this environment and it's a problem. The National Park is acquiring land in Mahoe Bay Estate. They are amassing more lands from family members. How much more blood must we give them? How much more should we cry?

Mrs. CHRISTENSEN. I think you—well, let me just say for the record to that, I asked the question to have on the record that there is no other available—

Ms. MONSANTO. There is no other available land. It's important to the record, OK, there is no other available land. Our founding fathers, like Gaylord Sprauve eluded to, we live a simple life. Their vision was not the vision of today. Times have changed. We have new visionaries in our environment. Here we are at the table. Here we are all around here. We have youngsters sitting in this audience today who are going to be running this government and doing things that we never dreamed of. So, we have to make sure that they are educated correctly in the right environment, that they have everything everybody else is afforded.

Mrs. CHRISTENSEN. That's true. We don't disagree, but we want to make sure that the record shows that really that there is no alternatives.

Ms. MONSANTO. There is no alternative.

Mrs. CHRISTENSEN. And Mr. Jones, we talked about the 55 acres verses 10. Is there a minimum acreage that the group, that—because I even think that I remember Mr. Harley talking about more than 10 acres at one point also. Was there a minimum that was identified, acreage that was identified? And if you can't answer, if anyone else can answer.

Ms. COX. Our group did a study. We researched it on the internet, and elementary schools are starting anywhere between 10 and 12 acres. Middle schools start at 15 to 20. High schools start at 25 and up.

So, we're talking about a condensed location with what our needs and what our vision is for St. John, and 55 acres would probably just do it for us.

Mrs. CHRISTENSEN. Thank you. Thank you, for the research. Did you want to respond to, Mr. Sprauve?

Mr. SPRAUVE. I want to say something.

Mrs. CHRISTENSEN. Yes, go right ahead, sir.

Mr. SPRAUVE. I think we've heard two speakers here this evening speak about the precedent that would be set with National Parks nationally. I'm am not a lawyer, so I am not speaking on any legal basis. The issue might be a legal one. We are an unincorporated territory of the United States. As such, the Congress of the United States determines what we get, what we don't get, how we get it. And it has nothing to do with national issues. It is we are property of the United States, and the Congress has the right to do what

it wishes with us, including disposing of us. They can also do all needful rules and regulations to govern us, and I don't see why we keep raising this issue. If Congress determined that that 55 acres that is not now caught up with the reversionary clause, even though I would raise the question about that, has anyone approached, anyone in authority approached the Rockefeller Foundation on easing that provision so that we can do what we need to do here on St. John?

That's the kind of comments that I have here. I want to know Congress' role, since it is a congressional hearing, Congress' role in governing these territories. And if Congress feels that this is what they need to do, notwithstanding any other argument about the national concerns, it seems to me the lawyers in the audience should be the ones to be talking this talk. They should be the ones to be helping us clarify this. But I think this is an important consideration.

Mrs. CHRISTENSEN. Thank you. And it applies in other areas as well. So, thank you for that comment.

Ms. Cox, you mentioned the different types of students we have, including home school. Do you believe that if we had the school that we are envisioning here this evening, that some of those home school children—some of the parents would stop home school and send them to a preferred school in a better educational environment and a safe environment?

Ms. COX. Absolutely, without a doubt.

Mrs. CHRISTENSEN. Mr. Jones, you wanted to answer.

Mr. JONES. I am one of those home schooling parents. As I came home with my children and I started at the Julius C. Sprauve School, I was teaching there for one year. The school was deplorable. It's way too old. It's out-sized. There were too many things that created a hostile environment for the teachers, a hostile environment for the children, and the need for a new school was there. Then I decided to go to the private school. The private school, even with scholarships I pay \$8,000 per child per year. They told me this last school year you would have to pay \$9,000 per child. So, I'm now home schooling.

And I know from many of the parents, because I was one of the PTA persons at both schools, the private school and the public, many of those parents who are making those payments right now, they might be Caucasians but they are not wealthy. And they would love for us to get one great school that they feel that their kids would be safe in and the education would be top notch, and we would have a beautiful school, just like St. John has always been the melting pot of all races of people and all cultures. So, it will be the ideal thing. And many parents would take their kids out and put them in there.

And also to add a little touch to that, many of the parents are hoping that we could put all the schools together, but it wouldn't be under a public only status. It would be under a public/private status, which is something we have going on now in the states—

Mrs. CHRISTENSEN. The charter schools.

Mr. JONES. The charter schools. A lot of parents have said, yes, I will bring my kids over if we could have that combination. Now, we have a lot to do in learning how that works and if it would ben-

enefit the Virgin Islands. But yes, many parents in private school would bring their kids to the public school if they felt it was safe and it produced an excellent learning environment.

Mrs. CHRISTENSEN. Thank you. Mr. Kessler, the parcel of land that's in question here was not a part of the original park, and the park existed up until '68 without this particular parcel. So, could you then explain to me why you think that leasing a portion or all of that particular parcel would diminish the park since it was not part of the original land set aside for the park.

Mr. KESSLER. Well, since that time, it has been a part of the park. It is currently a part of the park. And by taking that out of the park, it would diminish both the natural and cultural resources that contributes to the overall inventory of the Virgin Islands National Park.

Mrs. CHRISTENSEN. OK. And if I recall correctly from looking and hearing the testimony of the Acting Superintendent, the reason that this particular parcel was chosen was that there is not any historical or cultural resources or very limited cultural and historical resources on this particular parcel of land.

Mr. KESSLER. I believe she said there hasn't been an inventory of the cultural resources there. If you look elsewhere in that area of Catherineberg, I mean you have the windmill, you have the historic buildings, you have the historic walls. I think it will be fairly safe to assume that within neighboring properties, you have some similar historic structures. I mean, with the Virgin Islands National Park, there is some 500 to 600 historically significant structures in various states of repair and disrepair. And so it's safe to say that you would find resources there.

Again, apparently the park has never inventoried that area. But I think it would be safe to say so.

Mrs. CHRISTENSEN. Well, in any case, I would just imagine that based on the testimony and the criteria that is used, that the park would not have ventured to offer a particular parcel of land if it had significant value to the park. And so that's why I raised that question.

Mr. KESSLER. No, I understand that. And I think, at least from my understanding, obviously I don't speak for the park, my understanding from conversations is one of the reasons or part of the reasons why the park offer that was, one, it was a convenient location to put a school. It was between Cruz Bay and Coral Bay. It was on the main road to ease transportation. It was a relatively flat area, which is obviously a premium on St. John. It also abuts developed areas. So, you're not like carving something out in the middle of park land. But on the edge of the park, there is also a ridge to the north that would then shield the campus from view from the north shore or from sea so as not to impair the visual aspect of the park. And those are just some of the reasons that they chose that area.

Also, obviously, as has been discussed by many of the panel, it wasn't included within—it was a later acquisition and, therefore, not included within the reversionary conditions.

Mrs. CHRISTENSEN. Right. But it just seems to me that it could be exchanged, that it met certain criteria that would also apply to the lease.

Go ahead, you wanted to add a response?

Mr. SPRAUVE. Thank you, Delegate Christensen. I just wanted to comment on your question, because I see it a little differently than Mr. Kessler does. The land which is presently within the boundaries of the National Park are not part of the National Park. And I asked the Committee to look at St. John because there is something very unique that gives you a broad brush to create something new that wouldn't apply to other parks, and that is that we are one of the only parks that does not have the right of condemnation.

People from the Virgin Islands went to Washington in the 50's, and we rode on donkey backs in Washington protesting the concept that they might have right of condemnation. And for those in the audience who don't know, that means that almost all of the other units of the National Park Service have the ability to condemn the land and pay fair market value, and put that land into the park.

We do not. There is a reason for it. We're special and we ask you to use that special dispensation to give us land. Make it available to us to create an educational campus.

Mrs. CHRISTENSEN. Thank you. Thank you for adding that piece of information. And Mr. Sprauve, I know your first, second and third alternatives in order of preference, but there has also been some talk on exchanging land maybe from St. Croix for the land for the school in St. John. And if that was possible—of course we would have to discuss it with others—I will let you answer also after Mr. Sprauve answers.

I want to just point out that the reason for this hearing is to get as much information on the record so that when we go back to Washington, we would have that information with which to continue our deliberations and make our decisions. So, I'm trying to get as much as possible on the record because that discussion has been taking place.

Would you consider such an exchange as being—where would you consider that exchange in terms of your first, second and third?

Mr. SPRAUVE. I'm happy to respond. I think everything that I have said over the past couple of years is that any available public lands that is government owned, you can't do this with a private individual. A private individual wishes to sell his land, he can do that. But I do not believe that we should enlarge the park with any more Virgin Islands' public lands, period.

Mrs. CHRISTENSEN. OK, got it. That's not something that I was proposing, but it has been proposed and brought to my attention that there are some discussions. So, that response is very helpful.

Do you still want to respond or do you think that took care of it, Ms. Monsanto?

Ms. MONSANTO. Since we're putting things on the record, I also want to confer that I am in total agreement. Why should we swap precious land on St. Croix for land on St. John? We have to be fair. And I think if we're going to speak partnerships, I think—the major problem that has always been on St. John, we have always said, and I'm going to say it so this could be on the record, Friends of the Park, enemy of the state.

So, place that on the record. We have to work together to make sure that we are tangible partners in the management of everything that goes on in this park. The National Park was set up for

the people of St. John. When the Park was set up, they thought the Park was being here for all of their generations to enjoy. We no longer enjoy the Park.

How many people in this room pay \$4.00 to go to Trunk Bay? When do we enjoy the Park? People who live here, we do not enjoy this Park. It is a constant fight every day with this Park. And we're saying, we're putting out the olive branch now and we're saying, yes, the Delegate has brought something to the table. It is a feasible thing. We all can understand the lease. Let's work together. We don't want to be adversarial. We want to work together. The olive branch has been extended, but we, too, want everyone to respect us, and we don't want to take anything from anybody else. Our sister islands, they also have things that they need, and it would be unjust and unfair. Thank you.

Mrs. CHRISTENSEN. Thank you. Mr. Grijalva, did you have any further questions?

Mr. GRIJALVA. Yes. Thank you, Madam Chair, and let me thank all the witnesses today. I appreciate it very much. And if I may say, Madam Chair, I think one of the important points here, and I appreciate all the testimony, one of the important points here is the community of St. John and their needs for the future. And I appreciated all the testimony today about that, particularly education.

The concept of the land that was donated to the Federal government, there was—we need to be consistent with that donation. And yes, part of the donation was for the preservation and the conservation of valuable, beautiful land on St. John. But also, as I understand the testimony and the record, also part of that consistency of that donation was the derived benefit and public use for the people of St. John, and with that, Madam Chair, I think, as we work through this legislation. And thank you very much for bringing this to all of us. It's keeping that consistency and what the purpose of the donation was to preserve and keep a special place for everybody else to enjoy, but at the same time, to derive some benefit for the people of St. John. Thank you.

Mrs. CHRISTENSEN. And I really want to just again before we close, to thank you for taking the time. I know it was not easy, to come here and be a part of this hearing as Chair of the Subcommittee on National Parks, as well as a valuable committee member on the Committee on Education and Labor.

As I said in my opening statement, we have gone through this over the last ten years moving from one point to the other. We started out with working toward an administrative exchange of lands between the V.I. Government and the Park. We went from there to try to legislate such an exchange. But in listening to the people of St. John, all of the people of St. John, we have really left the exchange issue behind at this point.

And that's why in this Congress, we really looked at what was the most feasible thing that we could introduce. And as we began, as we ended the last Congress and began this one, and discussed it with Mr. Frederick, the past Superintendent, we thought that perhaps this lease was the most feasible way to move forward.

I would say that we have not totally written out the possibility of a conveyance, and we are continuing to research that. We under-

stand that that is the preference for the people of St. John and we want to be responsive not just to one group, but to the other group. But we want to be responsive in a way that is to the benefit of all of the people on St. John and most especially our children, because the issue here is providing a safe and nurturing and supportive educational environment for our children. And obviously the schools that we have now and the locations that they are in now are not providing that kind of an environment for our children.

So, we need to find a way to move this as quickly as possible. Thirty years is too long, and I think we've gone through the exchange issue. So, we are not going to deal with that.

The testimony that has been given here from all of our panels has been very, very helpful, as well as those that have been submitted in writing.

Again, I would want to invite anyone who continues to want to provide written testimony, that for the next ten business days, the Committee's record is open, and we would welcome any written testimony that would come forward.

I want to thank our panelists, but I also want to thank the community for the strong showing. Not having heard testimony from all of you, your presence here, though, is a very loud and very significant testimony in itself, and we thank you all for being here.

The Committee now stands adjourned.

[Whereupon, the Subcommittee was adjourned.]

NOTE: Although the following individuals were unable to personally testify, their statements submitted for the record have been retained in the Committee's official files.

- Steve Black
- Theodore Chouiniere
- Alvis Christian
- Elsa Emily Hall
- Crystal Fortwangler, Ph.D.
- Richard P. Decker
- Owen Sewer, Sr., Virgin Islands Board of Education
- Christophena Todman
- Donald J. Willey

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING H.R. 53, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS, AND FOR OTHER PURPOSES.

APRIL 23, 2008

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 53, a bill to enter into a long-term lease with the Government of the United States Virgin Islands.

The Department opposes H.R. 53 because it would allow the lease of property within a National Park Service unit for a use inconsistent with the purpose for which the park was created. The Department is concerned about the precedent this would set for other communities adjacent to national parks that may want to develop National Park Service lands for a local, civic purpose.

H.R. 53 would authorize the Secretary to lease to the U.S. Virgin Islands real property, including any improvements, for the purposes of constructing a local school complex to serve grades K through 12.

Virgin Islands National Park (subsequently referred to as "park") was authorized by Congress in 1956 and established largely by an initial donation of land on St. John from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches and historic ruins, and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

The property identified for this lease is a 10-acre plot within the park that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property is not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate.

The lease authority proposed by H.R. 53 would exceed the authority currently granted to the Secretary to lease real property within units of the National Park System. The 1998 National Parks Omnibus Act gives the Secretary the authority to lease buildings and associated property, as long as the lease does not "result in degradation of the purposes and values of the unit."

Public education is not in conflict with the purpose of Virgin Islands National Park. However, the construction of a complex of buildings is in conflict with the direction given by the park's authorizing legislation, which states that the park "shall be administered and preserved by the Secretary of the Interior in its natural state..."

The National Historic Preservation Act gives the Secretary of the Interior authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property." New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks."

During the past 14 years, the U.S. Virgin Islands and the National Park Service have discussed other proposals that would allow the U.S. Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park Service system through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

First, the land gained in the exchange must be "necessary for ...the proper preservation, protection, interpretation or management of an area of the national park system."

Second, the total value of the land exchanged -- the combined value of both the land added and the land deleted from the unit -- must be less than \$750,000. Though no formal determination has been made, it appears that the Estate land alone is likely to be worth more than \$750,000.

The Department understands that the U.S. Virgin Islands would like to build a school in a central location on St. John and that reasonably-priced private land is largely unavailable. However, the Department believes this would set a dangerous precedent for other units of the National Park Service system. Several units of the system are located in areas where reasonably-priced private land is unavailable for civic purposes. The enactment of H.R. 53 might encourage these communities to pursue the use of park lands for purposes other than the national purpose for which they were designated.

This concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

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This concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

110TH CONGRESS
1ST SESSION

H. R. 53

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Virgin Islands Na-
3 tional Park School Lease Act".

4 **SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL**
5 **PARK, SAINT JOHN, VIRGIN ISLANDS.**

6 (a) **LEASE AUTHORIZED.**—The Secretary of the Inte-
7 rior may lease to the Government of the United States
8 Virgin Islands a parcel of real property, including any im-
9 provements thereon, located within the boundaries of Vir-
10 gin Islands National Park on the island of Saint John,
11 Virgin Islands, as depicted on the map entitled "Virgin
12 Islands National Park School Exchange", numbered 161/
13 80,037, and dated September 19, 2007, for the purpose
14 of providing a suitable location for the establishment of
15 a school by the Government of the United States Virgin
16 Islands on the island.

17 (b) **TERM OF LEASE.**—The lease authorized by sub-
18 section (a) may not exceed a term of 99 years.

19 (c) **AVAILABILITY OF MAP.**—The map referred to in
20 subsection (a) shall be on file and available for public in-
21 spection in the appropriate offices of the National Park
22 Service.

23 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the lease under this section as

1 the Secretary considers appropriate to protect the inter-
2 ests of the United States.

Passed the House of Representatives October 22,
2007.

Attest:

LORRAINE C. MILLER,

Clerk.

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING H.R. 53, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS, AND FOR OTHER PURPOSES.

APRIL 23, 2008

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 53, a bill to enter into a long-term lease with the Government of the United States Virgin Islands.

The Department opposes H.R. 53 because it would allow the lease of property within a National Park Service unit for a use inconsistent with the purpose for which the park was created. The Department is concerned about the precedent this would set for other communities adjacent to national parks that may want to develop National Park Service lands for a local, civic purpose.

H.R. 53 would authorize the Secretary to lease to the U.S. Virgin Islands real property, including any improvements, for the purposes of constructing a local school complex to serve grades K through 12.

Stenographic Transcript
of Hearings

88

Subcommittee on National Parks

COMMITTEE ON ENERGY & NATURAL
RESOURCES

UNITED STATES SENATE

THE PURPOSE OF THE HEARING IS TO RECEIVE TESTIMONY ON THE FOLLOWING BILLS: S. 662, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A SPECIAL RESOURCE STUDY TO EVALUATE RESOURCES AT THE HARRIET BEECHER STOWE HOUSE IN BRUNSWICK, MAINE, TO DETERMINE THE SUITABILITY AND FEASIBILITY OF ESTABLISHING THE SITE AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES; S. 827, TO ESTABLISH THE FREEDOM'S WAY NATIONAL HERITAGE AREA IN THE STATES OF MASSACHUSETTS AND NEW HAMPSHIRE, AND FOR OTHER PURPOSES; S. 923, AND H.R. 1528, TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE NEW ENGLAND NATIONAL SCENIC TRAIL, AND FOR OTHER PURPOSES; S. 956, TO ESTABLISH THE LAND BETWEEN THE RIVERS NATIONAL HERITAGE AREA IN THE STATE OF ILLINOIS, AND FOR OTHER PURPOSES; S. 2073, TO AMEND THE NATIONAL TRAILS SYSTEM ACT RELATING TO THE STATUTE OF LIMITATIONS THAT APPLIES TO CERTAIN CLAIMS; S. 2513, TO MODIFY THE BOUNDARY OF THE MINUTE MAN NATIONAL HISTORICAL PARK, AND FOR OTHER PURPOSES; S. 2604, TO ESTABLISH THE BALTIMORE NATIONAL HERITAGE AREA IN THE STATE OF MARYLAND, AND FOR OTHER PURPOSES; S. 2804, TO ADJUST THE BOUNDARY OF THE EVERGLADES NATIONAL PARK, AND FOR OTHER PURPOSES; H.R. 53, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS TO PROVIDE LAND ON THE ISLAND OF SAINT JOHN, VIRGIN ISLANDS, FOR THE ESTABLISHMENT OF A SCHOOL, AND FOR OTHER PURPOSES; AND H.R. 1483, (SUBTITLES C, D, AND F OF TITLE II, TITLE III, SECTION 4006 OF TITLE IV, AND TITLES V AND VI ONLY), TO AMEND THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996 TO EXTEND THE AUTHORIZATION FOR CERTAIN NATIONAL HERITAGE AREAS, AND FOR OTHER PURPOSES

Wednesday, April 23, 2008

Washington, D.C.

ALDERSON REPORTING COMPANY
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SUITE 400
WASHINGTON, D.C. 20005-5650
(202) 289-2260

Original
in
S. 662



Full Story

[CLOSE WINDOW]

Land swap will support school on St. John
Partnership to give Alexander Hamilton home in exchange for space for school
By MEGAN POINSKI
Thursday, May 29th 2008



Daily News Photos by SEAN MCCOY U.S. Sen. John Rockefeller, D-W.Va., right, Gov. John deJongh Jr., Assistant Education Commissioner Donna Frett-Gregory, St. Thomas-St. John Acting Insular Superintendent Jeanette Smith-Barry and Principal Mario Francis tou

ST. JOHN - Flanked by U.S. Sen. John Rockefeller, D-W.Va., and officials from the National Park Service, Trust for Public Land and V.I. Education Department, Gov. John deJongh Jr. announced Wednesday a partnership to get land for the V.I. government in Estate Catherineberg to build a new school and to make Alexander Hamilton's childhood home a part of the National Park Service.

DeJongh outlined his plan to get the school land at a press conference at Julius E. Sprauve School - which would be replaced by the proposed school in Catherineberg - on Wednesday afternoon. The plan involves land acquisition and trades between a nonprofit organization, the V.I. government and the federal government.

The Trust for Public Land, which is a national nonprofit land conservation organization, already has begun the work to purchase the property in Estate Grange, St. Croix, where founding father Alexander Hamilton lived his formative years. Once the purchase is finalized, the trust will convey the land to the Virgin Islands government. The territorial government will then swap with the U.S. Interior Department: Hamilton's boyhood home for 55 acres of V.I. National Park-controlled land in Estate Catherineberg.

If everything goes according to plan, Hamilton's boyhood home will become a national park and the territory will have accomplished the longtime goal of securing land on St. John for a new school campus.

"The land exchange is an approach that is very favorable," deJongh said. "it works to benefit the entire territory."



Julius Sprauve School students play Wednesday at the campus.

Officials at Wednesday's press conference were unified in support for deJongh's plan. Rockefeller, nephew of V.I. National Park benefactor Laurence Rockefeller, called the plan a "win win win win situation." A new school would benefit the quality of life for everyone on St. John. The federal government and National Park Service would in turn be able to preserve a historical site for one of the nation's most legendary statesmen. And making Hamilton's boyhood home a national park would be sure to draw visitors to St. Croix.

The 115-acre parcel containing Hamilton's boyhood home currently is owned by the M.K. Armstrong Family Trust.

John Garrison, the field office director for the Trust for Public Lands, said the trust has been working for several months to reach a purchase agreement for the property. Negotiations are still in progress, and Garrison said appraisers are working to determine the property's fair market value.

Garrison said the purchase should be finalized in early 2009. Once the trust has the land, it will convey it to the V.I. government to make the swap with the National Park Service.

Making the Hamilton land available for the swap will meet the aims of both the Trust for Public Land and the V.I. government, Garrison said. The St. John community needs a public school to accommodate all of its students, and the Trust for Public Land was angling to have Hamilton's home eventually become a national park.

"We don't usually swap land for a school, but we're glad we're making this one," Garrison said. "The community needs it and it furthers our mission."

Rockefeller said he has full support in the U.S. Senate for anything that the federal legislature would need to do to make the land swap a reality. He told the crowd of officials, students and community members that he was reviewing his uncle's notes from when he created the V.I. National Park. Laurence Rockefeller wrote that he wanted to establish the park to preserve the spiritual calmness, perfection and beauty of St. John - "but he did not want to disturb the life of the people of St. John. The senator said that he feels this is his uncle's blessing for a school to be built on park land.

Rockefeller said that deJongh's plan has universal support.

"This almost never happens," Rockefeller said. "It's a project for the children. It's a necessity. Nobody could argue against it. It's the right thing to do."

On Tuesday, deJongh received a letter from U.S. Interior Secretary Dirk Kempthorne releasing a \$200,000 grant for the government to do a feasibility study on the Catherineberg plot. DeJongh said he feels this shows the federal government's support for his approach.

V.I. Delegate to Congress Donna Christensen is working to try to get the U.S. Senate to pass a bill she sponsored to allow the V.I. government to get the Catherineberg plot through a long-term lease. In a written statement on Wednesday, Christensen said that she would like to see more public discussion on deJongh's plan.

"While there appears to be more support for this proposal in the Senate than my proposal for a long-term, nominal-cost lease, I have not given up on my bill," Christensen said. "But the most important goal is the school."

In deJongh's plan, part of the Hamilton land would be conveyed to the V.I. Farmers' Cooperative for agricultural purposes. Cooperative President Dale Brown also echoed his support of the plan on Wednesday.

- Contact Megan Polinski at 774-8772 ext. 304 or e-mail mpolinski@dailynews.vi.

[CLOSE WINDOW]



Alma Ripps/WASO/NPS
05/30/2008 10:11 AM EDT

To: LaTonya Ward/WASO/NPS@NPS
cc
bcc
Subject: Fw: Rev. War/ War of 1812 Study AND Qs and As

See below, great news! I have informed my ABPP folks who were waiting on this for the past 6+ months and they will move forward with public release. To close the loop, I am preparing an email to the authorizing committee staff saying OMB has cleared the report and doesn't recommend further administration action at this point.

Alma

Alma Ripps
Office of Legislative and Congressional Affairs
National Park Service
1849 C Street, NW, Room 7255
Washington, DC 20240

Private Line: 202 208-3326

General Line: 202 208-5656

Fax: 202 208-5683

Email: Alma_Ripps@nps.gov

----- Forwarded by Alma Ripps/WASO/NPS on 05/30/2008 10:08 AM -----

Dominic Maione@DOI
05/30/2008 09:48 AM
EDT

To: Alma Ripps/WASO/NPS@NPS
cc: Don Hellmann/WASO/NPS@NPS
Subject: Rev. War/ War of 1812 Study AND Qs and As

Alma - OMB signs off on the report with no changes. Craig was concerned about *implied* endorsements of legislative proposals, i.e. (new coin bill, an expanded LWCF program and Heritage Area study bills). As a follow up point, he asked that I note clearance does not constitute Administration proposals. I'm sure you are well aware of that...

More good news. Qs&As from the 4/9/08 Senate hearing were cleared this morning with no comment.

Dominic Maione
Office of Congressional and Legislative Affairs
Office of the Secretary
U.S. Department of the Interior
202.208.4092

JEFF BINGAMAN, New Mexico, Chairman
DANIEL K. AKAKA, Hawaii
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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

ENERGY.SENATE.GOV

April 16, 2008

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Kempthorne:

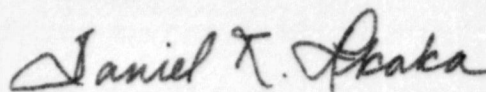
On behalf of the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, I would like to invite you or your designee to testify at the Subcommittee's hearing on Wednesday, April 23, 2008, at 3:00 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on several bills, including: S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; S. 923 and H.R. 1528, to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; S. 2513, to modify the boundary of the Minute Man National Historical Park, and for other purposes; S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; S. 2804, to adjust the boundary of the Everglades National Park, and for other purposes; H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; and H.R. 1483 (Subtitles C, D, and F of title II, title III, section 4006 of title IV, and titles V and VI only), to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

In order to maximize time available for Committee Members to ask questions, it would be helpful if you would summarize your written testimony. Your written testimony will be included in-full in the Committee's printed hearing record. Please provide the Committee with an electronic copy, as well as 50 printed copies of your testimony at least 48 hours in advance of the hearing.

If you have any questions, please have your staff contact Kira Finkler, (202) 224-5523, kira_finkler@energy.senate.gov, or Rachel Pasternack (202) 224-0883, rachel_pasternack@energy.senate.gov.

Sincerely,



Daniel K. Akaka
Chairman
Subcommittee on National Parks

Don Hellmann/WASO/NPS
05/12/2008 03:27 PM EDT

To: latonya_ward@nps.gov
cc:
bcc:
Subject: Fw: Virgin Islands land exchange

Could you add this to the bill file on H.R. 53? Thanks.

Don Hellmann
Office of Legislative and Congressional Affairs
National Park Service
1849 C Street, N.W., Room 7257
Washington, D.C. 20240

Phone 202-208-5656
Fax: 202-208-5683
E-mail: Don_Hellmann@nps.gov

----- Forwarded by Don Hellmann/WASO/NPS on 05/12/2008 03:26 PM -----

Danny Rosenkrans
03/12/2008 02:11 PM EDT
To: Don Hellmann/WASO/NPS@NPS
cc:
Subject: Virgin Islands land exchange

Don:

I spoke with Joel Tutein, Superintendent at Chistiansted NHS concerning the land exchange/proposal within the Virgin Islands you asked about.

There was a meeting held the last week of February in DC(?). Joel sat in to listen to the proposal for the superintendent. The meeting participants included John D. Young Governor VI, NPS and TPL. They discussed the possibility of a land exchange/proposal. The concept is that the NPS would make available 10 acres for a school on St. Johns in exchange for 115 acres of lands on St. Croix. TPL would buy the 115 acres parcel with a current appraisal at 4.4 million.

The school site appears to be the same one identified in HR53 and for which there was legislation introduced during 2007. S1969 Senator Hatch Alexander Hamilton Boyhood Home Study Act of 2007 a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix as a unit of the NPS would be the lands the NPS gets. The M. K. Armstrong Trust currently owns and administers the 115-acre estate.

HR53 was received in the Senate and read twice and referred to the Committee on Energy and Natural Resources Oct 23 2007
S1969 Committee on Energy and Natural Resources ordered to be reported with amendments favorably.
Jan 30 2008

Conclusion: No decisions made. Sounds as if there is some interest in looking into this proposal further. Legislation would be required for an exchange/swap.

Danny Rosenkrans
Legislative Affairs Specialist

Office of Legislative and Congressional Affairs
1849 C Street, N.W., Room 7247
Washington, D.C. 20240

Phone 202-208-5682
Fax 202-208-5683
E-mail: danny_rosenkrans@nps.gov

Virgin Islands National Park (subsequently referred to as "park") was authorized by Congress in 1956 and established largely by an initial donation of land on St. John from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches and historic ruins, and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

The property identified for this lease is a 10-acre plot within the park that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property is not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate.

The lease authority proposed by H.R. 53 would exceed the authority currently granted to the Secretary to lease real property within units of the National Park System. The 1998 National Parks Omnibus Act gives the Secretary the authority to lease buildings and associated property, as long as the lease does not "result in degradation of the purposes and values of the unit."

Public education is not in conflict with the purpose of Virgin Islands National Park. However, the construction of a complex of buildings is in conflict with the direction given by the park's authorizing legislation, which states that the park "shall be administered and preserved by the Secretary of the Interior in its natural state..."

The National Historic Preservation Act gives the Secretary of the Interior authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property." New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks."

During the past 14 years, the U.S. Virgin Islands and the National Park Service have discussed other proposals that would allow the U.S. Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park Service system through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

First, the land gained in the exchange must be "necessary for ...the proper preservation, protection, interpretation or management of an area of the national park system."

Second, the total value of the land exchanged -- the combined value of both the land added and the land deleted from the unit -- must be less than \$750,000. Though no formal determination has been made, it appears that the Estate land alone is likely to be worth more than \$750,000.

The Department understands that the U.S. Virgin Islands would like to build a school in a central location on St. John and that reasonably-priced private land is largely unavailable. However, the Department believes this would set a dangerous precedent for other units of the National Park Service system. Several units of the system are located in areas where reasonably-priced private land is unavailable for civic purposes. The enactment of H.R. 53 might encourage these communities to pursue the use of park lands for purposes other than the national purpose for which they were designated.

This concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

H.R. 53
Virgin Islands National Park Long-Term Land Lease

This bill would authorize the Secretary to enter into a long-term lease of National Park Service land with the U.S. Virgin Islands government. The lease would allow the territorial government to construct a local school complex to serve grades K through 12.

The Department opposes H.R. 53. It believes that enactment would set a dangerous precedent, encouraging local or state governments facing local land pressures to pursue the lease or acquisition of federal parkland for local civic purposes.

For over 14 years, Virgin Islands National Park and the U.S. Virgin Islands government have discussed proposals to construct a school on National Park Service land. A 10-acre plot near the center of St. John -- part of Estate Catherineberg, an historic sugar plantation -- has been identified as a potential lease site. The property is not part of the original Rockefeller land donation that established the park, and is unencumbered by the reversionary clause that restricts the use of this property only for national park purposes.

H.R. 53 codifies one proposed solution: a long-term lease of this land. The lease authority proposed by H.R. 53 runs contrary to:

1. The 1998 National Parks Omnibus Act, which requires that any NPS land lease does not "result in degradation of the purposes and values of the unit."
2. The National Historic Preservation Act, which allows certain leases only if they "will adequately insure the preservation of historic property."
3. The Land and Water Conservation Act, which permits leases of NPS land but not "property within national parks."

Construction of a complex of buildings is in conflict with the park's authorizing legislation, which states the park "shall be administered and preserved...in its natural state." In addition, new construction of an education complex will not preserve the historic character of Estate Catherineberg.

A second proposal, boundary adjustment, has been raised during discussions of H.R. 53. NPS has minor boundary adjustment authority, as authorized by the Land and Water Conservation Act. This act requires that:

1. Land gained in the exchange must be "necessary for...the proper preservation, protection, interpretation or management of an area of the national park system."
2. The total value of the land exchanged -- the combined value of both the land added and the land deleted from the unit -- must be less than \$750,000."

Although no formal evaluation of the proposed 10-acre parcel exists, park staff believes that it is likely worth more than \$750,000.

A third proposal, administrative land exchange, has also been raised during discussions surrounding H.R. 53. Park staff have advised the territorial government of the process for this exchange, including:

- Identifying lands to be exchanged
- Determining that this exchange is in the public interest;
- Conducting boundary, hazardous materials and archeological surveys; land appraisals; and NEPA and Section 106 compliance, among other requirements; and
- Congressional authorization to carry out the boundary modification.

BUREAU: National Park Service
MEMBER: Honorable Dirk Kempthorne, Secretary, DOI
ISSUE: Land Exchange with Virgin Islands Territorial Government for Educational Complex

Background:

For the last 14 years the National Park Service (NPS) and the Territorial Government of the Virgin Islands (GVI) have been in various stages of negotiation for the exchange of approximately 10 acres of land for the construction of an educational complex (unified school) on St. John. The Virgin Islands National Park (VINP) has preliminarily identified a 10-acre parcel of land that would be suitable for exchange. This parcel is part of a larger 55 acre parcel purchased from Ethel may Bishop in 1968. The GVI has to date identified a couple possible parcels, but their total value is estimated at well below the estimated value of the NPS parcel. Because of exorbitant land prices, park staff believes it will be extremely difficult for the GVI to find land within the authorized boundaries of the V.I. National Park suitable for exchange and of near equal value.

Current Status:

The NPS:

- Has identified a 10 acre portion of Parcel No. 6, Estate Catherineberg, which was purchased subsequent to the original Deed of Gift (1956) from Laurance Rockefeller and thus is not bound by the reversionary clause in the Deed of Gift. The parcel is on the boundary of VINP, in a mid-island location suitable for transporting students, and is adjacent to other development. The location is in a relatively flat area where potential impacts of further development would be minimized or able to be mitigated and will not affect the viewshed of St. John. This parcel is also believed to contain fewer historic resources than other parts of the Bishop property and will require less mitigation for protection of resources.
- Has verified that the Life Estate on 5 of these 10 acres has been extinguished. The park has determined that the owner passed away in 2005 at the age of 105. A death certificate has been obtained and the Life Estate has been extinguished.
- Has advised the GVI that once exchange properties are determined and agreed to be in the public interest, other requirements would have to be met including but not limited to a boundary survey, appraisal, hazardous material survey, archeological survey, and NEPA and Section 106 compliance. Costs for these actions would be borne by GVI since this exchange would be at their request and for their benefit.
- Once exchange parcels are appraised and agreed to, any located outside the authorized boundaries of the V.I. National Park would need boundary modification legislation.

The GVI:

- Has identified a few potential parcels of land. None of these parcels, even in their totality, are believed to come close in estimated value to the NPS parcel.

The NPS is also waiting for a request from the GVI in order to survey the proposed NPS lands to determine suitability. Park staff feels that it will be difficult for the GVI to identify for exchange sufficient lands of equal value within the authorized boundaries of the VINP.

The Delegate to Congress has introduced legislation to lease the Catherineberg land from the NPS. The area identified by the park is thought to have little to no historic structures or cultural resources. However, the entire center and eastern portion of the larger 55-acre property is composed of the Catherineberg-Jockumsdahl-Herman (or Hammer) Farm National Register Site (78000270). This site dates to 1719 and has not been fully surveyed to define the extent of the historic district, however it is very likely that nearly half of the 55-acre parcel has extensive historic structures and subsurface material remains.

Another possibility is the exchange of this land for the Territorial submerged land within the Virgin Islands Coral Reef National Monument (VICR). There exists a 1,100 acre wedge of submerged land bisecting the VICR on the south side of St. John. Given that this submerged land is covered by deep water and has few significant features with economic value, an appraisal of both properties may indicate a reasonably similar value.

Prepared by: Mark Hardgrove, Superintendent, VIIS (340) 776-6201 ext. 242
Date: January 10, 2008

L58 (0120)

Honorable Donna M. Christensen
Chairwoman, Subcommittee on Insular Affairs
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20510

Dear Ms. Christensen:

This letter provides the Department of the Interior's position on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands (U.S. Virgin Islands). The Department promised to forward this position to the subcommittee in our testimony on the bill at the field hearing held July 9, 2007 in the U.S. Virgin Islands.

H.R. 53 would authorize the Secretary to lease to the U.S. Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. We understand that the property tentatively identified for this lease is a 10-acre plot within Virgin Islands National Park that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road.

The Department opposes H.R. 53 because it would allow the lease of property within a unit of the National Park System for a use inconsistent with the purpose for which the park was created. We are concerned about the precedent that this would set for other communities adjacent to national parks who might want to develop National Park System lands for a local, civic purpose.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial donation of land on St. John from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

The lease authority proposed by H.R. 53 would exceed the authority currently granted to the Secretary to lease real property within units of the National Park System. The 1998 National Parks Omnibus Act gives the Secretary the authority to lease buildings and associated property (16 U.S.C. 1a-k), as long as the lease does not "result in degradation of the purposes and values of the unit".

While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings is in conflict with the direction given by the park's authorizing legislation, which states, "The national park shall be administered and preserved by the Secretary of the Interior in its natural state..." (70 Stat. 940).

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property" (16 U.S.C. 470h-3). New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks" (16 U.S.C. 460l-22(a)).

During the past 14 years, the U.S. Virgin Islands and the National Park Service have discussed other proposals that would allow the U.S. Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The total value of the land exchanged – the combined value of both the land added and the land deleted from the unit – must be less than \$750,000. Though no formal determination has been made, it appears that the Estate land alone is likely to be worth more than \$750,000.

The Department understands that the U.S. Virgin Islands would like to build a school in a central location on St. John and that reasonably priced, private land is largely unavailable. However, the Department believes this would set a dangerous precedent for other units of the National Park System. Several units of the National Park System are located in areas where reasonably priced, private land is unavailable for civic purposes. The enactment of H.R. 53 might encourage these communities to pursue the use of park lands for purposes other than the national purpose for which they were designated.

Thank you for giving us the opportunity to respond to you on this matter.

Sincerely,

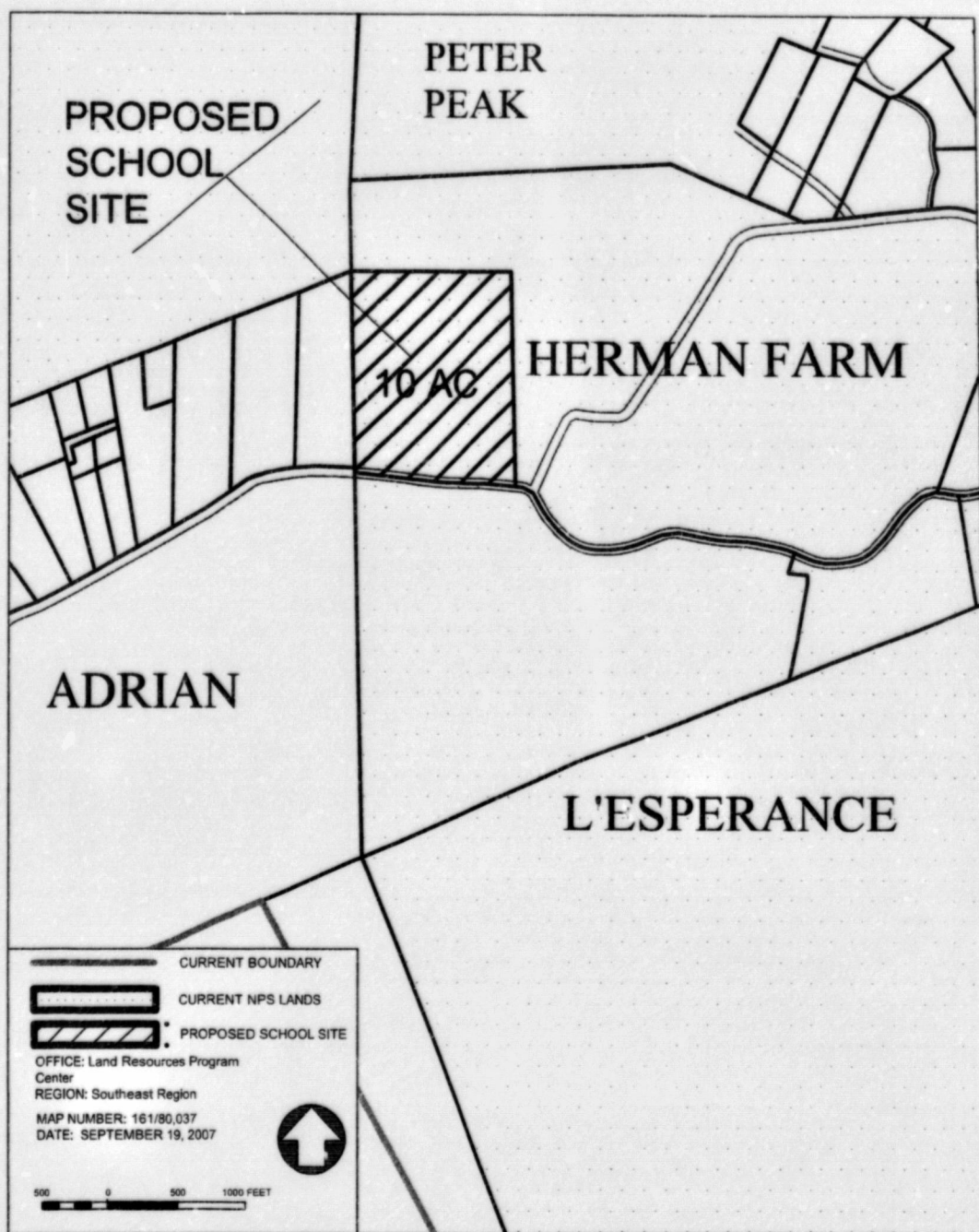
Jane M. Lyder
Legislative Counsel
Office of Legislative and Congressional
Affairs

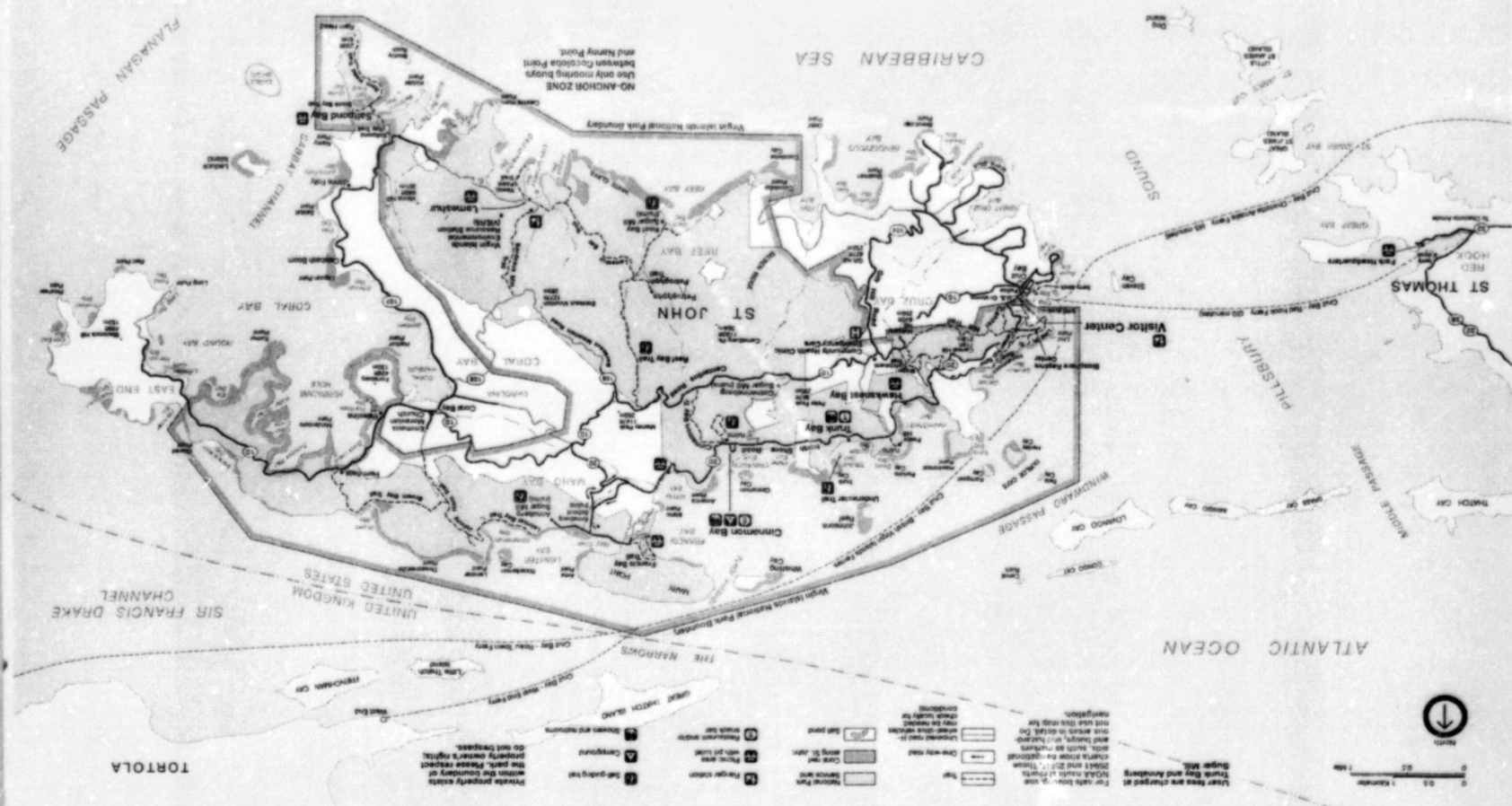
cc: Ranking Minority Member

s;olca;followuphearing;july9,2007-dhancock-9/19/07

Virgin Islands National Park
School Exchange

National Park Service
U.S. Department of the Interior





STATEMENT OF MARTHA BOGLE, ACTING SUPERINTENDENT, VIRGIN ISLANDS NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS, HOUSE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 53, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS.

July 09, 2007

Ms. Chairwoman, thank you for the opportunity to appear before your subcommittee at this field hearing on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land for the establishment of a school. Because we do not typically provide positions on bills at field hearings, I will limit my comments to the history of this proposal and information concerning the National Park Service's existing administrative authorities to exchange or lease land within the park. We plan to send a followup letter providing our position on this bill.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. The piece of property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property in question was not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate. The property is near a road and other developments.

During the past 14 years, the Government of the United States Virgin Islands and Virgin Islands National Park have discussed many proposals that would allow the Government of the Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The land gained in the exchange must be "necessary for...the proper preservation, protection, interpretation, or management of an area of the national park system."

Second, the total value of the land exchanged – the combined value of both the land added and the land deleted from the unit – must be less than \$750,000. Though no

formal determination has been made, a land exchange involving the Catherineberg Estate property does not appear to meet either of these criteria. The exchange does not appear necessary for the protection of the park, and it appears that the Estate land alone is likely to be worth more than \$750,000.

During the 109th Congress, Delegate Christensen introduced H.R. 272 to legislatively authorize a land exchange. The Department of the Interior did not take a position on H.R. 272.

The Secretary does not have any other authority to allow the construction of a school on property owned and managed by the National Park Service. The 1998 National Parks Omnibus Act does give the Secretary the authority to lease buildings and associated property (16 U.S.C. 1a-k), as long as the lease does not "result in degradation of the purposes and values of the unit". While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings appears to be in conflict with the direction given by the park's authorizing legislation, which states, "The national park shall be administered and preserved by the Secretary of the Interior in its natural state..." (70 Stat. 940).

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease "will adequately insure the preservation of the historic property" (16 U.S.C. 470h-3). New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to "property within national parks" (16 U.S.C. 4601-22(a)).

That concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.



National Parks Conservation Association*

Protecting Our National Parks for Future Generations*

October 10, 2007

National Headquarters

The Honorable Nick J. Rahall
Chairman
Natural Resources Committee
U.S. House of Representatives

The Honorable Don Young
Ranking Member
Natural Resources Committee
U.S. House of Representatives

Dear Chairman Rahall and Ranking Member Young:

On behalf of the more than 330,000 members of the National Parks Conservation Association (NPCA), I would like to express our opposition to H.R. 53, which would authorize the Secretary of the Interior to enter into a long term lease of portions of the Virgin Islands National Park to the government of the Virgin Islands for purposes of establishing a school.

The development of a school on Virgin Islands National Park land is inconsistent with the purposes of the park. As the Acting Superintendent of the Virgin Islands National Park testified at a field hearing in July, "the construction of a complex of buildings appears to be in conflict with the direction given by the Park's authorizing legislation, which states "the national park shall be administered and preserved by the Secretary of the Interior in its natural state..." (70 Stat.940).

We are particularly concerned with the language in the bill that authorizes the lease of National Park Service land for not only the establishment of a school, but also for "other purposes." This potentially gives unlimited latitude for the Virgin Islands government to use the land in the park in ways inconsistent with the mission and protection of the park. Finally, we are concerned this legislation sets a harmful precedent of opening the door for other national park land to be leased away, essentially in perpetuity.

NPCA recognizes the need for new educational facilities in the Virgin Islands. However, we cannot support building a school and related facilities on national park land. We remain open to discussions of a potential land exchange between the Park Service and the Virgin Islands to accommodate the school, similar to legislation introduced by Representative Christensen in the 109th Congress.

Sincerely,

Thomas C. Kiernan
President, National Parks Conservation Association

CC: The Honorable Donna M. Christensen

PRINTED ON RECYCLED PAPER

1300 19th Street NW • Suite 300 • Washington, DC 20036
202.223.NPCA(6722) • Fax 202.659.0650 • npca@npca.org • www.npca.org

Q&A

H.R. 53 – Virgin Islands NP Long-Term Land Lease

Q) How many schools currently operate within the boundaries of a national park unit?

A) WASO's Lands Division is currently working on this question.

Q) What if any national park units currently lease land or real property to a government or private entity and what is the primary use of the leased property?

A) WASO's Lands Division is currently researching this question.

Q) A large portion of Virgin Islands National Park was originally acquired from the Rockefellers with restrictions regarding future use. Is the land proposed for lease a part of the land acquired from the Rockefellers?

A) The land proposed for the long-term lease is not part of the original 1958 land grant from Laurance Rockefeller. It was purchased in 1968 as part of the Estate Catherineberg parcel and is not subjected to the reversionary clause that governs the Rockefeller lands.

09/19/2007 WED 11:15 FAX

09-18-2007 16:02

From-HON DONNA M CHRISTIAN CHRISTENSEN

13407748033

T-841 P.002/013

F-003

file H.R. 53- Virgin Islands NP 002/003

land exchange



United States Department of the Interior
NATIONAL PARK SERVICE
Virgin Islands National Park and Virgin Islands Coral Reef National Monument
1300 Cruz Bay Creek
St. John, VI 00830

REPLY HERE TO:

L1425(VIIS)

September 15, 2006

Honorable Craig W. Barshinger
Legislature of the Virgin Islands
Senator at Large - 26th Legislature
1302 Cruz Bay
St. John, VI 00831

Dear Senator Barshinger:

I am in receipt of your letter requesting an update on the land exchange for a new public school on St. John.

The Virgin Islands National Park (VINP) has identified a parcel of land that would be suitable for the proposed exchange. It would constitute approximately ten acres of Parcel No. 6, Estate Catherineberg. This location was selected for the following reasons:

- not being part of the original Deed of Gift from Laurance Rockefeller, it is not subject to the reversionary clause;
- it is located approximately mid-island, favorable for transporting students from both Cruz Bay and Coral Bay;
- it is located on the boundary of the VINP, adjacent to other development, lessening potential impacts to other park resources;
- it has less slope than most of St. John, making earth-change and mitigation for environmental impacts easier;
- it is located on Centerline Road, eliminating the need to construct new roads; and
- the location is not visible from the ocean, thus not further degrading the St. John viewshed.

With regards to the Virgin Island Government's (VIG) proposal to exchange certain offshore cays for this land there are several concerns. The first is that VIG owned cays within the boundaries of the VINP only comprise 3.02 acres (Booby Rock, Perkins Cay and Whistling Cay). Two other cays (Cinnamon Cay - 1.03 acres and Waterlemon Cay - .74 acres) are privately owned. I believe that there has been some discussion of other cays that are located outside of authorized park boundaries, but such an action would require a boundary expansion/adjustment, a very lengthy process that involves Congressional action. In short, it

09/19/2007 WED 11:15 FAX

003/003

09-18-2007 16:02 From:HON DONNA M CHRISTIAN CHRISTENSEN

13407748033

T-841 P.003/013 F-203

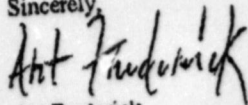
Honorable Craig W. Bashinger
September 15, 2006
Page 2

would require the VIG to come up with significantly more land to exchange for what will undoubtedly be ten acres of very valuable VINP land.

Moreover, any lands considered for the exchange will have to be appraised, as the NPS requires that any land exchanges be for lands of comparable value. As this action is being initiated at the VIG's request, the VIG will have to bear the cost of land surveys and appraisals. Likewise, an Environmental Impact Study will have to be prepared demonstrating that the development of a school at this site will have no negative impacts on any park resources. Also, before the NPS transfers any lands, a thorough archeological survey must be done to ensure that the NPS is not giving up and significant cultural resources.

Of course, there will be many other details to be addressed before this becomes a reality, but these are some of the major issues and processes facing us right now. Thank you for contacting me on this matter and if you need further information, please contact Rafe Boulon, Chief of Resource Management at 340-693-8950 x224.

Sincerely,



Art Frederick
Superintendent

cc:
Pat Hooks, Director, Southeast Region
Jim Strotman, Chief Lands Resource Div., SERO
file

Briefing

BUREAU: National Park Service
MEMBER: Donna Christensen (D-VI)
ISSUE: Land Exchange with Virgin Islands Territorial Government for
Educational Complex
DATE: June 4, 2008

Background:

For the last 18 years the National Park Service (NPS) and the Territorial Government of the Virgin Islands (GVI) have been in various discussions for the exchange of approximately 10 acres of land for the construction of an educational complex (unified school K-12) on St. John. Virgin Islands National Park (VINP) has preliminarily identified a 10-acre parcel of land that would be suitable for exchange. In the past, the GVI has identified a couple possible parcels, but their total value was estimated at well below the estimated value of the NPS parcel. Because of the high cost of land on St. John, it may be difficult for the GVI to find land within or adjacent to the authorized boundaries of VINP suitable for an equal value exchange.

Current Status:

NPS:

- NPS has identified a 10-acre portion of Parcel No. 6, Estate Catherineberg, which was purchased subsequent to the original Deed of Gift (1956) from Laurance Rockefeller and thus is not bound by the reversionary clause in the Deed of Gift. This parcel is on the boundary of VINP, in a mid-island location on St. John, thus making it suitable for transporting students from both Coral Bay and Cruz Bay. The parcel is on Centerline Road, which is owned by GVI, in a safe straight stretch of roadway. The parcel is adjacent to other development in a relatively flat area where potential impacts of further development would either be minimized or mitigated. The building of a school on the parcel would not adversely affect the viewshed of St. John; it is also believed to contain fewer historic resources than other parts of the Bishop property and will require less mitigation for protection of resources.
- NPS has verified that the Life Estate on the 10-acre parcel has been extinguished as a result of the owner's death in 2005. A death certificate has been obtained and the life estate has been extinguished.
- NPS has advised GVI that once exchange properties are determined and agreed to be in the public interest, other requirements would have to be met including but not limited to a boundary survey, appraisal, hazardous material survey, archeological survey, and NEPA and Section 106 compliance. Costs for these actions would be borne by GVI since this exchange would be at their request and for their benefit.

- Once exchange parcels are appraised and agreed to, any land located outside or adjacent to the authorized boundaries of VINP would need boundary modification legislation.

GVI:

- In the past, GVI has identified a few potential parcels of land for consideration by the NPS for exchange. None of these parcels, even in their totality, have come close in the estimated value of the 10-acre Catherineberg parcel. Consequently, there have been no past agreements on a suitable exchange.
- On October 23, 2007, Delegate to Congress Donna Christensen introduced H.R. 53 entitled the 'Virgin Islands National Park School Lease Act' to lease the Catherineberg land from the NPS. Under the provisions of the bill, the proposed lease would include the entire 55-acre parcel at Catherineberg. No previous discussions with GVI included the entire 55-acre parcel. The 10-acre parcel identified by the park is thought to have minimal cultural resources. However, the entire center and eastern portion of the 55-acre property is composed of the Catherineberg-Jockumsdahl-Herman (or Hammer) Farm National Register Site (78000270). This site dates to 1719 and has not been fully surveyed to define the extent of the historic district. NPS believes it is very likely that nearly half of the 55-acre parcel has extensive historic structures and subsurface material remains.
- On April 23, 2008, in testimony before the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, Deputy Director Wenk stated opposition to H.R. 53 because it "would allow the lease of property within a National Park Service unit for a use inconsistent with the purpose for which the park was created. The Department is concerned about the precedent this would set for other communities adjacent to national parks that may want to develop National Park Service lands for a local, civic purpose."
- Another alternative that has been considered is the exchange of the 10-acre Catherineberg parcel for Territorial submerged land within the boundaries of Virgin Islands Coral Reef National Monument (VICR). There exists a 1,100-acre wedge of submerged land bisecting VICR on the south side of St. John. Given that this submerged land is covered by deep water and has few significant features with economic value, an appraisal of both properties may indicate a reasonably similar value.
- The Secretary, through the Office of Insular Affairs, has committed \$200,000 to conduct a feasibility study of the Catherineberg site. Governor John de Jongh alluded to this "grant" in his press briefing on May 28, 2008, which was also attended by Senator Rockefeller.
- In that same briefing, the Governor mentioned that he has had discussions with the Secretary about a possible land exchange outside of the Island of St. John. With the

support of the Trust for Public Land, the Governor proposed GVI acquisition of Estate Grange, a property on St. Croix associated with the boyhood of Alexander Hamilton, which is currently under private ownership. Upon GVI acquisition, the Governor proposed that the Grange property could then be exchanged for the 10-acre Catherineberg parcel through federal legislative action.

- The Governor has been expecting a visit from the Secretary since April 2008 that has not occurred due to postponements. The Secretary's visit is tentatively scheduled for either August or September 2008.

Contact: Mark Hardgrove - Superintendent, (340) 776-6201 ext. 242
Date: June 4, 2008.

L1425(2541)

Re: Tract _____, Vendor's name
Exchange of (Insert what rights/interest that is being exchanged)

Mr./Mrs. or Company Name
1234 Any Street
Any town, US 12345-6789

Dear VENDOR'S NAME OR REPRESENTATIVE:

I am writing you to let you know the steps we must follow when an interest in federal land is to be exchanged for private property rights.

1. Obtain review of the proposed exchange by state environmental and historical agencies; and then obtain approval from the Associate Director of Park Operations and Education for the National Park Service.
2. Publish a Notice of Realty Action (NORA) in the legal notice section of a local newspaper for three consecutive weeks, followed by a 45 day public comment period. If no adverse comments are received, we will contact the Superintendent/Park Manager and request permission to complete the exchange. If adverse comments are received, they must be considered by the Superintendent/Unit Manager.
3. Send a copy of the NORA to abutting landowners, and local, state and federal officials.
4. Obtain appraisals on both tracts. Enclosed is a Property Inspection Certificate for signature, which will give the appraiser permission to inspect the property. We encourage you to accompany the appraiser in order to point out and discuss all the amenities of the property that they feel contribute to its value.
5. Inspect the properties for the presence of hazardous substances or contaminants. We will contact you to obtain permission prior to this inspection.

6. Obtain executed Exchange Offer from Vendor's name.

7. Send exchange package to the Congressional Review Committee for review and approval. If there is no objection from Congress after 30 days, we can accept the offer and proceed with the closing.

The National Park Service Guidelines require that there be a Preliminary Agreement outlining the costs to be borne by each party and any other details. It is our understanding that the proposed terms of this exchange were presented to you verbally by Maine Appalachian Trail Club Member, Dave Field. The terms were summarized by the Superintendent/Unit Manager, type the name of the Superintendent/Unit Manager in the enclosed memorandum dated _____. They are further defined by the enclosed Exhibit C.

The United States will convey to Vendor's name, Tract _____, a List what the USA is conveying/granting to the Vendor. In exchange, Vendor's name will convey to the United States List what the Vendor is conveying/granting to the USA. We have enclosed a copy of Segment _____ with these two _____ highlighted in yellow.

The United States will obtain and incur the costs of title insurance for Tract (VENDOR' Tract Number) and appraisals for both properties. Vendor's Name will incur any costs for services that it procures. If the value of the rights to be exchanged are not equal, a cash payment must be made in order to equalize the exchange.

If you have any questions, or other issues that need to be resolved, please contact me at LIST YOUR PHONE NUMBER. If you are in agreement with the terms outlined in this letter, please sign and return the copy provided, along with the signed Property Inspection Certificate.

Sincerely,

Type the name of the person having signing authority for your office.

Enclosures

On behalf of Vendor, I concur:

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
INSERT PARK UNIT NAME

Tract(s): _____

Vendor: _____

CORPORATE OFFER TO EXCHANGE REAL PROPERTY

WHEREAS, the National Trails System Act, Public Law 90-543 (82 Stat. 919), as amended, designated the INSERT PARK UNIT NAME; and

WHEREAS, the Secretary of the Interior, in exercise of his exchange authority, is authorized to accept and convey title to property within the same state and within the INSERT PARK UNIT NAME; and

WHEREAS, the public interest will be benefited by the accomplishment of the exchange of lands and interests therein, hereinafter described; and

WHEREAS, the Secretary of the Interior deems the interest in the lands and interests which are to be acquired hereunder by the United States valuable as part of the INSERT PARK UNIT NAME;

NOW THEREFORE, this Agreement is made and entered into this _____ day of _____, _____ by and between INSERT VENDOR'S NAME, a STATE corporation having its principal place of business located at _____, hereinafter referred to as the Vendor and the United States of America:

WITNESSETH:

THE VENDOR, in consideration of the mutual covenants and agreements herein set forth, offers to exchange and convey with general warranty of title, to the United States of America and its assigns, **INSERT WHAT THE VENDOR IS GRANTING TO THE UNITED STATES**, together with all rights, hereditaments, easements, and appurtenances thereunto belonging, lying and being known as Tract _____, in **INSERT WHERE LAND IS LOCATED**, and described as follows:

See Exhibits "A" and ☐B☐ attached hereto and which by this reference becomes a part hereof. Subject to existing easements for public roads and highways, public utilities, railroads, and pipelines.

THE UNITED STATES OF AMERICA, in consideration of the foregoing and on acceptance of this Offer, by and through the Secretary of the Interior, or his duly authorized representative, agrees to convey to the Vendor, **INSERT VENDOR'S NAME**, a Quitclaim Deed, without warranty of title, **INSERT WHAT THE UNITED STATES WILL CONVEY TO THE VENDOR**, designated as Tract _____, in **INSERT WHERE LAND IS LOCATED** and described as follows:

See Exhibit ☐A-1["], depicted on Exhibit ☐B☐ and subject to the terms and conditions described in Exhibit ☐C☐ which are attached hereto and which by this reference become a part hereof.

The Secretary of the Interior or his duly authorized representative is authorized by

******Section 5(b) of the Land and Water Conservation Fund Act Amendments in Public Law 90-401, approved July 15, 1968, and Section 7(f) of the National Trails System Act, Public Law 90-543, as amended, to make exchanges of land and interests in land provided the exchange of property shall be approximately equal, or if not approximately equal, the values shall be equalized by the payment of cash.**

******THIS SECTION WILL CHANGE FOR EACH PARK UNIT.**

Based on the appraisals of the respective properties, the value of the Vendor's property, Tract ____, to be conveyed to the United States is equal to the value of the United States property, Tract ____, to be conveyed to the Vendor. Therefore, the Vendor and the United States agree that this is to be an equal value exchange. The terms and conditions of this Offer are as follows:

(1) Provided the Vendor can execute and deliver a good and sufficient general warranty deed conveying said land described above, together with all rights, hereditaments, easements and appurtenances thereunto belonging, to the United States of America and its assigns in fee simple, free and clear from all liens and encumbrances, except those specifically excepted and reserved above, together with all right, title, and interest of the Vendor in and to water rights, banks, beds and waters of any stream or

river boarding or traversing the said land, and in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-ways abutting or adjoining said land.

(2) It is agreed that the United States will defray the expenses incident to the preparation and recordation of the deed to the United States and the procurement of the necessary title evidence on the lands to be conveyed to the United States. The United States will also prepare the Quitclaim Deed, to the Vendor, but will not provide any title evidence or insurance on the interests in land to be conveyed to the Vendor, nor defray the expenses incident to the recordation of the Quitclaim Deed.

(3) The Vendor agrees that all taxes, assessments, and encumbrances which are a lien against the land at the time of conveyance to the United States shall be satisfied of record by the Vendor at or before the transfer of title; that the Vendor will, at the request of the United States and without prior tender of the Quitclaim Deed, execute and deliver the general warranty deed to the United States, pay the State documentary revenue stamp taxes, State and local recordation or transfer taxes where required by the State of municipal subdivision thereof, and obtain and record such other curative evidence of title as may be required by the United States.

(4) The Vendor and the United States agree that loss or damage to the respective properties by fire or acts of God shall be at the risk of the Vendor or the United States respectively, until the title to the land and the deeds to the Vendor and the United States respectively, have been accepted by the Vendor and the United States respectively, through their duly authorized representatives; and in the event that such loss or damage

occurs, the Vendor or the United States may, without liability, refuse to accept the conveyance of the title or they may elect to accept conveyance of title to such property in which case there shall be an equitable adjustment of the values of the lands to be exchanged.

(5) The Vendor agrees that the United States may acquire title to said lands by condemnation or other judicial proceedings, in which event the Vendor agrees to cooperate with the United States in the prosecution of such proceedings; agrees that completion of the exchange areas shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; and agrees that any and all awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from the said amount.

(6) The Vendor further agrees that from the date hereof, officers and accredited agents of the United States shall have, at all proper times, rights and privileges to survey and enter upon Tract _____ for all lawful purposes in connection with the acquisition thereof.

(7) The Vendor represents and it is a condition of acceptance of this offer that no member of or delegate to Congress, or resident commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

(8) The terms and conditions aforesaid are to apply to and bind the assigns of the Vendor

9) All terms and conditions with respect to this Offer are expressly contained herein and the Vendor agrees that no representative or agent of the United States has made any representation or promise with respect to this Offer not expressly contained herein.

(10) As soon as possible after the completion of the exchange, the Government hereby agrees to reimburse the Vendor in an amount deemed by the Government to be fair and reasonable for the following expenses incurred by the Vendor in completing this transaction:

- (a) Recording fees, transfer taxes and similar expenses incidental to conveying the real property described herein to the Government;
- (b) Penalty costs for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering said real property; and
- (c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is earlier. The Vendor agrees to furnish the Government evidence that these items of expenses have been billed to and paid by him, and further agrees that the Government alone shall determine the fairness and reasonableness of the expenses to be paid.

(11) The Vendor agrees that this Offer may be accepted by the United States through any duly authorized representative, by delivering, mailing, or telegraphing a notice of acceptance to the Vendor at the address stated below, at any time within _____ months from the date hereof, whereupon this offer and the acceptance thereof become a binding contract.

IN WITNESS WHEREOF, INSERT VENDOR'S NAME, the said Vendor, has caused its Corporate Seal to be hereto affixed and these presents to be signed in its name and behalf by _____, its duly authorized _____, and the same to be duly attested by _____, its _____, this _____ day of _____, 199__ as authorized by _____.

(SEAL)

By: _____

Attest: _____

Notice of acceptance of this offer is to be sent to:

The foregoing offer of the Vendor is hereby accepted for and on behalf of the United States of America this _____ day of _____, 199__

The United States of America

By: _____
INSERT NAME AND TITLE OF
INDIVIDUAL WHO WILL SIGN ON
BEHALF OF THE UNITED STATES

Exhibit 6

LAND EXCHANGE STEPS

Acquisition Tract _____
 Disposal Tract _____

STEPS

DATE

1. Submit and receive approval for exchange from Supervisor/Unit Manager.

 2. Revise tract number(s) and legal(s) and add new tracts **including disposal tract**, to the Land Protection Plan if needed.

 3. Send Preliminary Agreement letter with terms and Tract Boundaries to Vendor for signature.

 4. Make sure CONTAMINANT Surveys are current for all tracts
 - **INCLUDING** the disposal tract.

Inspection Date
Approval Date
 5. Memo to Superintendent/Unit Manager requesting approval of Notice of Realty Action (NORA) and giving background information on each tract and attaching DRAFT memorandum
 * from Superintendent/Unit Manager to Associate Director, Park Operations & Education (cc: Land Acquisition Office on draft memorandum).

draft memo sent
memo sent to Assoc. Director
- *draft memorandum to Associate Director should include justification statement and mention why the exchange would benefit the United States.
6. Compile a list of abutters to both properties, to include

 Elected Officials, and Public Officials for notification purposes.
 Call a local newspaper where the land is located to get circulation information, mailing addresses and contact names.

6
of 12

Exhibit

Page 11

STEPS
DATE

7. Letter to the State Historic Preservation Officer requesting a review of properties involved in the exchange. To be sent by the Superintendent/Unit Manager.

sent
response

8. Memorandum from Superintendent/Unit Manager to Associate Director, Park Operations and Education requesting approval to proceed with exchange.

sent
response

9. Order Appraisals for all tracts

ordered
received

10. Prepare and send DI-1's for NORA publication in local newspaper and in the Federal Register.

prepared and sent

NOTE - publish in Federal Register only

last publication

if exchange alienates lands administered as part of the park system.

11. Send letter to Vendor, abutters and officials with copy of NORA stating where we will be publishing NORA.

sent

NOTE - Obtain proof of Publication and tear sheets from newspaper.

STEPS 9-11 CAN BE DONE CONCURRENTLY

12. **WAIT** 45 days after last publication for comments.

45 day period expires

13. Send Exchange Offer to Vendor informing them that your office received NPS approval to proceed with exchange.

sent

signed offer received

14. **IF** there were no adverse comments during comment period advise the Superintendent/Unit Manager that there were none during the comment period. Request permission to proceed.

requested

received

STEPS
DATE

IF adverse comments were received, see Chapter 11.5.5 for guidance. If interested parties request public hearing, one must be held in area where exchange tracts are located.

public hearing

15. Send exchange package to the Lands Resources Division, WASO to be submitted for Congressional review.

sent to WASO

submitted for Congressional review

30 day review period expires

16. If no objections by Congress accept Offer and send Vendor acceptance letter.

accepted Offer

letter sent

17. Prepare Warranty Deed to USA

prepared

18. Prepare Quitclaim Deed from USA to Vendor

prepared

19. Prepare Closing Order and send to title contractor

prepared

closing date

3 parties

Mark Hardgrove

John Barnett

Joel Tuttle

Gov. conf. - He met w/ Sec. - grant to facilitate the study
Gov. make application to get grant

in 2005, Art Frederick + Pat Hooks asked resource mgmt. person
to look at lands for a school. He^(Art) sent letter notifying the
gov. of the site
→ in an exchange

Gov. wanted Sec. to make announcement + Sec. wanted to do
in Aug. but Gov. wanted to go ahead so dept. rushed out
the Sec. letter

Model 20-yr. project in the Smokies - Cherokee land exchange
what author. did we do that study - approp. from Rep. Taylor may
cover that

Malo Bay lands

Friends Groups lands

Send Rich list of Q from Hill

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks
and I will be happy to answer any questions you or other committee members might have.



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 27 2008

John P. de Jongh, Jr.
Governor
United States Virgin Islands
Charlotte Amalie, VI 00802

FAX: 340-774-1361

Dear Governor de Jongh:

The Government of the Virgin Islands has sought for many years to improve the public education system on St. John. To address this problem, today I am releasing a \$200,000 grant to the VI Government to conduct a feasibility analysis of a parcel of land known as "Estate Catherineberg" within the Virgin Island National Park to determine if it is suitable for the construction of a new public school for the children of St. John.

Parallel to this effort, I am asking that all interested government parties, your Administration, the Delegate, and the Interior Department, work together to identify property as quickly as possible that could be used in an equal exchange with the National Park Service, consistent with applicable laws.

We share a sincere desire to help the children and families of St. John solve this decades old problem. The Island does not have a public high school, and students must travel to St. Thomas each day by ferry to complete their education. St. John's existing grade school is located in the busy center of the town of Cruz Bay. In addition, there is limited land available on St. John suitable for the construction of a school.

These two actions demonstrate my commitment to resolve this longstanding problem. I applaud you, delegate Christiansen, and other community leaders for your dedication, and I look forward to working together to identify a solution that further promotes student achievement and educational excellence in the Virgin Islands.

Sincerely,

DIRK KEMPTHORNE

DRAFT

John P. de Jongh, Jr.
Governor
United States Virgin Islands
21-22 Kongens Gade
Government House
Charlotte Amalie, VI 00802

FAX: 340-774-1361

Dear Governor de Jongh,

The Government of the Virgin Islands has sought for many years to improve the public education system on St. John. The Island does not have a public high school, and students must travel to St. Thomas each day by ferry to complete their education. St. John's existing grade school is located in the busy center of the town of Cruz Bay, and there is limited land available on St. John suitable for the construction of a school.

To address this problem, your Government, Delegate Christiansen, and the National Park Service have been in discussions about the use of a limited number of acres within the Virgin Islands National Park for the purposes of building a school facility. A potentially suitable parcel of land located in the center of the Island known as "Estate Catherineberg," has been identified. The parcel is proximate to a well-traveled roadway and is located in a relatively flat area where potential impacts of further development would be minimized or mitigated.

The National Park Service, the Virgin Islands National Park, and the Friends of the Park support this site as a possible solution for the school children of St. John.

In order to move this issue forward, today I am taking two significant actions.

First, I am directing Lyle Laverty, Assistant Secretary for Fish and Wildlife and Parks, and Doug Domenech, Acting Deputy Assistant Secretary Insular Affairs, to reach out to the USVI Government to create a joint effort to develop a proposal to locate a school on St. John for the benefit of the USVI; to study the suitability of using the identified NPS land for that purpose; and to consider proposals for securing other lands to be exchanged for the identified site. I am directing that their recommendations be submitted no later than September 1, 2008. I hope you will join me in this new effort to solve this problem.

Second, I am pleased to announce that Interior's Office of Insular Affairs will provide a \$200,000 grant as requested by the VI Government for the purposes of conducting a resource analysis of the Catherineberg property to determine if it is suitable for the construction of a public school.

These two actions demonstrate my commitment to resolve this longstanding problem. I applaud you, Delegate Christiansen, and other community leaders have work for many years to solve this problem.

Sincerely,

DIRK KEMPTHORNE

Memorandum

To: Regional Solicitor

From: Acting Regional Director, National Park Service

Subject: Request for Opinion—Exchange of Land at Virgin Islands National Park

For the last 18 years the National Park Service (NPS) and the Territorial Government of the Virgin Islands (GVI) have been in various discussions for the exchange of approximately 10 acres of land for the construction of an educational complex (unified school K-12) on St. John. Virgin Islands National Park (VINP) has preliminarily identified a 10-acre parcel of land that would be suitable for exchange. In the past, the GVI identified a couple possible parcels, but their total value was estimated at well below the estimated value of the NPS parcel. Because of the high cost of land on St. John, it may be difficult for the GVI to find land within or adjacent to the authorized boundaries of VINP suitable for an equal value exchange.

GVI officials working with the Trust for Public Land have identified land on St. Croix (The Grange—boyhood home of Alexander Hamilton) as possible land for exchange. This land would have to meet criteria for inclusion in the National Park System and be of at least equal monetary value. We believe that legislation would be needed to authorize the exchange and the inclusion of The Grange into the system. Bills have been introduced in the 110th Congress authorizing a special resource study on The Grange.

It has recently come to our attention that the Secretary of the Interior has approved a \$200,000 grant for the GVI to study the feasibility of locating an educational complex on the 10-acre site within VINP.

Please provide us your opinion on the following questions:

- Under what authority does the NPS have to study or consider land for exchange at VINP?
- What constraints exist to engage in an exchange at VINP, particularly the one described above?
- May the GVI conduct a study on VINP to determine the feasibility of locating and constructing an educational complex?

We have included two briefing papers and a draft of a letter from the Secretary to the Governor of the GVI as background material.

Your immediate attention to this matter would be greatly appreciated. Please direct any questions to Rich Sussman, Chief, Planning and Compliance Division, at 404 562 3124 ext. 601.

Briefing

BUREAU: National Park Service
MEMBER: Donna Christensen (D-VI)
ISSUE: Land Exchange with Virgin Islands Territorial Government for Educational Complex
DATE: June 4, 2008

Background:

For the last 18 years the National Park Service (NPS) and the Territorial Government of the Virgin Islands (GVI) have been in various discussions for the exchange of approximately 10 acres of land for the construction of an educational complex (unified school K-12) on St. John. Virgin Islands National Park (VINP) has preliminarily identified a 10-acre parcel of land that would be suitable for exchange. In the past, the GVI identified a couple possible parcels, but their total value was estimated at well below the estimated value of the NPS parcel. Because of the high cost of land on St. John, it may be difficult for the GVI to find land within or adjacent to the authorized boundaries of VINP suitable for an equal value exchange.

Current Status:

NPS:

- NPS has identified a 10-acre portion of Parcel No. 6, Estate Catherineberg, which was purchased subsequent to the original Deed of Gift (1956) from Laurance Rockefeller and thus is not bound by the reversionary clause in the Deed of Gift. This parcel is on the boundary of VINP, in a mid-island location on St. John, thus making it suitable for transporting students from both Coral Bay and Cruz Bay. The parcel is on Centerline Road, which is owned by GVI, in a safe straight stretch of roadway. The parcel is adjacent to other developments in a relatively flat area where potential impacts to or from further development would either be minimized or mitigated. The building of a school on the parcel would not adversely affect the viewshed of St. John; it is also believed to contain fewer historic resources than other parts of the Bishop property and will require less mitigation for protection of resources. However, a complete evaluation of the impacts to park resources will be needed.
- NPS has verified that the Life Estate on the 10-acre parcel has been extinguished as a result of the owner's death in 2005. A death certificate has been obtained and the life estate has been extinguished.
- NPS has advised GVI that once exchange properties are determined and agreed to be in the public interest, other requirements would have to be met including but not limited to a boundary survey, appraisal, hazardous material survey, archeological survey, and NEPA and Section 106 compliance. Costs for these actions would be

borne by GVI since this exchange would be at their request and for the benefit of the people of the islands.

- Once exchange parcels are appraised and agreed to, any land located outside or adjacent to the authorized boundaries of VINP would need boundary modification legislation.

GVI:

- In the past, GVI identified a few potential parcels of land for consideration by the NPS for exchange. None of these parcels, even in their totality, have come close in the estimated value of the 10-acre Catherineberg parcel. Consequently, there have been no past agreements on a suitable exchange.
- On October 23, 2007, Delegate to Congress Donna Christensen introduced H.R. 53 entitled the 'Virgin Islands National Park School Lease Act' to lease the Catherineberg land from the NPS. Under the provisions of the bill, the proposed lease would include the entire 55-acre parcel at Catherineberg. No previous discussions with GVI included the entire 55-acre parcel. The 10-acre parcel identified by the park is thought to have minimal cultural resources. However, the entire center and eastern portion of the 55-acre property is composed of the Catherineberg-Jockumsdahl-Herman (or Hammer) Farm National Register Site (78000270). This site dates to 1719 and has not been fully surveyed to define the extent of the historic district. NPS believes it is very likely that nearly half of the 55-acre parcel has extensive historic structures and subsurface material remains.
- On April 23, 2008, in testimony before the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, Deputy Director Wenk stated opposition to H.R. 53 because it "would allow the lease of property within a National Park Service unit for a use inconsistent with the purpose for which the park was created. The Department is concerned about the precedent this would set for other communities adjacent to national parks that may want to develop National Park Service lands for a local, civic purpose."
- Another alternative that has been considered is the exchange of the 10-acre Catherineberg parcel for Territorial submerged land within the boundaries of Virgin Islands Coral Reef National Monument (VICR). There exists a 1,100-acre wedge of submerged land bisecting VICR on the south side of St. John. Given that this submerged land is covered by deep water and has few significant features with economic value, an appraisal of both properties may indicate a reasonably similar value.
- The Secretary, through the Office of Insular Affairs, has committed \$200,000 to conduct a feasibility study of the Catherineberg site. Governor John de Jongh alluded to this "grant" in his press briefing on May 28, 2008, which was also attended by Senator Rockefeller.

- In that same briefing, the Governor mentioned that he has had discussions with the Secretary about a possible land exchange outside of the Island of St. John. With the support of the Trust for Public Land, the Governor proposed GVI acquisition of Estate Grange, a property on St. Croix associated with the boyhood of Alexander Hamilton, which is currently under private ownership. Upon GVI acquisition, the Governor proposed that the Grange property could then be exchanged for the 10-acre Catherineberg parcel through Federal legislative action.
- The Governor has been expecting a visit from the Secretary since April 2008 but the visit has been postponed several times. The Secretary's visit now is tentatively scheduled for either August or September 2008.

Contact: Mark Hardgrove - Superintendent, (340) 776-6201 ext. 242
Date: June 4, 2008.

Briefing Statement

Bureau: National Park Service

Issue: Land Exchange with VI Territorial Government for Educational Complex

Park Site: Virgin Islands National Park

Date: February 13, 2004

Background: For approximately 14 years the NPS and the Territorial Government of the Virgin Islands have been in various stages of negotiation for the exchange of land for the construction of an educational complex. The Territorial Government has made the request to the NPS for approximately 20 acres of land within the authorized boundaries of the park to construct a school. The NPS has advised the VI Government officials that all land exchanges will be predicated on "equal value" exchanges. The NPS has also informed officials that once properties have been identified and a determination has been made that the exchange would be in the interest of the public, several requirements would have to be met. Those requirements would include, but not limited to an appraisal, hazardous materials survey, archeological survey, Environmental Impact Statement etc.

Current Status:

- US Attorney has become involved in the negotiations.
- Park Superintendent met with Governor of VI Government where the Governor appointed a member from his staff to work with NPS.
- Island Administrator has scheduled another meeting where VI Government officials and NPS personnel will meet and continue the negotiation process.
- The VI Government has offered a small island referred to as a "Cay" (Whistling Cay) for 20 acres of park land.
- Park advised VI Government that the Cay was not of equal value.

Contact: Art Frederick, Superintendent, Virgin Islands NP and Coral Reef National Monument, 340-776-6201 ext. 242

L1425(2541)

Re: Tract _____, Vendor's name
Exchange of (Insert what rights/interest that is being exchanged)

Mr./Mrs. or Company Name
1234 Any Street
Any town, US 12345-6789

Dear VENDOR'S NAME OR REPRESENTATIVE:

I am writing you to let you know the steps we must follow when an interest in federal land is to be exchanged for private property rights.

1. Obtain review of the proposed exchange by state environmental and historical agencies; and then obtain approval from the Associate Director of Park Operations and Education for the National Park Service.
2. Publish a Notice of Realty Action (NORA) in the legal notice section of a local newspaper for three consecutive weeks, followed by a 45 day public comment period. If no adverse comments are received, we will contact the Superintendent/Park Manager and request permission to complete the exchange. If adverse comments are received, they must be considered by the Superintendent/Unit Manager.
3. Send a copy of the NORA to abutting landowners, and local, state and federal officials.
4. Obtain appraisals on both tracts. Enclosed is a Property Inspection Certificate for signature, which will give the appraiser permission to inspect the property. We encourage you to accompany the appraiser in order to point out and discuss all the amenities of the property that they feel contribute to its value.
5. Inspect the properties for the presence of hazardous substances or contaminants. We will contact you to obtain permission prior to this inspection.

6. Obtain executed Exchange Offer from Vendor's name.

7. Send exchange package to the Congressional Review Committee for review and approval. If there is no objection from Congress after 30 days, we can accept the offer and proceed with the closing.

The National Park Service Guidelines require that there be a Preliminary Agreement outlining the costs to be borne by each party and any other details. It is our understanding that the proposed terms of this exchange were presented to you verbally by Maine Appalachian Trail Club Member, Dave Field. The terms were summarized by the Superintendent/Unit Manager, type the name of the Superintendent/Unit Manager in the enclosed memorandum dated _____. They are further defined by the enclosed Exhibit C.

The United States will convey to Vendor's name, Tract _____, a List what the USA is conveying/granting to the Vendor. In exchange, Vendor's name will convey to the United States List what the Vendor is conveying/granting to the USA. We have enclosed a copy of Segment _____ with these two _____ highlighted in yellow.

The United States will obtain and incur the costs of title insurance for Tract (VENDOR' Tract Number) and appraisals for both properties. Vendor's Name will incur any costs for services that it procures. If the value of the rights to be exchanged are not equal, a cash payment must be made in order to equalize the exchange.

If you have any questions, or other issues that need to be resolved, please contact me at LIST YOUR PHONE NUMBER. If you are in agreement with the terms outlined in this letter, please sign and return the copy provided, along with the signed Property Inspection Certificate.

Sincerely,

Type the name of the person having signing authority for your office.

Enclosures

On behalf of Vendor, I concur:

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
INSERT PARK UNIT NAME

Tract(s): _____

Vendor: _____

CORPORATE OFFER TO EXCHANGE REAL PROPERTY

WHEREAS, the National Trails System Act, Public Law 90-543 (82 Stat. 919), as amended, designated the **INSERT PARK UNIT NAME**; and

WHEREAS, the Secretary of the Interior, in exercise of his exchange authority, is authorized to accept and convey title to property within the same state and within the **INSERT PARK UNIT NAME**; and

WHEREAS, the public interest will be benefited by the accomplishment of the exchange of lands and interests therein, hereinafter described; and

WHEREAS, the Secretary of the Interior deems the interest in the lands and interests which are to be acquired hereunder by the United States valuable as part of the **INSERT PARK UNIT NAME**;

NOW THEREFORE, this Agreement is made and entered into this _____ day of _____, _____ by and between **INSERT VENDOR'S NAME**, a **STATE** corporation having its principal place of business located at _____, hereinafter referred to as the Vendor and the United States of America:

WITNESSETH:

THE VENDOR, in consideration of the mutual covenants and agreements herein set forth, offers to exchange and convey with general warranty of title, to the United States of America and its assigns, INSERT WHAT THE VENDOR IS GRANTING TO THE UNITED STATES, together with all rights, hereditaments, easements, and appurtenances thereunto belonging, lying and being known as Tract _____, in INSERT WHERE LAND IS LOCATED, and described as follows:

See Exhibits "A" and ☐B☐ attached hereto and which by this reference becomes a part hereof. Subject to existing easements for public roads and highways, public utilities, railroads, and pipelines.

THE UNITED STATES OF AMERICA, in consideration of the foregoing and on acceptance of this Offer, by and through the Secretary of the Interior, or his duly authorized representative, agrees to convey to the Vendor, INSERT VENDOR'S NAME, a Quitclaim Deed, without warranty of title, INSERT WHAT THE UNITED STATES WILL CONVEY TO THE VENDOR, designated as Tract _____, in INSERT WHERE LAND IS LOCATED and described as follows:

See Exhibit ☐A-1", depicted on Exhibit ☐B☐ and subject to the terms and conditions described in Exhibit ☐C☐ which are attached hereto and which by this reference become a part hereof.

The Secretary of the Interior or his duly authorized representative is authorized by
**** Section 5(b) of the Land and Water Conservation Fund Act Amendments in
Public Law 90-401, approved July 15, 1968, and Section 7(f) of the National Trails
System Act, Public Law 90-43, as amended, to make exchanges of land and interests in
land provided the exchange of property shall be approximately equal, or if not
approximately equal, the values shall be equalized by the payment of cash.

****THIS SECTION WILL CHANGE FOR EACH PARK UNIT.

Based on the appraisals of the respective properties, the value of the Vendor's
property, Tract ____, to be conveyed to the United States is equal to the value of the
United States property, Tract ____, to be conveyed to the Vendor. Therefore, the Vendor
and the United States agree that this is to be an equal value exchange. The terms and
conditions of this Offer are as follows:

(1) Provided the Vendor can execute and deliver a good and sufficient general
warranty deed conveying said land described above, together with all rights,
hereditaments, easements and appurtenances thereunto belonging, to the United States of
America and its assigns in fee simple, free and clear from all liens and encumbrances,
except those specifically excepted and reserved above, together with all right, title, and
interest of the Vendor in and to water rights, banks, beds and waters of any stream or

river boarding or traversing the said land, and in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-ways abutting or adjoining said land.

(2) It is agreed that the United States will defray the expenses incident to the preparation and recordation of the deed to the United States and the procurement of the necessary title evidence on the lands to be conveyed to the United States. The United States will also prepare the Quitclaim Deed, to the Vendor, but will not provide any title evidence or insurance on the interests in land to be conveyed to the Vendor, nor defray the expenses incident to the recordation of the Quitclaim Deed.

(3) The Vendor agrees that all taxes, assessments, and encumbrances which are a lien against the land at the time of conveyance to the United States shall be satisfied of record by the Vendor at or before the transfer of title; that the Vendor will, at the request of the United States and without prior tender of the Quitclaim Deed, execute and deliver the general warranty deed to the United States, pay the State documentary revenue stamp taxes, State and local recordation or transfer taxes where required by the State of municipal subdivision thereof, and obtain and record such other curative evidence of title as may be required by the United States.

(4) The Vendor and the United States agree that loss or damage to the respective properties by fire or acts of God shall be at the risk of the Vendor or the United States respectively, until the title to the land and the deeds to the Vendor and the United States respectively, have been accepted by the Vendor and the United States respectively, through their duly authorized representatives; and in the event that such loss or damage

occurs, the Vendor or the United States may, without liability, refuse to accept the conveyance of the title or they may elect to accept conveyance of title to such property in which case there shall be an equitable adjustment of the values of the lands to be exchanged.

(5) The Vendor agrees that the United States may acquire title to said lands by condemnation or other judicial proceedings, in which event the Vendor agrees to cooperate with the United States in the prosecution of such proceedings; agrees that completion of the exchange areas shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; and agrees that any and all awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from the said amount.

(6) The Vendor further agrees that from the date hereof, officers and accredited agents of the United States shall have, at all proper times, rights and privileges to survey and enter upon Tract _____ for all lawful purposes in connection with the acquisition thereof.

(7) The Vendor represents and it is a condition of acceptance of this offer that no member of or delegate to Congress, or resident commissioner, shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to any agreement if made with a corporation for its general benefit.

(8) The terms and conditions aforesaid are to apply to and bind the assigns of the Vendor

9) All terms and conditions with respect to this Offer are expressly contained herein and the Vendor agrees that no representative or agent of the United States has made any representation or promise with respect to this Offer not expressly contained herein.

(10) As soon as possible after the completion of the exchange, the Government hereby agrees to reimburse the Vendor in an amount deemed by the Government to be fair and reasonable for the following expenses incurred by the Vendor in completing this transaction:

- (a) Recording fees, transfer taxes and similar expenses incidental to conveying the real property described herein to the Government;
- (b) Penalty costs for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering said real property; and
- (c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is earlier. The Vendor agrees to furnish the Government evidence that these items of expenses have been billed to and paid by him, and further agrees that the Government alone shall determine the fairness and reasonableness of the expenses to be paid.

(11) The Vendor agrees that this Offer may be accepted by the United States through any duly authorized representative, by delivering, mailing, or telegraphing a notice of acceptance to the Vendor at the address stated below, at any time within _____ months from the date hereof, whereupon the offer and the acceptance thereof become a binding contract.

IN WITNESS WHEREOF, INSERT VENDOR'S NAME, the said Vendor, has caused its Corporate Seal to be hereto affixed and these presents to be signed in its name and behalf by _____, its duly authorized _____, and the same to be duly attested by _____, its _____, this _____ day of _____, 199__ as authorized by _____.

(SEAL)

By: _____

Attest: _____

Notice of acceptance of this offer is to be sent to:

The foregoing offer of the Vendor is hereby accepted for and on behalf of the United States of America this _____ day of _____, 199__

The United States of America

By: _____
INSERT NAME AND TITLE OF
INDIVIDUAL WHO WILL SIGN ON
BEHALF OF THE UNITED STATES

Exhibit 6

LAND EXCHANGE STEPS

Acquisition Tract _____
 Disposal Tract _____

STEPS

DATE

1. Submit and receive approval for exchange from Supervisor/Unit Manager.

 2. Revise tract number(s) and legal(s) and add new tracts **including disposal tract**, to the Land Protection Plan if needed.

 3. Send Preliminary Agreement letter with terms and Tract Boundaries to Vendor for signature.

 4. Make sure CONTAMINANT Surveys are current for all tracts
 - **INCLUDING** the disposal tract.

Inspection Date

 Approval Date

 5. Memo to Superintendent/Unit Manager requesting approval of Notice of Realty Action (NORA) and giving background information on each tract and attaching DRAFT memorandum
 * from Superintendent/Unit Manager to Associate Director, Park Operations & Education (cc: Land Acquisition Office on draft memorandum).

draft memo sent

 memo sent to Assoc. Director

- *draft memorandum to Associate Director should include justification statement and mention why the exchange would benefit the United States.
6. Compile a list of abutters to both properties, to include

 Elected Officials, and Public Officials for notification purposes.
 Call a local newspaper where the land is located to get circulation information, mailing addresses and contact names.

6
of 12

Exhibit

Page 11

STEPS
DATE

7. Letter to the State Historic Preservation Officer requesting a review of properties involved in the exchange. To be sent by the Superintendent/Unit Manager.

sent

response

8. Memorandum from Superintendent/Unit Manager to Associate Director, Park Operations and Education requesting approval to proceed with exchange.

sent

response

9. Order Appraisals for all tracts

ordered

received

10. Prepare and send DI-1's for NORA publication in local newspaper and in the Federal Register.

prepared and sent

NOTE - publish in Federal Register only

last publication

if exchange alienates lands administered as part of the park system.

11. Send letter to Vendor, abutters and officials with copy of NORA stating where we will be publishing NORA.

sent

NOTE - Obtain proof of Publication and tear sheets from newspaper.

STEPS 9-11 CAN BE DONE CONCURRENTLY

12. **WAIT** 45 days after last publication for comments.

45 day period expires

13. Send Exchange Offer to Vendor informing them that your office received NPS approval to proceed with exchange.

sent

signed offer received

14. **IF** there were no adverse comments during comment period advise the Superintendent/Unit Manager that there were none during the comment period. Request permission to proceed.

requested

received

STEPS
DATE

IF adverse comments were received, see
Chapter 11.5.5 for guidance. If interested
parties request public hearing, one must be
held in area where exchange tracts are located.

public hearing

15. Send exchange package to the Lands Resources Division,
WASO to be submitted for Congressional review.

sent to WASO

submitted for Congressional review

30 day review period expires

16. If no objections by Congress accept Offer
and send Vendor acceptance letter.

accepted Offer

letter sent

17. Prepare Warranty Deed to USA

prepared

18. Prepare Quitclaim Deed from USA to Vendor

prepared

19. Prepare Closing Order and send to title contractor

prepared

closing date

Haslett Warehouse
HL-SAF001-99
PAGE 1

HISTORIC LEASE

THIS LEASE is made and entered into effective as of October 16, 2000, by and between the United States Department of the Interior, National Park Service acting through the Regional Director, Pacific West Region, an agency of the United States of America ("Lessor") and Maritime Hotel Associates, L.P., a California limited partnership whose General Partner is Hyde Street Hospitality, Inc a wholly-owned subsidiary of the Kimpton Hotel & Restaurant Group, Inc, a California corporation ("Lessee").

RECITALS

WHEREAS, the San Francisco Maritime National Historical Park is administered by the Secretary of the Department of the Interior ("Secretary") through the National Park Service ("Lessor") pursuant to the National Park Service Organic Act, 16 U.S.C. Sections 1 *et seq.*, and the San Francisco Maritime National Historical Park Authorization Act, 16 U.S.C. Sections 410nn *et seq.*; and

WHEREAS, the Haslett Warehouse is listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 U.S.C. Sections 470 *et seq.*; and

WHEREAS, pursuant to 16 U.S.C. Section 470h-3 and 410nn-1 *et seq.* and 36 C.F.R. Part 18, Lessor has determined that the Haslett Warehouse is an historic property that Lessor is unable to preserve and rehabilitate during the foreseeable future, and that the historic property will be adequately preserved by this Lease; and

WHEREAS, Lessor has determined that the use and occupancy of the Haslett Warehouse for the use contemplated in this Lease is consistent with the San Francisco Maritime National Historical Park General Management Plan (defined below), and the purposes of the San Francisco Maritime National Historical Park Authorization Act, and is compatible with the public interest; and

WHEREAS, Lessee desires to lease that certain real property comprising the Haslett Warehouse (exclusive of the Retained Space (defined below)), comprised of approximately 188,435 square feet of gross building area; together with certain additional land and an existing appurtenant easement (collectively, "Premises") as such Premises are more particularly described in Exhibit A; and to adaptively reuse the Haslett Warehouse for an approximately 268-room, first class hotel as described herein with a nautical theme, restaurant, and limited retail and office space; and

WHEREAS, Lessor desires to retain approximately 9,565 square feet of space (the "Retained Space") for public purposes, such as a museum and visitor center, as such Retained Space is more particularly shown on Exhibit B; and

*** SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK ***
**** PACIFIC WEST REGION - NATIONAL PARK SERVICE ****



Nick Bartolomeo
04/23/2008 10:24 AM
EDT

To: Don Hellmann/WASO/NPS@NPS
CC:
Subject: Fw: Update on US Virgin Islands

----- Forwarded by Nick Bartolomeo/GWMP/NPS on 04/23/2008 10:24 AM -----



Nick Bartolomeo
04/23/2008 10:08 AM
EDT

To: Dan Wenk/WASO/NPS@NPS
CC:
Subject: Update on US Virgin Islands

Hi Dan, here's the rundown on the Virgin Islands.

Officially, park staff are still working with the territorial government on the school issue, as VIIS believes the project to be a good one.

Unofficially -- and I was told this has not been announced and shouldn't be, even if raised during today's hearing -- there's a solution in the works. The US Virgin Islands governor is going to announce in August that the Trust for Public Land will be turning the Alexander Hamilton boyhood home on St. Croix, which it recently acquired, over to the US Virgin Islands territorial government.

The governor will also announce that the US Virgin Islands government would like to donate this land to DOI/VIIS in exchange for the school parcel on St. John. The Secretary also will then announce that DOI will be giving a \$200,000 grant to conduct a resource study on the school parcel to determine what size the school should be, acreage-wise.

Del. Christensen is aware of this, according to VIIS Superintendent Mark Hardgrove. However, since none of this information is public, Mark said she will likely testify today on the need for the land, and how NPS and the federal government owe this to the community.

Let me know if you have any additional questions. Thanks, talk with you soon.

Nick Bartolomeo
National Park Service
Office of Legislative and Congressional Affairs
202-359-1583