



# Virgin Islands National Park

## Potential Land Exchange with the Government of the Virgin Islands for Public Education Environmental Assessment

August 2022





**US Department of the Interior  
National Park Service  
Virgin Islands National Park**

**Potential Land Exchange with the Government of the Virgin Islands for Public Education  
Environmental Assessment**

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Virgin Islands National Park (the park) was established in 1956 and is located on the island of St. John, United States (US) Virgin Islands. The park comprises 7,259 acres of terrestrial and shoreline habitat and 5,650 acres of adjacent submerged lands (offshore underwater habitat, added to the park in 1962). The purpose of Virgin Islands National Park is to preserve and protect for public benefit and inspiration outstanding scenic features, Caribbean tropical marine and terrestrial ecosystems in their natural conditions, and cultural heritage from pre-Columbian through Danish colonial times and the post-colonial period.

Over the past three decades, the Territorial government of the US Virgin Islands (GVI or the Territory) on St. John and the US government have discussed approaches to expanding education on St. John. St. John lacks a public secondary school and students on St. John must commute daily to the neighboring island of St. Thomas using multiple forms of transportation to complete a public secondary education. The lack of an on-island public secondary school has resulted in hardship to the community in the form of impacts to family life, academic performance, tardiness, drop-out rates, lost exposure to extracurricular activities, and lack of parental involvement in school. The growing community has faced difficulty in locating suitable land to construct an appropriate school for children. Steps taken between 2012-2014 identified the 11-acre park parcel within the Catherineberg Estate as a possible location to support the island's education needs. In November 2019, the Governor of the US Virgin Islands, Albert Bryan, Jr., offered the small island of Whistling Cay for consideration in an exchange, reenergizing negotiations. The Territory-owned Whistling Cay is approximately 18 acres in size, including its surrounding islets and rocks lying above the mean high-water line.

The purpose of this National Park Service (NPS) project is to respond to a request from the Territory that the National Park Service convey to it a parcel of NPS-owned land (known as the Catherineberg Estate [Tract No. 01-137A]) as a possible location to support the island's local educational needs, in exchange for Territory-owned Whistling Cay. The project is needed because the Territory has determined that the Catherineberg exchange parcel is the best location on the island of St. John for a new public school due its central location along an existing roadway and its relatively gentle slopes. This potential exchange provides the opportunity for local officials to achieve their long-standing effort to construct the first K-12 public school on the island of St. John. Education is a component of the NPS mission and therefore, this request from the Territory aligns with NPS goals. The 2020 preliminary land exchange agreement between the Territory and the National Park Service (included in appendix A) includes a condition that the NPS conduct a review of the potential exchange under the National Environmental Policy Act of 1969 (NEPA).

This environmental assessment (EA) evaluates two alternatives: the no-action alternative and the NPS proposed action (the potential land exchange). Under the no-action alternative, the National Park Service would continue to administer existing park lands under current management protocols and would not convey land to the Territory for public education nor take ownership of the territory-owned Whistling Cay. Under the proposed action, the National Park Service would exchange a portion of the Catherineberg

Estate under NPS ownership (Tract No. 01-137A) for the island of Whistling Cay (Tract No. 02-101), which is owned by the Territory. The Catherineberg parcel would be transferred out of federal government ownership with the intention of being developed for educational facilities, which would require additional future environmental planning and compliance efforts. Whistling Cay, which is owned by the Territory but within the current park boundary, would be transferred to NPS ownership as part of Virgin Islands National Park. There would be no proposed changes in the way that the land is managed or used on Whistling Cay under NPS ownership.

This EA analyzes the potential impacts these alternatives would have on the natural, historic, and human environment. This EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code [USC] 4332[2] [C]); the implementing regulations of the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500-1508); the Department of the Interior NEPA regulations (43 CFR Part 46); and NPS Director's Order #12: *Conservation Planning, Environmental Impact Analysis and Decision-Making* (NPS 2011) and the accompanying NEPA Handbook (NPS 2015).

**Note to Reviewers and Respondents:**

This EA will be on formal public and agency review for 30 days from the release date. If you wish to comment, please provide comments on the National Park Service's Planning, Environment & Public Comment (PEPC) website at <https://parkplanning.nps.gov/StJohnLandExchange> or by mailing to the name and address below. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Superintendent  
RE: Potential Land Exchange  
Virgin Islands National Park  
1300 Cruz Bay Creek  
St. John, VI 00830



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# CHAPTER 1: PURPOSE AND NEED

## INTRODUCTION

This document evaluates a potential land exchange between the National Park Service (NPS) and the Territorial government of the US Virgin Islands (GVI or the Territory) to improve educational opportunities on the island of St. John. Under Danish rule, which lasted from 1675-1917, Moravian missionaries began educating children on the island of St. John in 1738, with an emphasis on educating children held in slavery. The first St. John schools were Danish Country Schools at Beverhoudtsberg and Annaberg built in 1845 and 1847, respectively. All students were granted the right to a public education following Emancipation in 1848. Students from the Cruz Bay area transitioned to the Bethany School, while those in Coral Bay attended various schools. Initially, the highest grade level available on St. John was sixth grade and was later extended to eighth grade. Students were required to attend high school in St. Thomas, forcing parents to locate accommodations for their children in St. Thomas because of limited public transportation.

The US Virgin Islands became a territory of the US when the US purchased the three islands from Denmark in 1917 (Hatch 1972). Since the 1930s, Virgin Islanders have petitioned the federal government to consider the growing needs of the families of St. John. The Julius E. Sprauve School, the last public school built on St. John, opened in 1955 and provides primary school education for students from kindergarten to eighth grade. In 2017, hurricanes Irma and Maria heavily damaged the school (NPS 2022a). Since then, students have been attending classes in modular units installed on the school's ballfield.

Located on St. John, US Virgin Islands, Virgin Islands National Park (the park) was established in 1956 and comprises more than half of the mountainous island's land area. The park includes 7,259 acres of terrestrial and shoreline habitat and 5,650 acres of adjacent submerged lands (offshore underwater habitat, added to the park in 1962) (NPS 2017). The purpose of the park is to preserve and protect for public benefit and inspiration outstanding scenic features, Caribbean tropical marine and terrestrial ecosystems in their natural conditions, and cultural heritage from pre-Columbian through Danish colonial times and the post-colonial period (NPS 2016).

The park was created through efforts led by Laurance Rockefeller, an American businessman, philanthropist, conservationist, and son of John D. Rockefeller Jr. The island of St. John continues to lack a public secondary school; students living on St. John must commute daily to the neighboring island of St. Thomas using multiple forms of transportation to complete a public secondary education. The lack of an on-island public secondary school has resulted in hardship to the community in the form of impacts to family life, academic performance, tardiness, drop-out rates, lost exposure to extracurricular activities, and lack of parental involvement in school. The growing community has faced difficulty in locating suitable land to construct an appropriate school for children.

Over the past three decades, the Territory and the US government have discussed approaches to expanding education on St. John. Steps taken between 2012-2014 identified a parcel within the Catherineberg Estate owned by the National Park Service as a possible location to support the island's education needs (JDG 2014). In November 2019, the Governor of the US Virgin Islands, Albert Bryan, Jr., offered the small island of Whistling Cay for consideration in an exchange, reenergizing negotiations. These reenergized

negotiations resulted in the signing of a preliminary land exchange agreement on October 22, 2020 (included in appendix A), which includes deed restrictions that would direct future land use, among other conditions. The transfer is subject to the terms and conditions contained within the agreement and any interim and final amendments agreed to by mutual written consent. One of the conditions of this agreement is that the National Park Service conduct a review of the potential exchange under the National Environmental Policy Act (NEPA). Any future amendments to the agreement will be appended to the decision document that follows this environmental assessment (EA), as timing allows. Any amendments that noticeably change the impacts described by this environmental assessment would require evaluation under a separate NEPA compliance effort.

This environmental assessment considers two alternatives: the no-action alternative and the NPS proposed action (the potential land exchange). Under the no-action alternative, the National Park Service would continue to administer existing park lands under current management protocols and would not convey land to the Territory. Under the proposed action, the National Park Service would exchange a portion of the Catherineberg Estate under NPS ownership (Tract No. 01-137A) for the island of Whistling Cay (Tract No. 02-101), which is owned by the Territory. The Catherineberg parcel is not typically frequented by visitors because it is heavily vegetated and not easily accessible (the southern border of the tract runs along Centerline Road). The Catherineberg parcel would be transferred out of federal government ownership with certain restrictions as to the future use of the property “for public preschool, primary, secondary, and/or tertiary educational purposes.<sup>1</sup>” The Territory intends to construct a public school (USA-GVI 2020). Because the funding for and design of this school is yet to be determined, the future development is generically referred to as educational facilities. These facilities would require additional future environmental planning and compliance efforts. Whistling Cay, which is owned by the Territory but is within the current park boundary, would be transferred to NPS ownership as part of Virgin Islands National Park. There would be no proposed changes in the way that the land is managed or used on Whistling Cay under NPS ownership. The relative location of each parcel is shown on figure 1. These alternatives are described in detail in “Chapter 2: Alternatives.”

This environmental assessment analyzes the potential impacts these alternatives would have on the natural, historic, and human environment. This environmental assessment has been prepared in accordance with the National Environmental Policy Act of 1969, as amended (42 United States Code [USC] 4332[2] [C]); the implementing regulations of the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500-1508); the Department of the Interior NEPA regulations (43 CFR Part 46); and NPS Director’s Order #12: *Conservation Planning, Environmental Impact Analysis and Decision-Making* (NPS 2011) and the accompanying NEPA Handbook (NPS 2015).

## **Project Area Locations and Descriptions**

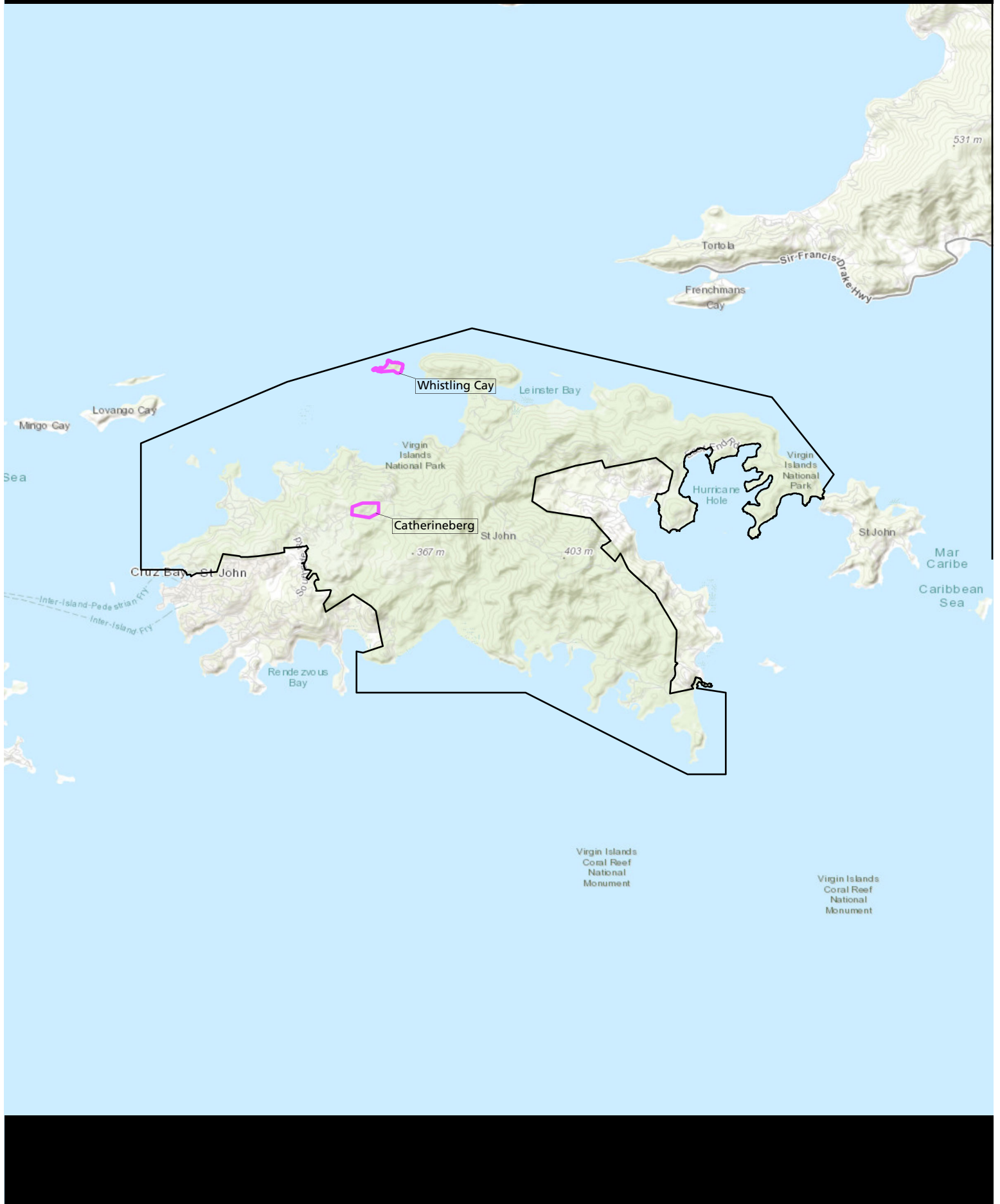
The project areas considered for this document include each of the two parcels subject to exchange: the approximately 11-acre parcel at Catherineberg (and its adjacent resources) and the approximately 18 acres of Whistling Cay (and its surrounding islets and rocks lying above the mean high-water line).

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<sup>1</sup> “Provided however further, that this restriction does not preclude the temporary, emergency use of the land for shelter, or other responsive activities, in the event of a natural disaster, or catastrophic event, or during a declared state of emergency.” (USA-GVI 2020)

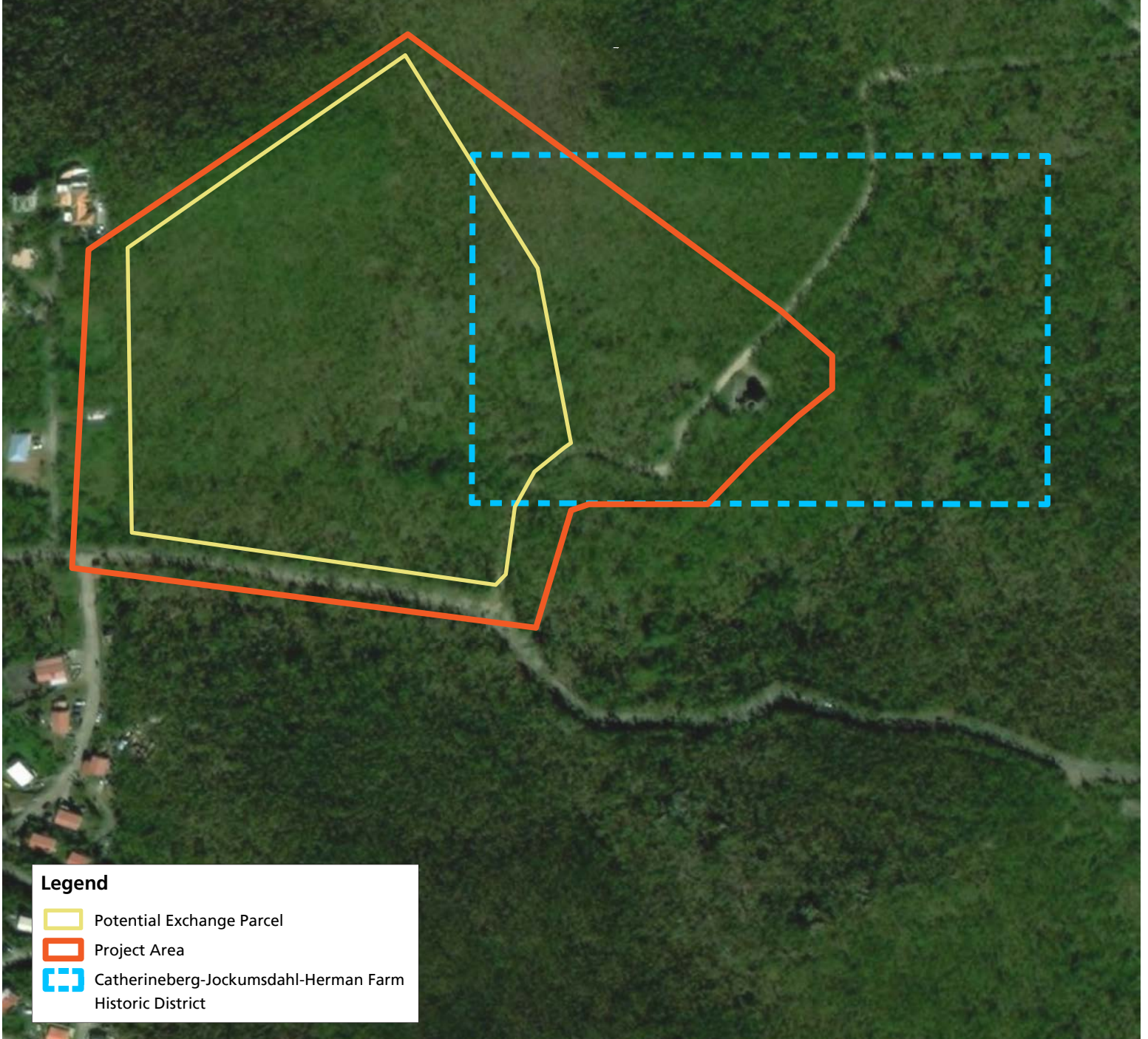


The NPS-owned Catherineberg project area (see figure 2) is set within the mountainous center of St. John, approximately 700 feet above sea level (NPS 2022a). The potential exchange parcel is located north of Centerline Road (Highway 10) and to the west of John Head Road (Highway 206). The parcel is covered in tropical dry forest, including an intermittent drainage channel. The eastern portion of the parcel overlaps with a portion of the Catherineberg-Jockumsdahl-Herman Farm Historic District, listed in the National Register of Historic Places (NRHP or National Register). The area contains buildings, structures, cultural landscape features, and archeological sites associated with previous agricultural use of the area within the historic district, which includes (but is not limited to) a windmill, an animal mill, a factory, a still, and a village for enslaved people (NPS 2022a). To capture potential impacts to the historic district, the project area extends beyond the potential exchange parcel to include the structures along John Head Road.



# Potential Land Exchange with the Government of the Virgin Islands for Public Education

Virgin Islands National Park  
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## Legend

- Potential Exchange Parcel
- Project Area
- Catherineberg-Jockumsdahl-Herman Farm Historic District

North



0 125 250 500 Feet

Figure 2. Catherineberg Project Area

Data Source: ESRI Imagery, NPS Park Data, NPS SEAC Data

The Territory-owned Whistling Cay project area (see figure 3) lies just west of Mary Point Peninsula in Maho Bay Quarter. It is covered in tropical dry forest and is primarily undeveloped with one historic structure on the island, an early 19th century Danish guard house, also referred to as a custom house in its Historic American Buildings Survey (HABS) (HABS# VI-87, NPS 1971). There is no formal access provided to the island; however, portions of the island offer sandy beaches where it is feasible for visitors to access the island via private boat.

## **PURPOSE OF AND NEED FOR ACTION**

The purpose of this NPS project is to respond to a request from the Territory that the National Park Service convey to it a parcel of NPS-owned land (known as the Catherineberg Estate [Tract No. 01-137A]) as a possible location to support the island's local educational needs. In exchange, the Territory has offered to convey the island of Whistling Cay (Tract No. 02-101) to the National Park Service.

The project is needed because the Territory has determined that the Catherineberg exchange parcel is the best location on the island of St. John for a new public school due to its desirable location along an existing roadway and its relatively gentle slopes. Public education on St. John is lacking and is currently only available through the eighth grade. To complete a public high school education, students must commute by boat each day or relocate to St. Thomas during the school year. For nearly three decades, the Territory and the US government have discussed approaches to expanding education on St. John. Steps taken between 2012-2014 identified the 11-acre park parcel within the Catherineberg Estate as a possible location to support the island's education needs. In November 2019, the Governor of the US Virgin Islands, Albert Bryan, Jr., offered the small island of Whistling Cay for consideration in an exchange, reenergizing negotiations. This potential exchange provides the opportunity for local officials to achieve their long-standing effort to construct the first K-12 public school on the island of St. John. Education is a component of the NPS mission and therefore, this request from the Territory aligns with NPS goals. The 2020 preliminary land exchange agreement between the Territory and the National Park Service (included in appendix A) includes a condition that the National Park Service conduct a review of the potential exchange under the National Environmental Policy Act.

## **ISSUES AND IMPACT TOPICS**

### **Impact Topics Analyzed in this Environmental Assessment**

During the planning process, the National Park Service identified specific issues as critical to this project area. Along with the purpose of and need for the project, these issues and opportunities informed the development of alternatives and contributed to the identification of impact topics. Impact topics are resources within the project area that could be affected, either beneficially or adversely, by the range of alternatives presented in this overview document. The National Park Service identified impact topics considered in this document based on issues raised during scoping, site conditions, federal laws, regulations, Executive Orders, NPS *Management Policies 2006*, Director's Orders, and staff knowledge of the park's resources.




# Potential Land Exchange with the Government of the Virgin Islands for Public Education

Virgin Islands National Park  
National Park Service  
U.S. Department of the Interior



### Legend

 Whistling Cay Project Area

North



0 125 250 500 Feet

Figure 3. Whistling Cay Project Area

Data Source: ESRI Imagery, NPS Park Data, NPS SEAC Data

In the context of NEPA reviews, “issues” or “environmental issues” can be problems, concerns, conflicts, obstacles, or benefits that would result if the proposed action or alternatives, including the no-action alternative, are implemented. Impact topics are a means of organizing the discussion of issues and analysis of impacts. During the scoping process, impact topics were either retained for further analysis or dismissed from further consideration. This section provides an overview of the impact topics that were retained for analysis. A topic was retained for analysis if it met one or more of the following conditions:

- the environmental impacts associated with the issue are central to the proposal or of critical importance;
- a detailed analysis of environmental impacts related to the issue is necessary to make a reasoned choice between alternatives;
- the environmental impacts associated with the issue are a big point of contention among the public or other agencies; or
- there are potentially significant impacts to resources associated with the issue.

### ***Cultural Resources***

Cultural resources within the project area include a historic district and cultural landscape with associated historic structures, archeological resources, and landscape features (which include but are not limited to culturally significant vegetation such as certain trees). This historic district is listed in the National Register at the Territory (state) level in the areas of agriculture, architecture, and archeology-historic as an 18th- and 19th-century sugar plantation (1718-1896) on the island of St. John (NPS 2022a). The park exhibits cultural heritage from pre-Columbian times and the Danish colonial era through the acquisition of the islands by the US. Historically important views associated with agricultural use of the landscape have been mostly obscured by dense tropical vegetation (NPS 2022a). Only those structures readily accessible along John Head Road are subject to vegetation clearing. The proposed action would result in the transfer of cultural resources outside of federal government ownership. The known intent to build would result in anticipated clearing of vegetation, grading of soils, and subsequent construction of educational facilities by the Territory within the vicinity of cultural resources. Therefore, the impact topic of the cultural resources is retained for detailed analysis.

### ***Adjacent Communities***

The need for this project is to provide an opportunity for much needed educational facilities for the residents of St. John. Although the proposed action does not include the development of educational facilities, the development is a known intention of the land exchange. Design details of the new facilities that would be developed by the Territory are pending the completion of this compliance process, but the National Park Service anticipates that the exchange and resulting change in land use may generally affect adjacent landowners. For example, there may be changes in local traffic as well as in light- and soundscapes. Therefore, the impact topic of adjacent communities is retained for detailed analysis.

### ***Visitor Use and Experience***

Visitor access to the Catherineberg area is limited to those features immediately along John Head Road. Park visitors are free to explore the historic structures. Off-road areas are not typically frequented by visitors because it is heavily vegetated and not easily accessible. The visitor experience of this parcel is currently a densely forested roadside along the northern side of Centerline Road, just west of the intersection with John Head Road, where there is a modestly sized sign signaling entry into Virgin Islands

National Park. A land exchange that enables the development of educational facilities in this location may noticeably affect the visitor experience at Catherineberg. Therefore, the impact topic of visitor use and experience is retained for further analysis.

### **Impact Topics Dismissed from Further Analysis**

The following presents an overview of impact topics that were considered for full analysis but were ultimately dismissed from further consideration. An impact topic was initially considered for but dismissed from further analysis if it did not contribute to the factors outlined above that warrant analysis.

#### ***Special Status Species***

The Catherineberg project area is within range of two federally endangered special status species, both plants: Thomas' Lidflower (*Calypttranthes thomasiiana*) and St. Thomas prickly-ash (*Zanthoxylum thomasiianum*). On St. John, Thomas' Lidflower is known only to occur on Bordeaux Mountain (FWS 1997 and 2019a), and the population of St. Thomas prickly-ash is centered on the southeast slope of Giff Hill, with scattered individuals along the southern coastal hills to the east (FWS 1988). Other plants have historically been reported in the vicinity of Reef, Lameshur, and Saltpond Bays (FWS 1988). A third flowering plant, marron bacora (*Solanum conocarpum*), is currently listed as a candidate species for endangered status. As of 2019, there were three populations containing wild individuals on the northern side of St. John (i.e., Base Hill, Brown Bay Trail, and Brown Bay Ridge) and four towards the southeast side of the island (i.e., Nanny Point, Friis Bay, Reef Bay Trail, and John's Folly) (FWS 2019b). As such, none of these plants are expected to inhabit the Catherineberg project area.

A presence or absence survey for special status plants was conducted by NPS Caribbean vegetation specialists in May 2022. This survey was conducted by two teams of three persons who surveyed the Catherineberg parcel for the presence of federally listed or Territory-listed plant species. These teams included two members with a combined 20 years of experience working in the park, including involvement on recent vegetation mapping efforts. The teams did not find the presence of the three federally listed species, or any of the Territory-listed species (NPS 2022d). The survey was performed during the dry season when the *Tillandsea* species is not in flower. Individual genus identification of these species are more easily identifiable while in flower. A local plant expert with experience in the park confirmed the plants located were not of the genus *Pinyon*, but a follow-up survey during the flowering season may be useful in the future.

The Whistling Cay project area is within the range of three species of sea turtle (hawksbill sea turtle [*Eretmochelys imbricata*], green sea turtle [*Chelonia mydas*], and leatherback sea turtle [*Dermochelys coriacea*]) and the West Indian Manatee (*Trichechus manatus*). There are no proposed changes in management or use of Whistling Cay; therefore, there would be no changes to any habitat that may be used by these species.

For all these reasons, this impact topic was dismissed from further consideration at this time. Any impacts on special status species as a result of development of educational facilities by the Territory would be subject to review during a future compliance process for the construction.

### **Soils, Vegetation, and Wildlife**

Soils in the Catherineberg project area comprise extremely stony material that is common throughout the island of St. John and does not constitute a unique resource (USDA NRCS 2022). Both project areas are dominated by dense tropical forest vegetation, comprising native and non-native species. The forests include species such as turpentine tree (*Bursera simaruba*), false tamarind (*Lysiloma latisiliquum*), Spanish lime (*Melicoccus bijugatus*), sweet lime (*Triphasia trifolia*), mango (*Mangifera indica*), false pineapple (*Ananas saganaria*), bay rum (*Pimenta racemose*), autograph tree (*Clusia rosea*), catch and keep (*Acacia riparia*), tyre palm (*Coccothrinax alta*), starvation fruit (*Morinda citrifolia*), limber caper (*Capparis flexuosa*), fiddlewood (*Citharexylum spinosum*), tamarind (*Tamarindus indica*), and monkey no climb (*Hura crepitans*). In roadside areas and in areas regularly cleared around some of the Catherineberg historic structures, mown Johnson grass (*Sorghum halepense*) dominates. These species are largely representative of the Virgin Islands. (Note: a few individual trees have been noted as potentially culturally relevant; culturally relevant vegetation is discussed under the “Cultural Resources” impact topic.) Wildlife using the project area include an array of species, many of which are common and not native to the island, including deer, goats, and pigs. The island is also home to 138 bird species and over 230 species of invertebrates, reptiles, amphibians, and bats.

The land exchange would remove 11 acres of soils, vegetation, and wildlife habitat from federal ownership at Catherineberg. The potential loss of soils, vegetation, and wildlife habitat on this parcel would comprise less than 0.2% of the park’s total terrestrial acreage. Future construction of educational facilities by the Territory would result in several acres (potentially 6-8 acres) of vegetation being cleared (with some level of associated soil disturbance) but this amount would be relatively small compared to the total acreage of vegetation on the island. Soils and vegetation at Catherineberg are similar to soils and vegetation elsewhere on the island, and there are no prime or unique farmlands on the Catherineberg parcel (USDA NRCS 2022). Similarly, wildlife species at the site are similar to wildlife elsewhere on the island; plentiful habitat with similar properties is available adjacent to the site should some species be able to relocate during construction. Some wildlife may experience habitat fragmentation as a result of the known intent to develop educational facilities. Habitat fragmentation occurs when transformed land uses divide habitat into smaller and more isolated fragments; this results in losing habitat area, an increase in isolation for wildlife, and greater exposure to human land uses (Haddad et al. 2015). Such changes can cause changes to the ecological structure and function of the remaining fragments (Haddad et al. 2015). Any impacts on soils, vegetation, and wildlife as a result of development of educational facilities by the Territory would be subject to review during a future compliance process for the development when more specific construction plans are available.

Lastly, 18 acres of soils, vegetation, and wildlife habitat would be added to federal ownership at Whistling Cay. Documentation of the Whistling Cay ecosystem is relatively light. The vegetation mostly consists of dry scrub forest (including cacti, century plants, Acacia, gumbo limbo, and tyre palm) (Dammann and Nellis 1992 quoted in Holthuijzen 2022). Brown pelicans (*Pelecanus occidentalis*) and red-billed tropicbirds (*Phaethon aethereus*) have been observed nesting on the island (Pierce 2009 quoted in Holthuijzen 2022). There are no plans for any development of this island under ownership of either the Territory or of the National Park Service. Thus, there would be no impacts to these resources under both the no-action alternative and the proposed action. For all these reasons, these topics were dismissed from further consideration at this time.



### ***Wetlands and Waters of the US***

Both NPS Director's Order #77-1: *Wetland Protection* and Procedural Manual #77-1: *Wetland Protection* require that there be no net loss of wetland resources as a result of the potential land exchange. Park staff worked with National Park Service Water Resources Division wetland technical experts to evaluate potential wetlands at both the Catherineberg and Whistling Cay project areas. It was determined that the exchange of approximately one acre of potential riverine wetland (the area within the intermittent drainage channel) on the eastern portion of the Catherineberg parcel out of NPS ownership would be more than compensated by the gain of approximately 5.6 acres of intertidal wetland resources (that area between extreme high- and extreme low-spring tide elevations as defined in Cowardin et.al. 1979 *Classification of Wetlands and Deepwater Habitats of the United States*) associated with Whistling Cay. In addition, the intertidal wetland is of high physical and biological functional value when compared to the moderate physical and biological functional value of the Catherineberg drainage. It was determined that no wetland statement of findings would be required for this project.

The land exchange would not result in any direct impacts on wetland or waters of the US. Prior to constructing education facilities, the Territory would be responsible for delineation of the potentially affected area for any wetland features in accordance with applicable definitions and to comply with applicable compliance and permitting reviews. Relevant protection measures would be identified as part of that process. For instance, the US Fish and Wildlife Service has suggested considering a conservation easement along the drainage feature at Catherineberg (FWS 2022). For these reasons, this topic was dismissed from further consideration by the National Park Service. Any impacts on wetlands as a result of development of educational facilities by the Territory would be subject to review during a future compliance process.

### ***Natural Sounds & Night Skies***

Visitors to Virgin Islands National Park have opportunities to experience solitude due to the park's remoteness and limited development. Quiet beaches and an abundance of hiking trails allow visitors to experience areas where natural sounds predominate. The clean air, limited artificial lighting and relative lack of development, both inside and outside of the park, allow visitors to see deep into the night sky (NPS 2016). The existing Catherineberg project area is dominated by forested habitat that contributes to the natural soundscape associated with tropical dry forests. There is no existing lighting within the proposed transfer parcel, although there are approximately three lights mounted on powerline posts along the southern edge of the parcel on Centerline Road. The potential land transfer would not directly affect the opportunity for visitors to Catherineberg to experience night skies and a natural soundscape. Following the land transfer, the anticipated clearing of vegetation and construction and operation of educational facilities at Catherineberg by the Territory may slightly reduce the ability of visitors to enjoy these resources through a modest removal of wildlife habitat and the generation of unnatural light and sounds; this would be an indirect effect of the land transfer under consideration by the National Park Service. The extent to which these resources may be affected are unknown due to the lack of specific plans for the facilities to be constructed. Given the small size of the exchange parcel in the context of the park as a whole, impacts to natural sounds and night skies post-development are expected to be small. Ample opportunities to experience natural sounds and night skies would still exist over much of the park. This would especially be the case if mitigation measures were implemented. The National Park Service recommends that impacts on the night sky be minimized through use of night sky compliant fixtures. Similarly, the National Park Service highly encourages the Territory to limit the operation of noise

generating machinery on the parcel to daytime hours in order to mitigate impacts to the natural soundscape. Considering that this parcel is surrounded by NPS lands, the National Park Service requests they be consulted by the Territory early in the project planning process to assist with development of a lighting design and management plan and appropriate mitigation measure that would protect the night sky quality and values associated with the park. Due to the lack of direct impacts and the anticipated small indirect impacts from the land exchange currently under consideration, this impact topic was dismissed from detailed analysis by the National Park Service. Any impacts on natural sounds and night skies from the development and use of educational facilities by Territory would be subject to review during a separate future compliance process. The issues raised during scoping of how neighbors and park visitors may experience additional sounds and lighting from the Territory's educational facilities are addressed under the impact topics of "Adjacent Communities" and "Visitor Use and Experience," respectively.

### ***Climate Change***

Climate change refers to any significant changes in average climatic conditions (such as mean temperature, precipitation, or wind) or variability (such as seasonality and storm frequency) lasting for an extended period (decades or longer). Recent reports by the US Climate Change Science Program, the National Academy of Sciences, and the United Nations Intergovernmental Panel on Climate Change provide evidence that climate change is occurring as a result of rising greenhouse gas emissions and could accelerate in the coming decades. While climate change is a global phenomenon, it manifests differently depending on regional and local factors. General changes that are expected to occur in the future as a result of climate change include hotter, drier summers; warmer winters; warmer water; higher ocean levels; more severe wildfires; degraded air quality, heavier downpours and flooding, and increased drought. Climate change is a far-reaching, long-term issue that could affect the park, its resources, visitors, and management. Although some effects of climate change are considered known or likely to occur, many potential impacts are unknown. Much depends on the rate at which the temperature continues to rise and whether global emissions of greenhouse gases can be reduced or mitigated. Climate change science is a rapidly advancing field and new information is being collected and released continually.

Under the proposed action, the land exchange would not directly contribute to greenhouse gas emissions. Any effects on climate change from the anticipated development and use of the parcel following the exchange would not be discernible at a regional scale. However, modeling greenhouse gas emissions and the carbon footprint of a development project is possible, as are minimization measures as well as mitigation actions proportionate to the greenhouse gas impact. These models and mitigations proportionate to the development may be considered with the school's scoping and design but are out of scope for this land exchange analysis.

The ways in which climate change may affect the resources analyzed in this document is described under the affected environment section for that topic in chapter 3.

## **CHAPTER 2: ALTERNATIVES**

This chapter describes actions that would take place under each alternative for improving the visitor experience and providing adequate administrative space for the park staff and partners. CEQ regulations for implementation of the NEPA process call for the alternatives considered in a document to include a no-action alternative. The description and evaluation of this alternative provides a baseline to which action alternatives can be compared. This environmental assessment evaluates two alternatives: “Alternative 1: No Action” and “Alternative 2: Proposed Action.” The elements of these alternatives are described in the following sections. Impacts associated with the alternatives are described in “Chapter 3: Affected Environment and Environmental Consequences.”

### **ALTERNATIVE 1: NO ACTION**

Under the no-action alternative, the land exchange between the National Park Service and the Territory would not take place. NPS management of the Catherineberg area would reflect current management practices. Cultural and natural resources would be managed as at present within the heavily vegetated landscape. Whistling Cay would continue to be owned and managed by the Territory as at present, with no change in its environs.

### **ALTERNATIVE 2: PROPOSED ACTION (NPS PREFERRED ALTERNATIVE)**

Under the proposed action, the National Park Service would exchange the approximately 11-acre parcel at Catherineberg for the approximately 18-acre Whistling Cay. According to federal law (54 U.S.C. §102901), the Secretary of the Interior is authorized to exchange lands within units of the national park system. Although Whistling Cay is owned by the Territory, it is within the boundaries of Virgin Islands National Park and has a similar property (real estate) value; under these conditions, an exchange may take place and the need for any legislative action by the US Congress is precluded. This potential transfer would be subject to a preliminary agreement signed by the National Park Service and the Territory. A preliminary land transfer agreement dated October 2020 (included in appendix A) has been drafted and is subject to mutually agreed upon revisions. The preliminary agreement provides the terms and conditions under which the transfer would take place, including deed restrictions that would direct future land use, among other conditions.

Ownership of the Catherineberg parcel would be transferred from the National Park Service to the Territory, subject to deed restriction specifying that the property would be used to construct educational facilities (for public preschool, primary, secondary, and/or tertiary educational purposes). This restriction would not preclude the temporary, emergency use of the land for shelter or other responsive activities in the event of a natural disaster or catastrophic event or during a declared state of emergency.

Although construction of educational facilities is not part of the NPS proposed action, this environmental assessment considers impacts at a programmatic level from the known intention by the Territory to construct educational facilities at the Catherineberg site. Preliminary conceptual plans call for a K-12 school, which will require associated infrastructure, including power lines, water, sewer, and lighting components. For the purposes of this environmental assessment, the National Park Service assumes that

construction of educational facilities would require clearing of 6-8 acres and the construction of buildings, parking lot/driveway, and walkways, with additional landscaped areas. The National Park Service assumes that development would be focused on the western portion of the site because of the presence of sensitive resources on the eastern portion of the parcel. The presence of these resources is the basis for additional restrictions that the National Park Service plans to incorporate in the final land transfer agreement as discussed below.

Detailed design of the facilities would take place after the execution of the land exchange, and a site-specific environmental review would occur at that time. Future design and construction of educational facilities would be subject to additional compliance with the National Environmental Policy Act and other laws (to be conducted by the Federal Emergency Management Agency and the Territory) due to the anticipated use of federal funding for construction.

The potential land transfer is subject to the National Park Service conducting requisite natural and cultural resource surveys at the Catherineberg parcel. The preliminary agreement states that if surveys reveal the presence of cultural resources, the resources must be preserved or protected before the exchange can proceed. Recent cultural landscape and archeological investigations have identified cultural resources on the parcel that are consistent with other sites identified on adjacent lands and across the island. Appropriate protection of this sensitive location is being developed in consultation with the Virgin Islands State Historic Preservation Officer. Methods of preservation and protection may vary and could include additional deed restrictions regarding future development or use of the parcel as it relates to cultural resources.

While ownership of Whistling Cay would be transferred from the Territory to the National Park Service, the NPS management approach would continue to be one of conservation and preservation. No changes to access or interpretation at Whistling Cay are planned at this time. Transfer would be subject to a deed restriction that the land shall not be conveyed to any private persons, firm, or corporation for any private use or purpose. The deed restriction expressly states that “the intention of this restriction is that the said land shall be used solely for purposes of US Virgin Islands National Park” (USA-GVI 2020).

## **ALTERNATIVES CONSIDERED BUT DISMISSED**

As noted earlier, the US government has been discussing with the Territory potential approaches to expanding education on St. John for nearly three decades. For the past 10 years, the National Park Service has worked with the Territory to evaluate park lands that serve as a location for a school and could be exchanged for other naturally or culturally significant lands. The Territory was interested in a relatively flat parcel in a central location that is easily accessed by an existing road; as such, the parcel within the Catherineberg Estate was identified as a possible location to support the island’s education needs (JDG 2014).

Other alternatives that were considered but dismissed from analysis in this document are described below.

### **Modification of the Exchange Parcel Boundary at Catherineberg**

Some stakeholders have suggested that the National Park Service modify the exchange parcel boundary at Catherineberg in order to protect sensitive resources identified within the existing parcel boundaries. Changing the parcel boundary would require the valuation process to be re-initiated. The valuation process is an appraisal review overseen by the Appraisal and Valuation Services Office to ensure that fair

market value is achieved. If this were done, it is likely that the resulting disparity in valuations would cause the proposed exchange to be no longer feasible. Furthermore, any substantial delays to the land exchange being executed would put at risk the Territory's ability to use available emergency response funding to construct the educational facilities. Thus, this alternative would meet neither the project purpose which is for the National Park Service to respond to the Territory's request, nor would this alternative meet the project need for providing the opportunity for local officials to achieve their long-standing effort to construct the first K-12 public school on St. John. Rather than putting the exchange at risk by restarting many elements of the process, the National Park Service may include a deed restriction or to set aside a conservation easement in the final land exchange agreement to provide for protection of sensitive resources equivalent to the protection that exists under NPS ownership.

### **Donation of the Catherineberg Parcel**

This alternative was dismissed because the National Park Service has no legal authority to donate land from within Virgin Islands National Park. Federal law (54 U.S.C. §102901) prohibits conveyance of property from units of the national park system that are designated "national parks." (Note: the national park system includes a number of different site designations, such as "national park," "national historic site," "national recreation area," etc.). As described under "Alternative 2: Proposed Action," that same law authorizes the Secretary of the Interior to exchange lands within units of the national park system. Whistling Cay, although owned by the Territory, is within the boundary of Virgin Islands National Park and has a similar property value; under these conditions, an exchange may take place. In general, only the US Congress can change the boundary of a unit of the national park system. The Territory has the authority to exchange interest in land under Territorial law (Title 31 V.I. Code §231a). The exchange of alternate parcels is addressed in the following section.

### **Exchange of Alternative Parcels**

Some stakeholders have suggested other parcels either for use by the Territory or for exchange by the Territory. Consideration of such alternatives are the discretion of the Territory, not the National Park Service. However, a few particular scenarios that emerged during the development of this environmental assessment are addressed herein. Any change in parcels under consideration would require the valuation process to be re-initiated, with the same consequences as listed above in the previous dismissal.

The Territory previously tried to identify a land parcel outside of NPS ownership, but these efforts were ultimately unsuccessful; Governor Kenneth Mapp's attempt to obtain private property in Chocolate Hole in 2017 was diminished by the damage sustained from back-to-back Category 5 Hurricanes Irma and Maria.

Some stakeholders have suggested that the National Park Service consider exchanging the Catherineberg parcel with Territory-owned submerged waters in South Haulover Bay, instead of Whistling Cay. The Territory-owned land in South Haulover Bay is adjacent to NPS-owned land in Virgin Islands Coral Reef National Monument. However, because these submerged lands do not lie within the current authorized boundary of either the national park or the national monument, the National Park Service has no legal authority to accept this parcel.

Additionally, the organization Friends of Virgin Islands National Park has noted the availability of 4 acres they could contribute towards an exchange; however, the details about this parcel (location, topography, property title, etc.) are unclear and no formal offer has been made to the GVI to initiate such an exchange.



## **CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

This chapter describes the current environmental conditions in and surrounding the project areas as they relate to each impact topic retained for analysis, as outlined in chapter 1. These conditions serve as a baseline for understanding the resources that could be impacted by implementing the project. This chapter then analyzes the beneficial and adverse impacts that would result from implementing any of the alternatives considered in this environmental assessment.

### **GENERAL METHODOLOGY FOR ANALYZING IMPACTS**

In accordance with the CEQ regulations for implementation of NEPA, direct, indirect, and cumulative impacts are described under each impact topic (40 CFR 1502.16 and 40 CFR 1508.1). Where appropriate, mitigating measures for adverse impacts are also described and incorporated into the evaluation of impacts. The specific methods used to assess impacts for each resource may vary; therefore, these methodologies are described under each impact topic.

Direct impacts are caused by the action and occur at the same time and place. Indirect impacts are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.

Cumulative impacts are defined as “the effects on the environment which results from the incremental effects of the action when added to the effects of other past, present, or reasonably foreseeable actions regardless of what agency (federal or nonfederal) or person undertakes such other actions” (40 CFR 1508.1). Cumulative impacts were determined for each impact topic by combining the impacts of the alternative being analyzed and other past, present, and reasonably foreseeable future actions that would also result in beneficial or adverse impacts.

Generally speaking, there are few direct impacts that would take place as the result of the proposed land transfer. Due to the known intent of the Territory to build educational facilities at the Catherineberg parcel, impacts related to construction of those facilities are described generally as an indirect effect of the transfer. For the purposes of analyzing the type of impacts that construction of educational facilities may have, the National Park Service assumes that construction of educational facilities would require extensive clearing of 6-8 acres and the construction of buildings, parking lot/driveway, and walkways, with additional landscaped areas within and surrounding the campus.

### **CULTURAL RESOURCES**

#### **Affected Environment**

Cultural resources within the project areas include the Catherineberg Historic District/Cultural Landscape (encompassing the entirety of the Catherineberg-Jockumsdahl-Herman Farm Historic District and the Estate Catherineberg Cultural Landscape) and the Whistling Cay guard house (custom house).

### ***Catherineberg Historic District/Cultural Landscape***

The Catherineberg-Jockumsdahl-Herman Farm Historic District was listed in the National Register in 1978 (Gjessing 1978). The 1978 nomination identifies the significance of the district as Archeology-Historic, Agriculture, and Architecture during the 18th, 19th, and 20th centuries. The Catherineberg-Jockumsdahl-Herman Farm Historic District encompasses a windmill tower, animal mill, stable and oxpound, factory, rum still, and two unidentified structures. The historic district is also part of the Virgin Islands National Park Multiple Resource Area, listed in the National Register in 1981 (Gjessing 1981). The 1981 nomination identifies significance under the following areas: archeology-historic, agriculture, architecture, education, engineering, and military.

The Estate Catherineberg Cultural Landscape was established through the NPS Cultural Landscape Inventory (CLI) in 2022. The CLI boundary encompasses the core of the Catherineberg-Jockumsdahl-Herman Farm Historic District as well as adjacent areas outside the boundary of the district that contain cultural resources identified during 2014 and 2021 archeological surveys. The Estate Catherineberg Cultural Landscape comprehensively includes all cultural resources identified as part of the National Register historic district as well as additional cultural resources associated with the historic significance of Catherineberg (NPS 2022a).

The Estate Catherineberg Cultural Landscape Inventory recommended the expansion of the National Register boundaries and the amendment of the nomination to include landscape features and other cultural resources identified in the Cultural Landscape Inventory and recent archeological studies. For the purposes of this environmental assessment, it is assumed that all of the historic resources associated with the Estate Catherineberg Cultural Landscape are eligible for inclusion in the National Register-listed Catherineberg-Jockumsdahl-Herman Farm Historic District. Therefore, the entirety of the resources associated with the existing historic district and cultural landscape are addressed together as one historic property and referred to below as the Catherineberg Historic District/Cultural Landscape.

The Catherineberg-Jockumsdahl-Herman Farm Historic District comprises approximately 15 acres located within the boundaries of Virgin Islands National Park. It is located north of Centerline Road (Highway 10) and is bisected by John Head Road (Highway 206). The Estate Catherineberg Cultural Landscape overlaps the National Register boundary and consists of 12 acres, 4.9 acres of which are not within the boundaries of the National Register-listed historic district (see figure 4). The historic district/cultural landscape is surrounded and mostly covered by tropical forest and contains buildings, structures, and archeological sites associated with the operation of the Catherineberg sugar plantation (1718-1896), including the windmill, animal mill, and rum still, that are centrally located within the landscape along John Head Road. The Catherineberg Historic District/Cultural Landscape is historically significant as an 18th and 19th century sugar plantation on the island of St. John with a period of significance of 1718 to 1896. Danish settlers established a plantation lifestyle and an economy based on slavery. Enslaved indigenous people and Africans labored, under direction of non-native settlers, to clear the land, plant crops, and build infrastructure, changing the natural vegetation and island landscape. The Danish West India Company directed this agricultural approach on the island (Hatch 1972) and the Catherineberg parcel was established during this time of economic and agricultural expansion (NPS 2022a). The 1733 St. John Enslaved People Revolt resulted in a period of unrest during which enslaved people rebelled against Danish settlers and plantation owners, killing many on the island. Settlers responded by killing enslaved people and the rebellion was ultimately

ended by French forces from Martinique in 1734. Cornelius Bodger, owner of the plantation later named Catherineberg, was spared during the revolt (Norton 2013), though his plantation did sustain damage to the cookhouse, warehouse, and magazine (NPS 2022a).

Landscape characteristics are the tangible and intangible aspects that, individually and collectively, create historic character and aid in understanding cultural importance. Characteristics related to the significance of the Catherineberg Historic District/Cultural Landscape are natural systems and features, topography, spatial organization, views, vegetation, circulation, buildings and structures, small-scale features and archeological features. Historic integrity related to the sugar plantation era (1718–1896) is largely intact. Integrity of location, design, materials, workmanship, and association are maintained; however, the significant change in vegetation from open agricultural land to dense forest has compromised the integrity of setting and feeling. The following narrative addresses all features or resources that contribute to the significance of the historic district/cultural landscape.

#### *Natural Systems and Features*

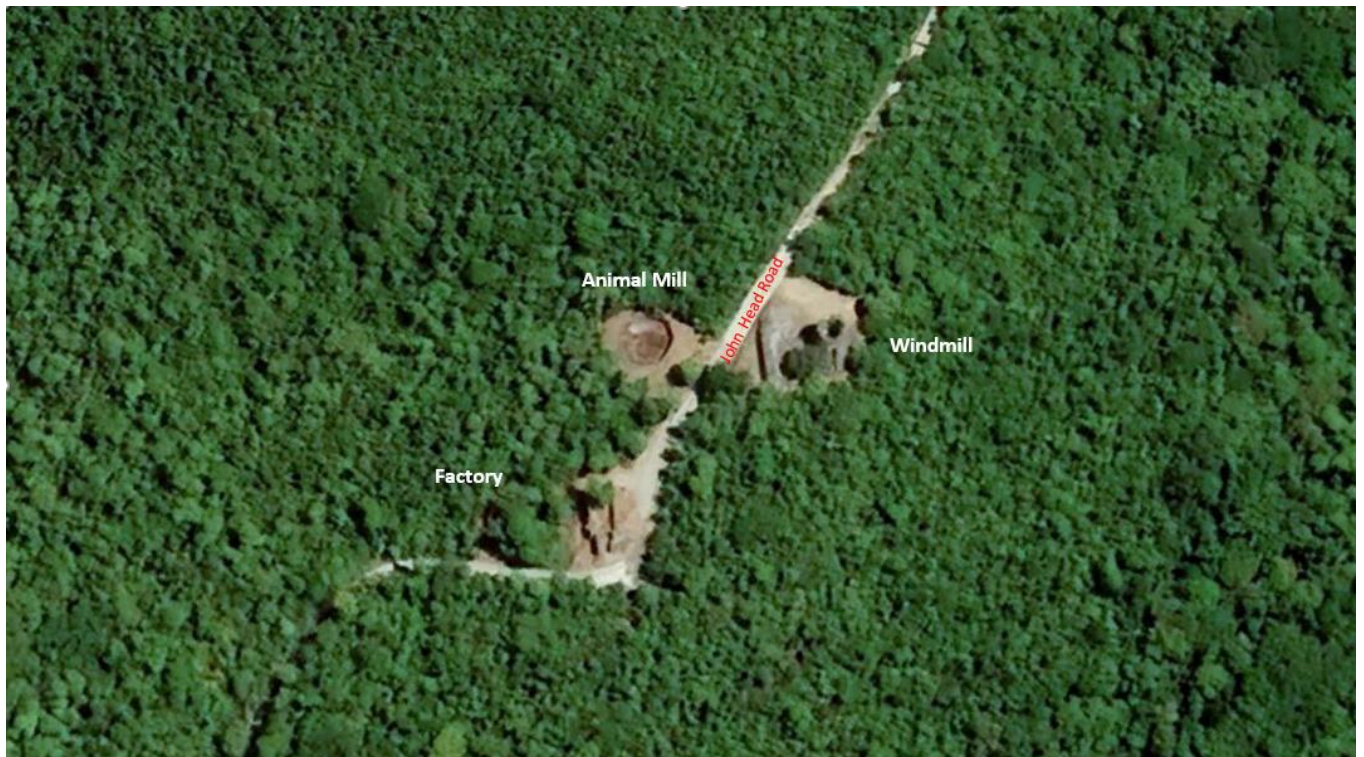
The southwestern and eastern edges of the historic district/cultural landscape are bound by two guts (also spelled ghuts), which are the regional term for watercourses. It is unknown whether the guts are naturally occurring or were partially or entirely constructed. Within the guts, vegetation is shorter and more open than the adjacent forest due to frequent high-water levels. While water does not flow continuously in the guts, standing water is common. The southwestern gut, known as Battery Gut, is present from the earliest maps of the area and was likely an important part of water sourcing for the agricultural and residential uses of the landscape. The eastern gut is not present on historic maps but was likely at least a seasonal presence during the cultural landscape's period of significance.

#### *Topography*

The Catherineberg Historic District/Cultural Landscape sits at approximately 700 feet above sea level, in the mountainous center of St. John. The overall topography of the site slopes down from a ridge in the north (see photo below). The windmill and animal mill are situated above the rest of the site in a relatively flat area. The factory and other remnants of the sugar plantation landscape sit on another small flat area further down the hill. The rum still is below the factory, and several 20th century buildings are found scattered across the slope to the west. The slope terminates at the drainage gut on the southwestern edge of the site.



Slope up to the animal mill and windmill along John Head Road, looking north (Source: Quinn Evans)



Aerial view of the spatial organization of Estate Catherineberg (Source: Google Earth)



# Potential Land Exchange with the Government of the Virgin Islands for Public Education

Virgin Islands National Park  
National Park Service  
U.S. Department of the Interior



Figure 4. Cultural Resources and the Proposed Exchange Parcel

Data Source: ESRI Imagery, NPS Park Data, NPS SEAC Data



### *Spatial Organization*

Spatial organization at Catherineberg was established during the sugar plantation period of significance, with the main buildings organized along John Head Road. The mills sit on top of the ridge in order to take advantage of increased wind for processing sugar and to ease the movement of cane juice down the slope to the manufacturing buildings. A road trace defines the southern edge of the plantation buildings. The area in the immediate vicinity of the windmill, animal mill, factory, and rum still along John Head Road is kept clear of vegetation and is indicative of the spatial organization of the property during its use as a sugar plantation.

### *Vegetation*

Dense forest vegetation, made up of both non-native and indigenous species, covers the vast majority of the cultural landscape (see photo below). The forests include species such as turpentine tree (*Bursera simaruba*), false tamarind (*Lysiloma latisiliquum*), Spanish lime (*Melicoccus bijugatus*), sweet lime (*Triphasia trifolia*), mango (*Mangifera indica*), false pineapple (*Ananas sagenaria*), bay rum (*Pimenta racemose*), autograph tree (*Clusia rosea*), catch and keep (*Acacia riparia*), tyre palm (*Coccothrinax alta*), starvation fruit (*Morinda citrifolia*), limber caper (*Capparis flexuosa*), fiddlewood (*Citharexylum spinosum*), tamarind (*Tamarindus indica*), and monkey no climb (*Hura crepitans*). These species are largely representative of the Virgin Islands. This vegetation is different from the open agricultural landscape during the period of significance and does not contribute to the historic integrity of the property. Character-defining vegetation includes a bay rum (*Pimenta racemose*) grove on the eastern edge of the site. The bay rum trees are dispersed throughout the forest and are most likely descendants of a previously cultivated patch. A large tamarind tree (*Capparis flexuosa*) located on the property dates to the historic district/cultural landscape's period of significance.



View southwest from the windmill over the surrounding landscape, partially obscured by vegetation  
(Source: Quinn Evans)



## *Buildings and Structures*

### Windmill

The windmill, constructed sometime between 1800 and 1826, is a large, circular structure (or tower) with a rectangular platform in front (see photo below). Both the windmill tower and the platform sit on a raised, barrel-vaulted foundation with a central pillar that provides a grade-level storage area (or crypt) underneath. The windmill tower itself is a round, two-story structure with an approximately 40-foot diameter. Steep stairs provide some access from the south, but the main access is via the front platform, which slopes down to ground level to the north. The platform is approximately 35 feet wide by 65 feet long. The windmill was constructed with stone, coral, and mortar, and was stabilized by the National Park Service in 2011.

### Animal Mill

The animal mill was one of the first structures constructed at Catherineberg, appearing on maps as early as 1780 (see photo below). The mill was later modified during the 20th century for use in hydroponic farming. This approximately 50-foot round structure was originally constructed with stone and mortar and is set into the hillside. The National Park Service stabilized the structure in 2011.

### Factory

The factory was likely built early in the sugar plantation period of significance and would have been vital to rum and sugar production (see photo below). This two-story structure is stone and mortar and was stabilized by the National Park Service in 2011.

### Rum Still

The small rum still was likely built early in the sugar plantation period of significance, along with the factory. The rectangular stone and mortar structure is approximately 10 feet by 20 feet.



The windmill, looking northeast (Source: Quinn Evans)





The Animal Mill, looking west (Source: Quinn Evans)



The factory, looking southwest (Source: Quinn Evans)

### *Small Scale Features*

Low stone walls run along John Head Road and into the forest. These walls are about 3 to 5 feet high, with a similar width. The walls are constructed of loose stone; however, it is unknown if mortar might have been present originally. The construction dates of these walls are unknown. It is possible that the



walls were erected during the historic district/cultural landscape's period of significance and later modified/repared by subsequent owners (NPS 2022a).

### *Archeological Resources*

Phase I and Phase II archeological surveys completed in 2014 and 2021, respectively, identified archeological resources within the boundaries of the historic district/cultural landscape and the proposed exchange parcel. These archeological resources are associated with the use and occupation of the property as a sugar plantation during the period of significance. The Phase II survey specifically assessed a site identified in the 2014 survey associated with the historic occupation of the property. The Phase II recommended its inclusion as part of the larger Catherineberg site as well as the expansion of the National Register boundaries of the Catherineberg-Jockumsdahl-Herman Farm Historic District, also referred to as the Estate Catherineberg Site (12VAM2-161; CRIS # VIIS-19) to include identified archeological resources (Soltec International Inc. 2014; SEAC 2021).

### ***Whistling Cay Guard House (Custom House)***

A guard house (also known as the custom house), located on Whistling Cay, was erected in the early 19th century on the south side of the island. The building has not been formally evaluated for listing in the NRHP but was documented by the Historic American Building Survey in 1971 (HABS# VI-87). The building is associated with the Danish West India Company's occupation and colonization of what is now the US Virgin Islands. For the purposes of this environmental assessment, it is assumed that the building is eligible for listing in the National Register.

Some studies assert that the building's purpose was to help guard the shipping lane between the Danish and British Virgin Islands. However, some historians ascertain that the structure was built as a guard post during the period when slavery was abolished in the British Virgin Islands but not in the Danish West Indies (1834-1848) to prevent enslaved people from escaping. The building was documented by the Historic American Buildings Survey in 1971 (HABS# VI-87). The Territory restored the building in 1972 with funds from Laurance Rockefeller and the Jackson Hole Foundation. The one-story, gable-roof structure is constructed of rubble masonry with a parged finish and has a tamped limestone slab floor. According to the HABS documentation, a flag pole base is located about 10 yards south of the structure (Gjessing 1971; Swank 2013).



Guard house on Whistling Cay. (Source: NPS)

## ***Environmental Trends***

Cultural resource management in the Caribbean can be complicated by natural processes such as erosion, vegetation encroachment, and storm-related damage. Surface runoff and associated erosion has the potential to disturb archeological resources on steep slopes. The local vegetation grows densely, and park volunteers work to clear vegetation from the periphery of some of the Catherineberg historic structures and landscape features. Structures/features not subject to regular clearing may be overtaken, which may conceal them in the landscape and lead to structural issues. While the guard house on Whistling Cay is not subject to the type of vegetation overgrowth seen at Catherineberg, it is located near the shoreline and is likely subject to flooding.

Like many other Caribbean islands, St. John faces an annual risk of Atlantic hurricanes. However, the frequency and severity of tropical storms and hurricanes has increased during the past 20 years, a trend that may be attributable in part to climate change. Hurricane wind speeds, rainfall, and sea level rise are anticipated to increase in the Virgin Islands as climate temperatures continue to rise (EPA 2016). Additionally, the National Oceanic and Atmospheric Administration has noted an increase in the number of storms that occur during a typical Atlantic hurricane season (NOAA 2021), although more research is needed to determine whether this is attributable to the impacts of climate change. In 2017, two Category 5 hurricanes hit the island; Hurricane Irma hit on September 6, followed by Hurricane Maria on September 19-20 (RSFLG 2022). Hurricane Irma was the strongest Atlantic hurricane ever measured at the time and resulted in winds exceeding 185 miles per hour (mph), which devastated much of the island (RSFLG 2022). The storms eroded shorelines, washed aground or sunk marine vessels, and temporarily left the island without power (NPS 2022a).

The Catherineberg area of the island has also seen recent trends in commercial development along Centerline Road near the Adrian neighborhood over the past few years. The Midway Gas Station opened in March 2020, followed six months later by an adjacent local restaurant called the Midway Hot Spot. In April 2021, a grocery store and deli located within the same plaza also opened so that the complex now offers a full-service gas station, a local eatery, and a grocery store all within one stop. This commercial area is dynamic and, since the opening of the gas station in March 2020, has seen other businesses open, including bars, restaurants, a music venue, and a drive-in movie theater (which has since closed). Residents anticipate that the opening of this grocery store could reduce the traffic in Cruz Bay where other grocery stores are located (News of St. John 2021), though this could potentially divert more traffic to Centerline Road. This trend in growing development along Centerline Road could threaten the site integrity of cultural resources as additional development may visually impact the Catherineberg Historic District/Cultural Landscape by altering its historic setting. Additionally, encroaching development may bring more visitors to the area, which may increase the risk of damage to historic resources.

Past, present, and reasonably foreseeable projects in the project area include the development of small neighborhoods primarily to the west/southwest and northeast of the parcel, and some commercial properties such as inns and vacation rentals to the northeast. In addition, previous road and utility construction projects in the project area include development along Centerline Road to improve the roadway between Cruz Bay and Coral Bay. As part of this project, the Territory paved a straight stretch of flat road between Adrian and Catherineberg in 2020 (News of St. John 2022). In 2022, the Territory will continue additional road improvements and is in the process of undertaking a scrape and overlay process (which does not require digging, gravel, and concrete) at ten locations along Centerline Road between

Cruz Bay and Coral Bay and estimates the project will last through the summer of 2022. The Territory’s Water and Power Authority (WAPA) has also undertaken an electrical underground project from Mongoose Junction through Cruz Bay towards Frank Bay to replace overhead electrical equipment with underground facilities to reduce the risk from weather related impacts (WAPA 2021). The first phase of the project was completed in July 2020 and the second phase began in November 2021 and is currently underway but was delayed due to archeological discoveries, which then necessitated additional archeological work to remove human remains (The St. Thomas Source 2022). The second phase should be completed by July 2022. Under its third phase, the project would include demolition of parts of Centerline Road, followed by roadway restoration and resurfacing once the utility improvements in each area are made (WAPA 2021). Similar to the development trend described above, these other past, present, and reasonably foreseeable projects have the potential to disturb archeological resources and could threaten the site integrity of cultural resources as additional development may visually impact the of the Catherineberg Historic District/Cultural Landscape by altering its historic setting.

## **Environmental Consequences**

### ***Methodology***

Potential impacts on cultural resources are evaluated based on changes to character-defining features of the resource, which are the characteristics of a historic property that qualify the property for inclusion in the National Register. This approach is derived from the *Secretary of the Interior’s Standards for Treatment of Historic Properties*, Director’s Order #28: *Cultural Resource Management Guidelines*, as well as the regulations of the Advisory Council on Historic Preservation implementing the provisions of the National Historic Preservation Act (NHPA). Character-defining features contribute to a property’s integrity, which is composed of location, design, setting, materials, workmanship, feeling, and/or association. The current conditions of cultural resources, as presented under the “Affected Environment” section above, were compared with the alternatives described in chapter 2 to determine the impacts on cultural resources.

A separate assessment of effect under Section 106 of the National Historic Preservation Act was prepared for the proposed action concurrently with this environmental assessment and concurrence was received from the Virgin Islands State Historic Preservation Office. Its finding is noted in this section; however, the impacts described below are made under the CEQ’s regulations for implementing the National Environmental Policy Act, which call for the review of effects on historic and cultural resources (40 CFR Part 1508.1[g]).

### ***Alternative 1: No Action***

Under the no-action alternative, the National Park Service would continue to own the property that encompasses the Catherineberg Historic District/Cultural Landscape. In turn, the Territory would continue to own Whistling Cay and the Whistling Cay guard house. The cultural resources on the properties would continue to be managed as at present.

At Catherineberg, the National Park Service would continue to manage the property as an important cultural resource within the park. Historic buildings and structures on the property, including the windmill, animal mill, and sugar factory, would continue to be preserved. Other cultural resources, such as archeological sites and cultural landscape features, would remain in place. Federal projects that have

the potential to affect the Estate Catherineberg Cultural Landscape would continue to require review under Section 106 of the National Historic Preservation Act, which requires federal agencies, including the National Park Service, to consider the impacts of their actions on historic properties. Therefore, there would be no impacts under the no-action alternative.

Under the no-action alternative, the Territory would continue to own the island of Whistling Cay and its associated guard house and the current management of the structure would continue. The Territory would manage the guard house under the Antiquities and Cultural Properties Act of 1998, which asserts the Territory's control over cultural properties and archeological sites located on public lands. The Antiquities Act establishes the right of the Virgin Islands State Historic Preservation Office (VI SHPO) to comment on any government, government-approved, or government assisted undertaking that may impact sites eligible for listing on either the National Register or on the Virgin Islands Registry of Historic Buildings, Sites, and Places. This legislation is the local equivalent of Section 106 of the NHPA (VI SHPO 2016). Therefore, there would be no impacts under the no-action alternative. This conclusion is based on the assumption that the Territory would maintain and preserve the structure to avoid "demolition by neglect."

### ***Alternative 2: Proposed Action (NPS Preferred Alternative)***

Under the proposed action, 2.9 acres of the western portion of the Estate Catherineberg Cultural Landscape, which includes archeological resources and overlaps with the Catherineberg-Jockumsdahl-Herman Farm Historic District, would leave NPS ownership and come under the jurisdiction of the Territory. Other historic resources associated with the Catherineberg Historic District/Cultural Landscape, including the windmill, animal mill, factory, and rum still, would remain in NPS ownership, and current management practices related to these resources would continue.

The transfer of the proposed exchange parcel from the National Park Service to the Territory with the intention of being developed for educational facilities would result in long-term direct and indirect adverse impacts on cultural resources for the following reasons. The division of the Catherineberg Historic District/Cultural Landscape between federal and territorial government jurisdictions would lead to separate management, preservation, and protection of the historic properties. Indirectly, the future development of the property for educational facilities would impact the integrity of the Catherineberg Historic District/Cultural Landscape. Currently the historic district/cultural landscape is located in a relatively remote, densely vegetated area. The development of the exchange parcel would require clearing of vegetation to add elements, including buildings, parking lots, etc., to the property that were not present historically. Additionally, ground disturbance and other activities related to future construction have the potential to disturb existing and previously unrecorded archeological resources, the drainage system feeding into the off-site portions of the Catherineberg Historic District/Cultural Landscape, and remove/damage cultural landscape features. Under Section 106 of the National Historic Preservation Act, the proposed action would result in an adverse effect.

The operation of the new educational facilities nearby would place educators and students in proximity to sensitive cultural resources. This proximity has the potential to increase awareness, understanding, and appreciation of the cultural setting; however, it may also put sensitive resources at risk of damage if they are not properly protected.



The October 2020 Preliminary Land Exchange Agreement stipulates that if surveys reveal the presence of cultural resources on the exchange parcel, the resources must be preserved or protected before the exchange can proceed (USA-GVI 2020). Methods of avoiding, minimizing, and mitigating the adverse effect on cultural resources in the Catherineberg project area are being developed in consultation with the US Virgin Islands State Historic Preservation Officer and other consulting parties. Methods of preservation and protection may vary and could include additional deed restrictions regarding future use and/or development envelope of the parcel as it relates to cultural resources, as well as a Section 106 Memorandum of Agreement with stipulations to resolve the adverse effect. Future design and construction of educational facilities would be subject to additional NEPA and NHPA Section 106 compliance (to be conducted by Federal Emergency Management Agency and the Territory) due to the anticipated use of federal funding for construction.

The Territory would manage the guard house under the Antiquities and Cultural Properties Act of 1998, which asserts the Territory's control over cultural properties and archeological sites located on public lands. The Antiquities Act establishes the right of the Virgin Islands State Historic Preservation Office (VI SHPO) to comment on any government, government-approved, or government assisted undertaking that may impact sites eligible for listing on either the National Register or on the Virgin Islands Registry of Historic Buildings, Sites, and Places. This legislation is essentially the local equivalent of Section 106 of the NHPA (VI SHPO 2016).

The Territory established a Community and Heritage Tree Law (32-0062, 2019) that governs how roadside trees and mature specimen trees are managed as a step toward protecting the territorial-wide heritage landscape. Excerpts from the law include: "Heritage tree' means any tree, public or private, which is determined pursuant to this chapter to be of intrinsic value to the general public because of its species, size, age, location, ecological importance, historical and cultural significance, aesthetic value, economic benefit, special character, or community benefit." Mature specimen trees within the exchange parcel would be managed within the framework of this law.

The proposed action would result in no impacts to cultural resources at Whistling Cay. The management approach would continue to be one of conservation and preservation. There are no changes in access or interpretation planned at this time.

### ***Conclusion***

The no-action alternative would continue current management of cultural resources in the project areas, and no changes would be made to character-defining features. There would be no impacts to cultural resources under the no-action alternative. Under the no-action alternative, there would be no direct effects resulting from the land exchange, so there would be no new, additional impacts to contribute to the overall cumulative impact.

Direct long-term adverse impacts would occur under the proposed action because contributing archeological resources and cultural landscape features within the Catherineberg Historic District/Cultural Landscape would be transferred out of federal ownership. The exchange would have no direct impacts on historic resources within the historic district/cultural landscape that would remain in NPS ownership, including the windmill, animal mill, factory, and rum still. Long-term indirect adverse impacts would occur to the Catherineberg Historic District/Cultural Landscape from the development of the exchange parcel by the Territory for education facilities that would alter the historic setting of the historic

district/cultural landscape and impact its integrity. Future ground disturbance and other construction activities have the potential to disturb existing archeological resources and remove/damage cultural landscape features. Adverse impacts would be avoided, minimized, or mitigated through continued consultation with the Virgin Islands State Historic Preservation Officer and other consulting parties, including the Kalinago Tribe of the Virgin Islands of the US, the Guainía Taino Tribe of the Virgin Islands, and the US Fish and Wildlife Service. As noted above, methods of preservation and protection may vary and could include additional deed restrictions regarding future use and/or development envelope of the parcel as it relates to cultural resources, as well as a Section 106 Memorandum of Agreement with stipulations to resolve the adverse effect. The Section 106 process for this project will be completed prior to the National Park Service signing a decision document. Future design of the educational facilities by the Territory will also require Territorial compliance with Section 106 prior to construction.

When considered together, the continued development along Centerline Road and the implementation of the proposed action would result in an overall, cumulative adverse impact on the Catherineberg Historic District/Cultural Landscape. Adverse cumulative impacts would be long term and indirect and further compromise the property's integrity of setting, which has already been impacted by the current dense vegetation on the property, a change from the historic condition of open agricultural land. The presumed construction of educational facilities by the Territory would contribute a substantial increment to this overall cumulative adverse impact. Although the historic property's integrity of setting will be impacted from adjacent development, the Catherineberg Historic District/Cultural Landscape will retain integrity of location, design, materials, workmanship, and association related to its significance as a sugar plantation (1718–1896).

The proposed action would result in no impacts on the cultural resources on Whistling Cay. No past, present, or reasonably foreseeable actions have or would contribute to cumulative impacts on the Whistling Cay guard house.

## **ADJACENT COMMUNITIES**

### **Affected Environment**

The Catherineberg Estate parcel being considered for the potential land exchange is a subdivision of the wider Catherineberg parcel located within the park. The parcel being considered is approximately 11 acres in size and is located centrally on the island, between Cruz Bay to the west and Coral Bay to the east, in an area locally known as Cruz Bay Quarter. The parcel is bordered to the south by Centerline Road, to the east by John Head Road, and to the west and southwest by the Adrian neighborhood. The area to the east of John Head Road (where the extant portions of plantation structures are located) is densely vegetated.

A number of houses and small neighborhoods exist within a 0.5-mile radius of the parcel being considered for potential exchange, primarily to the west/southwest and northeast of the parcel. Communities to the west/southwest are largely clustered around Centerline Road and are accessed by local roads connected to Centerline Road. Communities to the northeast include residences as well as some commercial properties such as inns and vacation rentals. The Estate Catherineberg Owners Association, Inc. (ECOA or Association) represents homeowners in the community to the northeast and provides a forum for property owners to offer and receive updates on Catherineberg properties. Deed

restrictions for ECOA members stipulate various property rules and acknowledge the community's inclusion as part of a national park, requiring property owners to maintain an environment compatible with the park (ECOA 2014). The Association has also published community guidelines which request that property owners be mindful of excessive noise and outdoor light that may interfere with their neighbors' ability to enjoy the natural environment (ECOA 2021).

Centerline Road serves as the main thoroughfare in the area and transects the island from Cruz Bay to Coral Bay. It offers one lane in each direction and serves several suburbs on the island. John Head Road runs perpendicular to Centerline Road, traveling north until it joins North Shore Road. The community northeast of the parcel which is represented by ECOA is accessed via John Head Road. Overall, this road experiences low traffic volume. George Simmons Drive also runs perpendicular to Centerline Road, traveling south, and dead ends in a small neighborhood of less than 30 residences.

Since these communities are bounded by the park on all sides, they tend to be characterized by serene and natural elements. Removed from more dense population centers on the island (e.g., Cruz Bay), properties adjacent to the Catherineberg parcel experience quiet soundscapes and open skies with minimal sound or light pollution. Dense vegetation offers a natural environment for residents and can also serve as a buffer for noise or light from external sources.

Currently, public school students in adjacent communities who are in grades 9-12 must travel to St. Thomas for school and students in eighth grade and younger attend classes at the Julius E. Sprauve School in temporary modular units due to damage inflicted on the school during hurricanes in 2017.

Whistling Cay is located within the park boundary but is owned by the Territory. Encompassing approximately 18 acres, the property consists primarily of undeveloped tropical forest. There is no formalized access to the island, although it can be reached by boat or kayak. It is located just west of Mary Point Peninsula in Maho Bay Quarter on St. John's north shore. No residential or commercial properties exist on Whistling Cay but there is one historic structure on the island, a guard house, discussed in the "Cultural Resources" section above.

Communities adjacent to the park have experienced environmental trends related to climate change; the risks associated with climate change are described in detail under the Environmental Trends section of "Cultural Resources" above. Hurricanes Irma and Maria resulted in damage to adjacent communities including eroded shorelines, washed aground or sunk marine vessels, and temporary power outages (NPS 2022a).

The growing trend in commercial development along Centerline Road (described in detail under the Affected Environment section of "Cultural Resources" above) also poses both advantages and disadvantages to adjacent communities. This development could bring increased traffic and people to an area of the island that has traditionally been less busy than hubs such as Cruz Bay and Coral Bay. Nevertheless, this increased development has improved adjacent communities' access to services and other amenities on the island and offers more convenient options for residents.

Past, present, and reasonably foreseeable projects that have occurred in the past or are currently underway and which connect to the project area include development along Centerline Road and the WAPA Electrical Underground Project. A detailed description of each project is provided in the Affected Environment section of "Cultural Resources" above. Similar to the commercial development trend

described above, these past, present, and reasonably foreseeable projects have the potential to cause congestion due to construction and lane closures, while also benefitting adjacent communities by improving local roads and securing reliable power for communities during future storm events.

## **Environmental Consequences**

### ***Methodology***

Potential impacts on adjacent communities are assessed based on changes to the way local communities experience their surrounding environment and how the alternatives would alter their experiences based on introducing new elements within their vicinity. Generally, impacts were assessed on communities within a 0.5-mile radius of the potential parcel for exchange and did not extend to all communities on St. John. The current condition of adjacent communities, as presented under the “Affected Environment” section above, were compared with the alternatives described in chapter 2 to determine the impacts on adjacent communities.

### ***Alternative 1: No Action***

Under the no-action alternative, the National Park Service would not exchange the Catherineberg parcel for the Territory’s property at Whistling Cay. There would be no new impacts on adjacent communities as the Catherineberg parcel would continue to be managed by the National Park Service. Adjacent communities would continue to experience minimal sound and light pollution in a natural environment, with traffic conditions remaining as they currently exist. Students in grades 9-12 in adjacent communities would continue to travel to St. Thomas to attend public school, and students in eighth grade and younger would continue to attend classes in temporary modular units at the Julius E. Sprauve School. Any existing hardships to the adjacent communities resulting from the continued lack of a public secondary school on St. John would continue, but there would be no new impacts as a result of the no-action alternative. Ownership of Whistling Cay and its associated guard house would remain under the Territory and there would continue to be no formalized access to the island. Development rules for residential or commercial properties would remain as they currently exist.

### ***Alternative 2: Proposed Action (NPS Preferred Alternative)***

Under the proposed action, the National Park Service would exchange the Catherineberg parcel for Whistling Cay. While the change in ownership is unlikely to result in any direct impacts to adjacent communities, future development may cause indirect impacts described below in this section. Catherineberg would be transferred to the Territory subject to a deed restriction that the property be used to construct educational facilities.

Following the exchange, to prepare the land for construction activities, the Territory would presumably need to clear portions of the Catherineberg parcel of the dense vegetation that currently exists and grade slopes for construction. Preliminary conceptual plans anticipate that the construction of educational facilities would require extensive clearing of 6-8 acres and the construction of buildings, parking lot/driveway, and walkways, with additional landscaped areas within and surrounding the campus. Clearing vegetation and grading activities at the outset of the project would cause disruptive sounds to adjacent communities, resulting in a short-term adverse impact. There would also be an increase in the amount of traffic along John Head Road as workers transport equipment to and from the site. Similarly,

once construction of the school began, there would continue to be noise caused by numerous construction vehicles and equipment throughout the day. Construction vehicles traveling to and from the site to bring materials or dispose of debris could also slow traffic on John Head Road due to both increased vehicle volume as well as construction vehicles having to pull in and out of the site entrance, slowing the cars around them. Because of the connections of John Head Road to both North Shore Road to the north and Centerline Road to the south, backups could cause vehicles to accumulate on these roads as well, resulting in further traffic delays in the area. The specific delays would depend on operational details that have yet to be developed. Thus, following the exchange, construction of the school itself would result in short-term indirect adverse impacts (lasting the duration of construction, which has yet to be determined) as described above.

Once built, the school may accommodate students from kindergarten through the 12th grade. An influx of students in this area may introduce more outdoor sounds as school activities (e.g., outdoor gym classes) could take place over the course of the school year. The new educational facilities could also include security and building lights illuminated at night, and if so, this would add more ambient nighttime light to adjacent communities as compared to the existing condition at the site. The existence and the degree to which these issues may exist would depend upon future design of the facilities and their operations by the Territory. This potential increase in noise and nighttime light may adversely impact the ability of adjacent communities in the long term to enjoy the sounds and ambiance of the natural environment to which they are accustomed. In addition, a school parking lot and area for vehicles to pick up and drop off students would likely be developed adjacent to Centerline Road. Depending on the number of vehicles queuing during pick-up and drop-off times, this could back up to Centerline Road, causing congestion and traffic noise. Considering the central access of Centerline Road to numerous communities within the Cruz Bay Quarter area, this congestion could delay residents' egress and ingress to their neighborhoods as well as general travel throughout the island, resulting in an intermittent adverse impact over the long term to these communities.

The proposed action could also beneficially impact adjacent communities by eventually providing educational opportunities for the communities' youth in a more accessible and convenient manner. Students in grades 9-12 living on the island would no longer have to travel to St. Thomas each day for public education, which could reduce the current hardship that families experience and could encourage an increased community graduation rate. Having additional public educational facilities on St. John may also increase opportunities for more students' involvement in extracurricular activities and parents' involvement in meetings and other school events.

Under the proposed action, Whistling Cay would be maintained for primitive (undeveloped) recreation and preservation by the National Park Service. Because there are no adjacent communities on Whistling Cay, there would be no impacts from the proposed action there.

### **Conclusion**

Under the no-action alternative, the National Park Service would continue current management of the park and the Territory would continue to manage Whistling Cay, resulting in no impacts to adjacent communities in the Catherineberg area. If the proposed action were implemented, the exchange would allow for the Territory to move forward with construction of the school and indirect short-term adverse impacts would occur from noise disturbances and traffic disruptions while the school was built. However, this impact would be temporary and cease once the school was constructed (length of construction would

depend upon future design and planning). The proposed action would also result in indirect long-term adverse impacts to adjacent communities as compared to the no-action alternative, because the subsequent construction and use of the school would increase noise and light pollution as well as increase traffic and congestion on John Head Road and Centerline Road. Noise and light coming from the school would abide by local ordinances, however, and thereby not produce excessive sound or illumination in adjacent communities. The proposed action would also result in a long-term beneficial impact by allowing the Territory to construct a school and provide increased educational opportunities for students living in adjacent communities. Since there are no adjacent communities on Whistling Cay, there would be no impacts from the proposed action.

Under the no-action alternative, the land exchange would not take place and no educational facilities would be constructed on the Catherineberg parcel. As a result, there would be no direct effects to adjacent communities over and above the reasonably foreseeable road construction and ongoing development along Centerline Road; there would also be no indirect impacts from the Territory's construction of educational facilities which is a reasonably foreseeable action. Accordingly, the no-action alternative would not contribute to cumulative impacts on adjacent communities.

In addition to the indirect impacts of constructing the educational facilities described under "Alternative 2: Proposed Action," other past, present, and reasonably foreseeable future actions that may affect adjacent communities within the project area include development along Centerline Road and the WAPA Electrical Underground Project. These actions would result in short-term adverse impacts to adjacent communities by causing congestion due to construction and lane closures, delaying travel on the island. Both actions would also result in long-term beneficial impacts to adjacent communities, however. Development along Centerline Road would eventually provide smoother stretches of road which would cause less damage to cars otherwise having to drive over potholes and rough patches of road. The WAPA project would benefit adjacent communities by burying electrical components, thus protecting them and securing reliable power during future storm events that may otherwise have knocked out St. John's power supply.

Implementation of the proposed action would allow for construction of educational facilities. Thus the land exchange would likely result in indirect short-term adverse impacts from anticipated school construction and long-term adverse impacts from the school's operation on the sounds, sights, and ambiance of the natural environment in adjacent communities. It would also cause adverse impacts by incurring congestion on roads in the area due to construction vehicles in the short term and a school drop-off/pick-up area and parking lot in the long term. However, implementation of the proposed action would also result in long-term beneficial impacts to adjacent communities by providing local students with additional educational opportunities. This would result in a beneficial increment to the overall cumulative impact on adjacent communities. When considered together, the overall beneficial impact of the development along Centerline Road and WAPA projects combined with the proposed action would result in an overall beneficial impact on adjacent communities due to improved roads and expanded educational opportunities for youth in the community. Some adverse impacts associated with the past, present, and reasonably foreseeable actions and the proposed action would be minimal. For instance, construction sounds and associated traffic/congestion would be temporary. Any adverse impact that would be long-term, such as increased congestion due to traffic at the school and potential sound and light pollution, would only occur at certain times of the day (during the beginning of the school day and dismissal) and would comply with applicable local ordinances.



## VISITOR USE AND EXPERIENCE

### Affected Environment

Tourism and recreational visits to the park are key economic drivers on St. John, with the park seeing approximately 324,000 visitors in 2021 (NPS 2022b). The park visitor center located in Cruz Bay allows visitors to familiarize themselves with the park's attractions, offering exhibits, maps, educational materials, books about the history of the park, and activity schedules. Visitors to the park have the opportunity to experience the area's diverse beaches, coral reefs, history, and hiking trails, which offer opportunities for solitude and reflection (NPS 2022e). In addition to water-based activities, visitors can enjoy camping, bird watching, and archeological educational opportunities. Private operators also offer island safari tours (NPS 2022e), and the National Park Service provides ranger programs in selected areas of the park.

Visitors can access the Catherineberg area via John Head Road which is currently a densely forested roadside north of Centerline Road. The site is centrally located within the park and is approximately a 10- to 15-minute drive from Cruz Bay or a 20-minute drive from Coral Bay. As visitors enter the area, they see a modestly sized sign welcoming them to Virgin Islands National Park. To visit the Catherineberg site, visitors may park in a small parking lot near the windmill or at the base of the hill and hike up to the historic structures related to the sugar plantation era. Park visitors are free to view the historic structures at the site dating from its time as a sugar plantation during the Danish colonial period, specifically the existing elements of the factory, the windmill tower, animal mill, and rum still. Visitors can explore the interior of the windmill and can experience views of the surrounding forest from this structure. The portion of the site subject to exchange is not typically frequented by visitors because it is heavily vegetated and not easily accessible.

A number of trails exist within approximately 1 mile of the Catherineberg area and are accessed via Centerline Road, including the L'Esperance Trail and the Cinnamon Bay Trail. The L'Esperance Trail is located south of Centerline Road, following a 2.6-mile path down to Reef Bay. This trail follows a historic Danish road and passes the remnants of some of the earliest plantations established on St. John (NPS 2022c). The 1-mile Cinnamon Bay Trail begins to the east of the Catherineberg plantation structures and ends at Centerline Road. It travels south through a shaded forest which includes a variety of tree species (NPS 2021). There is also a 0.38-mile spur off this trail which leads to the extant remnants of a great house known as America Hill (NPS 2021).

Whistling Cay consists primarily of undeveloped tropical forest. There is no formalized access for visitors to the island, although it can be reached by boat or kayak, which can be rented on Maho Bay. No residential or commercial properties exist on Whistling Cay, and the only structure on the island is the historic guard house (custom house). Traveling across the bay towards Whistling Cay, visitors may see sea turtles, fish, and rays in the water. Whistling Cay is a popular snorkeling area, with an abundance of marine life and coral reefs to experience (Viator 2022). Some locals also use the area to fish.

Visitors to the park experience unique environmental trends on the island related to climate change; the risks associated with climate change are described in detail under the Environmental Trends section of "Cultural Resources" above. More frequent storms may influence visitor travel patterns to St. John and result in more fluctuation in visitation because infrastructure damage resulting from severe storms deters

visitors. Specifically, Hurricanes Irma and Maria damaged visitor infrastructure such as roads, water systems, signs, and structures (NPS 2022a) which resulted in a temporary closure of park resources and reduced opportunities available for visitors to experience.

The growing trend in commercial development along Centerline Road (described in detail under the Affected Environment section of “Cultural Resources” above) could offer visitors additional services and amenities if they are staying near the Catherineberg estate. It may also introduce more traffic to this area of the island and cause delays for visitors trying to access the Catherineberg site or other nearby attractions such as trailheads.

Past, present, and reasonably foreseeable projects that have occurred in the past or are currently underway and which connect to the project area include development along Centerline Road and the WAPA Electrical Underground Project. A detailed description of each project is provided in the Affected Environment section of “Cultural Resources” above. Similar to the commercial development trend described above, these past, present, and reasonably foreseeable projects have the potential to cause congestion due to construction and lane closures. However, the WAPA project would also benefit visitor use and experience because it would offer more reliable power during future storm events that may otherwise have knocked out St. John’s power supply.

## **Environmental Consequences**

### ***Methodology***

Potential impacts on visitor use and experience are assessed based on changes to the way people use the project area, as well as how the alternatives would alter visitors’ experiences. The park strives to provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the natural and cultural resources found in parks. The current conditions of visitor use and experience, as presented in the “Affected Environment” section above, were compared with the alternatives described in chapter 2 to determine how visitor use and experience would be affected.

### ***Alternative 1: No Action***

Under the no-action alternative, the Catherineberg parcel for potential exchange would remain under NPS ownership and would continue to be infrequently visited because of the heavy vegetation present and difficulty in accessing. Current management practices related to these resources would remain in place and the 11-acre parcel would remain a densely vegetated part of the park adjacent to the historic structures. Visitors’ experiences traveling to and from the park would remain largely the same. Although not currently owned by the National Park Service, Whistling Cay is publicly accessible and does receive some visitation. Under the no-action alternative, visitors would not experience any changes at Whistling Cay. Thus, there would be no impact to visitor use and experience under the no-action alternative.

### ***Alternative 2: Proposed Action (NPS Preferred Alternative)***

Under the proposed action, 11 acres of the Catherineberg parcel would be transferred to the Territory’s ownership. Because the plantation structures located along John Head Road are not located within the parcel for potential exchange, visitors would still be able to experience these elements as they currently do. The existing opportunities for visitors to understand the history of the site would remain unaltered.

Thus, the change in ownership would not have any direct impacts on visitor use and experience. However, since the parcel for potential exchange is nearby, visitors' experiences could be adversely impacted indirectly in the way that they experience and access park lands as a result of anticipated construction of educational facilities by the Territory. During construction, visitors along John Head Road may hear noises from machinery and equipment. Once the school is constructed and in operation, visitors may hear sounds associated with school activities in the distance during weekdays when school is in session. Views from park lands would not be likely to change because the parcel for potential exchange is located through dense vegetation which would block any views visitors might have of the school campus. Similarly, visitors would still have scenic views of lush trees surrounding the structures.

Visitors may experience more difficulty in accessing park lands under the proposed action due to increased traffic along both John Head Road and Centerline Road, which would be an indirect result of the land transfer. During construction of the education facilities, construction vehicles entering and leaving the site via John Head Road or Centerline Road could increase congestion in this area, causing delays for visitors arriving to or leaving the Catherineberg area. Once constructed, traffic resulting from queues for the school's pick-up/drop-off area and parking lot located along Centerline Road may delay visitors traveling throughout the island at the beginning of the school day and during dismissal.

Under the proposed action, visitors would still have access to local trails in the area and their use of these would not be impacted since the trails are not within the potential parcel for exchange. However, getting to these trails may be indirectly impacted by the proposed land transfer because the L'Esperance and Cinnamon Bay trails are accessed via Centerline Road. Considering the potential indirect traffic impacts from construction and school activities described above, visitors may experience minor delays getting to and from trailheads.

Visitors would not experience any impacts at Whistling Cay under the proposed action. Although ownership would be transferred from the Territory to the National Park Service, the management approach would continue to be one of conservation and preservation. There would be no changes to access or interpretation on the cay. Access to and use of the waters around Whistling Cay would not change, as these waters have been owned and managed by the NPS for decades.

### ***Conclusion***

The no-action alternative would continue current management of the Catherineberg Estate parcel under the National Park Service's ownership and visitors' use and experiences would remain the same. Similarly, Whistling Cay would remain under the Territory's ownership and no changes would be made to management of the area. Therefore, there would be no impacts to visitor use and experience under the no-action alternative. The proposed action would result in short-term adverse impacts to visitor use and experience because of increased traffic and distant sounds related to school construction. However, these impacts would be temporary and would not prevent visitors from accessing the sites and attractions they wanted to see. Compared to the no-action alternative, the proposed action would also result in long-term adverse impacts to visitor use and experience due to potential sounds from school activities and increased congestion on Centerline Road from the adjacent school drop-off/pick-up area and parking lot. However, these impacts would not be constant and would only occur for brief periods during the week. Visitors' understanding of the historic sites would remain unaltered and they would still be able to access attractions, such as trailheads. There would be no impacts to visitor use and experience on Whistling Cay

under the proposed action because even though ownership would be transferred from the Territory to the National Park Service, the management approach would continue to be one of conservation and preservation. Visitor experience in and use of the waters surrounding Whistling Cay would also experience no impacts under the proposed action.

Under the no-action alternative, the land exchange would not take place and no educational facilities would be constructed on the Catherineberg parcel. As a result, there would be no direct effects to visitor use and experience aside from the reasonably foreseeable road construction projects. There would be no indirect impacts from the Territory's construction of educational facilities which is a reasonably foreseeable action. Accordingly, the no-action alternative would not noticeably contribute to cumulative impacts on visitor use and experience.

In addition to the indirect impacts of constructing the educational facilities described under "Alternative 2: Proposed Action," other past, present, and reasonably foreseeable future actions that may affect visitor use and experience within the project area include development along Centerline Road and the WAPA Electrical Underground Project. These actions would result in short-term adverse impacts to visitors by causing congestion due to construction and lane closures, delaying their access to attractions such as the structures at Catherineberg as well as nearby trailheads. The WAPA project, however, would also benefit visitor use and experience because it would offer more reliable power during future storm events that may otherwise have knocked out St. John's power supply.

Under the proposed action, implementation of the land transfer would result in an adverse increment to the overall cumulative impact on visitor use and experience. There would be indirect short-term adverse impacts to the visitor experience through potential construction noise heard at the Catherineberg site and increased congestion on the roads due to construction vehicles. Implementation of the proposed action would also contribute indirect long-term adverse impacts due to potential sounds heard from school activities while touring the area, as well as increased traffic due to potential queueing for the school drop-off/pick-up area and parking lot. Considering that this parcel is surrounded by NPS lands, the National Park Service requests that the Territory coordinate school planning with them to develop a lighting design and management plan and appropriate mitigation measure that would protect the night sky quality and values associated with the park.

When considered together, the adverse impact of the development along Centerline Road and WAPA projects combined with the adverse impact of the proposed action would result in an overall adverse impact on visitor use and experience. However, this adverse cumulative impact would be relatively small considering that impacts from construction noise and traffic would be short-term and impacts related to school noise and traffic would only occur at certain times of the day and would be temporary so that visitors could still access and enjoy the attractions they came to experience.

## CHAPTER 4: CONSULTATION AND COORDINATION

NPS Director's Order #12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* requires the park to make "diligent" efforts to involve the interested and affected public in the NEPA process. This process helps to achieve the following: determine the important issues and eliminate those that are not; allocate assignments among the interdisciplinary team members and/or other participating agencies; identify related projects and associated documents; identify other permits, surveys, consultations, etc. required by other agencies; and create a schedule that allows adequate time to prepare and distribute the environmental document for public review and comment before a final decision is made. This chapter documents the agencies and Tribes consulted during the NEPA process and summarizes the public review process for this EA.

### AGENCY AND TRIBAL CONSULTATION

During the NEPA process, the park contacted the following agencies and Tribes for consultation:

- Virgin Islands State Historic Preservation Office
- Kalinago Tribe of the Virgin Islands of the US
- Guainía Taino Tribe of the Virgin Islands
- US Fish and Wildlife Service

### National Historic Preservation Act, Section 106

As required by Section 106 of the NHPA, the park consulted with the Virgin Islands State Historic Preservation Office, associated Tribes, and additional consulting parties (specifically, St. John Historical Society and Rafe Boulon) to assess the effect of the project on historic properties. A separate assessment of effect under Section 106 was prepared concurrently with this EA. The State Historic Preservation Office concurred with the NPS finding of an adverse effect on historic properties in a letter dated July 14, 2022. The park will coordinate with the State Historic Preservation Office and relevant consulting parties during the next step of the Section 106 compliance process for this project, development of a Memorandum of Agreement. The Section 106 process for this project will be completed prior to the National Park Service signing a decision document. Future design of the educational facilities by the Territory will also require Territorial compliance with Section 106 prior to construction.

### Endangered Species Act, Section 7

As required by Section 7 of the Endangered Species Act, the park made the following effect determinations and discussed with the US Fish and Wildlife Service the potential effects of the proposed action on these federally listed or candidate species:

- Thomas' Lidflower (*Calyptanthus thomasi*): no effect
- St. Thomas prickly-ash (*Zanthoxylum thomasi*): no effect
- Marron bacora (*Solanum conocarpum*): no effect

On April 28, 2022 the National Park Service sent the US Fish and Wildlife Service a request for technical assistance to identify issues, concerns, and opportunities for the proposed land exchange in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq. as amended). The US Fish and Wildlife Service



responded on June 9, 2022, with several recommendations, including one to include updated environmental surveys in the NPS environmental assessment.

A presence or absence survey for special status plants was conducted by NPS Caribbean vegetation specialists in May 2022, as described in “Impact Topics Dismissed from Further Analysis” in chapter 1.

Any impacts on special status species as a result of development of educational facilities by Territory would be subject to review during a future compliance process.

### **Coastal Zone Management Act**

The park considered whether the proposed action would require a federal consistency determination as required by the Coastal Zone Management Act (CZMA) and determined that the proposed land exchange would not trigger the need for this determination. If the proposed land exchange is approved, the Territory would reconsider the need for compliance with the CZMA for the future development of educational facilities.

### **PUBLIC REVIEW**

The EA will be on formal public and agency review for 30 days and has been distributed to a variety of interested individuals, agencies, and organizations. It also is available on the internet at <https://parkplanning.nps.gov/viis>, and hard copies are available by request.

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**APPENDIX A:  
USA-GVI PRELIMINARY LAND EXCHANGE  
AGREEMENT BRIEFING BOOK, OCTOBER 2020**

Note to readers: the plans depicted in this appendix, *USA-GVI Preliminary Land Exchange Agreement Briefing Book*, do not reflect the outcomes of recent resource surveys and would be revised if the potential land exchange moves forward.

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# USA-GVI Preliminary Land Exchange Agreement Briefing Book

October 2020



# Preliminary Land Exchange Agreement Briefing

## Introductions ..... (5 mins)

- Agency/ Government Leadership
- Agency/ Government Staff
- Task Force Members
  - o Elizabeth Centeno, *Special Assistant to the Governor*
  - o Colette Conroy Monroe, *Policy Advisor, Office of the Governor*
  - o Anthony D. Thomas, *Commissioner, V.I. Department of Property and Procurement*
  - o Dionne Wells-Hedington, Ed.D., *Chief Operations Officer, V.I. Department of Education*
  - o Nigel A. Fields, *Superintendent, Virgin Islands National Park*
  - o Thomas D. Kelly, *Chief Land Resources Program Office, NPS IR2*
  - o Dwayne J. Petersen, *Desk Officer, DOI Office of Insular Affairs*

## Purpose and Expected Outcomes ..... (5 mins)

## Background and Brief History ..... (10 mins)

## Current Status ..... (15 mins)

- Preliminary Agreement and Parcels
- Conceptual Model for St. John School
- Task Force Actions and Expected Timeline
- Steps Towards a Final Agreement

## Preliminary Agreement Signing ..... (10 mins)

- Virtual and/or in person on St John (November 2020) and communication planning

## Q & A ..... (15 mins)





## Overview and History for St. John School Land Exchange

**How important is the issue of a school facility to the educational achievement of our children and how do we ensure each Virgin Islands child on the island of St. John receives an education equal to all other children?**

The basis for considering the construction of new school facilities on St. John begins with the adverse impact on students living on St. John, commuting daily on multiple forms of transportation, simply to achieve a secondary education. The current lack of opportunities for St. John students in Public Education Grades 9-12 has resulted in hidden price tags in the form of family life, academic performance, tardiness, drop-out rates, lost exposure to extracurricular activities, and lack of parental involvement in school. Students have varied needs and achievement goals, and must receive services not only in regular education, but also in gifted, talented, special education, school-to-work career programs, and in technical education. As a way forward, The New School Construction Advisory Board in collaboration with the American Institute of Architects and local architects territory-wide, developed guiding principles and industry standards that specify the standards and codifications needed in all educational facilities moving forward to prepare our students for 21st Century learning. In addition, the Board also worked with the consulting firm, DLR group, to develop the Educational Facilities Master Plan that addresses curriculum, architectural designs, programming, sustainability and resiliency in all public school facilities.

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, and intervention strategies to which they have no access to as a student on St. John.

When Laurence Rockefeller worked to create the Virgin National Park, he indicated that it was never to bring hardship to the people of St. John. The hardship came as a growing community lacked sufficient land for an appropriate school for their children.

Virgin Islanders have petitioned the federal government since the 1930's to consider the growing needs of the families of St. John. Residents of St. John worked with the federal government and Laurence Rockefeller to ensure the protection of St. John's natural resources with the establishment of the Virgin Islands National Park. And residents of St. John marched to Capitol Hill to lobby Congress and won their fight to disallow the National Park Service to acquire land on the island by condemnation proceedings in order to increase the National Park holdings.

### A brief history of education on St. John

In 1738, St. John resident Joackim Melchior Magens produced the first Negro-Dutch-Creole dictionary which allowed Moravians to begin the teaching of those held in slavery. The first St. John Schools were Danish Country Schools at Beverhoudtsberg and Annaberg built in 1845 and 1847 respectively, which became Moravian and Lutheran Mission schools after the Emancipation, when all students were granted the right to a public education. Students from the Cruz Bay area transitioned to the Bethany School while those in Coral Bay attended various schools. On St. John, at one point the highest grade was 6th grade and then it was extended to 8th grade. Students were required to attend high school in St. Thomas. This required parents to locate accommodations for their children in St. Thomas because public transportation at that time was limited. Mr. Guy Benjamin, one of the first St. Johnians to graduate from Charlotte Amalie High School in 1934, became an education activist and was instrumental in sponsoring student's housing for them to attend school in St. Thomas.

Governor Paul M. Pearson, who after his first visit to St. John in 1931 on horseback from Cruz Bay to Coral Bay, petitioned Congress and the Department of Interior for additional funding for schools. In 1936,

Julius Ebenezer Sprauve Sr., who served on the first St. Thomas/ St. John Municipal Council and continued on for 20 years, began his lifelong fight for equal education for the children of St. John. St. John saw their first public school in 1955 which was then named the Julius E. Sprauve School in his honor. Governor and Delegate to Congress Melvin Evans, our first elected Governor and the Virgin Islands first black Delegate to Congress, successfully secured federal funds in 1978 to provide additional programs and services for our expanding school-age population. Governors, Alexander A. Farrelly, Dr. Roy Schneider and Charles W. Turnbull continued petitioning for additional educational funding for St. John, but it was Governor John P. deJongh Jr. who, after a two day site visit with Secretary of Interior Dick Kempthorne and Delegate Donna Christensen, received technical assistance from the Department of Interior in 2013, developed a Conceptual Plan, and saw to the Phase I Archaeological Investigation of the Estate Catherineburg property, after which multiple public scoping meetings were held at the Sprauve School with principal Dr. Dionne Wells-Hedrington. Governor Kenneth Mapp's efforts to obtain private property on which to locate a school in Chocolate Hole were diminished with the category 5 hurricane events of 2017. Today, it is Governor Albert Bryan Jr. whose dedicated leadership towards equal education, will bring the age-old issue of property for a school on St. John to a closure by signing an agreement with the National Park Service after so many years of exhausting debate.

The population of St. John seriously outgrew the existing Julius Sprauve School many years ago as island families grew and visitors made St. John their home. It is in the best interest of the children of St. John, today's children and the next generation of children to come, to be equally educated, pre-K through 12, on the island on which they live.

The intent is for all parties to achieve the goal of a land exchange for a suitable educational facility on the island of St. John, begun in earnest some 30 years ago. The next steps and timeline for this process is outlined in the attached the briefing documents.





**Preliminary Agreement for  
Exchange of Real Property Between  
United States Department  
of the Interior  
National Park Service  
and  
The United States Virgin Islands**

THIS PRELIMINARY AGREEMENT FOR EXCHANGE OF REAL PROPERTY is made by and between the Territorial Government of the U.S. Virgin Islands, through its Department of Property and Procurement (GVI) and the United States of America, Department of the Interior, acting by and through the National Park Service, Interior Region 2, hereinafter referred to as the "NPS."

**WHEREAS**, the Territorial Government of the Virgin Islands (GVI) owns the fee simple interest in a parcel of land identified as Tract No. 02-101, located within the authorized boundary of U.S. Virgin Islands National Park ("Park"), by virtue of the Revised Organic Act of 1954 (Act of Congress, July 22, 1954, Ch. 558, 68 Stat. 497), hereinafter referred to as the "GVI Property," and more particularly described in Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the NPS owns the fee simple interest in a parcel of land identified as Tract No. 01-137A, also located within the Park, by virtue of a Warranty Deed dated October 3, 1968, and recorded October 9, 1968, and recorded among the Land Records of the U.S. Virgin Islands, Book 9-X, Page 266, Document 3523, Auxiliary 20, Page 144, hereinafter referred to as the "National Park Service Property," and more particularly described in Exhibit "B," attached hereto and made a part hereof; and





**WHEREAS**, the GVI desires to acquire the fee simple interest in the National Park Service Property in order to construct a public school, acceptable to both parties, on the National Park Service Property; and

**WHEREAS**, the NPS is willing to convey to the GVI the fee simple title to the National Park Service Property, with certain restrictions as to the future use of the property for public preschool, primary, secondary and/or tertiary educational purposes, in return for GVI's conveyance to the NPS of the fee simple title to the GVI Property; and

**WHEREAS**, the NPS administers the Park as a unit of the National Park System; and

**WHEREAS**, the GVI and the NPS believe that the public interest will benefit through the accomplishment of an exchange of interests in lands as hereinafter described; and

**WHEREAS**, the GVI and the NPS wish to provide a process through which an exchange can be consummated and to set out the respective rights and responsibilities of the parties in this transaction.

**NOW, THEREFORE**, the GVI and the NPS enter into this Preliminary Agreement for the exchange of interests in land described herein under authority provided by the Act of July 15, 1968 (54 U.S.C. §102901) and Title 31 V.I. Code § 231a for the mutual benefit of the GVI and the NPS. While recognizing that this Preliminary Agreement may be subsequently amended or finalized by mutual written agreement, the parties agree to the following procedures and terms and conditions:

1. The foregoing recitals are incorporated herein as if fully set forth and are an integral part of this Agreement.
2. The GVI shall undertake all procedures required under Title 31 V.I. Code Sec. 231a, preliminary to obtaining approval for the exchange from the Legislature of the Virgin Islands.
3. The parties agree that the conveyance of the National Park Service Property shall be subject to a deed restriction that restricts its future use for public preschool, primary, secondary and/or tertiary educational purposes, which may include both degree seeking, and informal non-degree seeking, educational purposes; provided the informal non-degree seeking educational uses are merely supplemental to the paramount and continuing use of the premises for public degree seeking educational purposes. Said deed restriction shall provide

substantially as follows:

"TO HAVE AND TO HOLD the above described premises, provided, however, anything herein to the contrary notwithstanding, this deed is given and granted upon the express condition subsequent that the Grantee herein, or its successors and assigns shall never sell or convey or lease the above described land or any part thereof to any private persons, firm or corporation for any private use or purpose, it being the intention of this restriction that the said land shall be used solely for public preschool, primary, secondary and/or tertiary educational purposes, which may include both degree seeking, and informal non-degree seeking, educational purposes; provided however, that the informal non-degree seeking educational uses are merely supplemental to the paramount and continuing use of the premises for public degree seeking educational purposes. Provided however further, that this restriction does not preclude the temporary, emergency use of the land for shelter, or other responsive activities, in the event of a natural disaster, or catastrophic event, or during a declared state of emergency; it being an express condition of this conveyance that said temporary, emergency use shall never alter or convert the intended use of the land for public preschool, primary, secondary and/or tertiary educational purposes. It is covenanted and agreed that the above conditions subsequent shall run with the land and any violation thereof shall, at the sole and discretionary election of the National Park Service, render this deed null and void and the above described lands shall, in the event of such an election, revert to the Grantor or its successors."

4. The parties agree that the conveyance of the GVI Property shall be subject to a deed restriction that restricts its future use for national park purposes. Said deed restriction shall provide substantially as follows:

"**TO HAVE AND TO HOLD** the above described premises, provided, however, anything herein to the contrary notwithstanding, this deed is given and granted upon the express condition subsequent that the Grantee herein, or its successors and assigns shall never sell or convey the above described land or any part thereof to any private persons, firm or corporation for any private use or purpose, it being the intention of this restriction that the said land shall be used solely for purposes of U.S. Virgin Islands National Park. It is covenanted and agreed that the above conditions subsequent shall run with the land and any violation thereof shall render this deed null and void and the above described





lands shall, at the sole and discretionary election of the GVI, render this deed null and void and the above described lands shall, in the event of such an election, revert to the Grantor or its successors."

**5.** The National Park Service agrees to pay for the services of an independent real estate appraiser to appraise the market values of the interests in lands to be exchanged. It is anticipated that the GVI Property and the National Park Service Property will require separate appraisal reports in compliance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraiser will work under the direction of the Department of the Interior, Appraisal Valuation and Services Office (AVSO) in order to ensure that the completed appraisals comply with the Uniform Appraisal Standards for Federal Land Acquisition.

**6.** The GVI agrees to pay for the services of an independent real estate appraiser to appraise the market values of the interests in lands to be exchanged. It is anticipated that the GVI Property and the National Park Service Property will require separate appraisal reports in compliance with Title 31, § 231a of the Virgin Islands Code. The appraiser will work under the direction of the USVI Department of Property and Procurement (DPP) in order to ensure that the completed appraisals comply with Title 31 V.I. Code Sec. 231a.

**7.** If the federally-approved appraised value of the land to be conveyed by the GVI to the NPS is greater than the federally-approved appraised value of the land to be conveyed by the NPS to the GVI, then the values shall be equalized by the payment of cash by the NPS to the GVI. Likewise, if the approved appraised value of the land to be conveyed by the NPS to the GVI is greater than the approved appraised value of the land to be conveyed by the GVI to the NPS, then the values shall be equalized by the payment of cash by the GVI to the NPS, or the inclusion of additional lands owned by the GVI, to this exchange of lands, so as to achieve a closer equalization of values. Any such addition of additional lands shall be the subject of an amendment to this Agreement, as contemplated in paragraph 19 herein, with said amendment to describe such additional GVI lands with particularity.

**8.** The GVI may obtain a preliminary title commitment and subsequent title insurance policy for the interests in land to be conveyed by the NPS. Title exceptions discovered through the title commitment search process or by other means in the course of due diligence which are not acceptable to the GVI, must be eliminated or otherwise resolved to the satisfaction of the GVI.

**9.** The NPS will obtain a preliminary title commitment and subsequent title insurance policy for the interests in land to be conveyed by the GVI. Title exceptions discovered through the title commitment search process or by other means in the course of due diligence which are not acceptable to the NPS, must be eliminated or otherwise resolved to the satisfaction of the NPS.

**10.** In accordance with existing NPS guidelines governing proposed land exchanges, the NPS shall undertake the following actions: (a) notify the public and various governmental bodies of the proposed exchange (public notification shall include publication of a Notice of Realty Action in a local newspaper providing a minimum 45-day period for public comment), (b) consider the effects of the proposed exchange as required by all applicable laws, including but not limited to the National Environmental Policy Act (NEPA), prior to rendering a final determination on whether to consummate the exchange contemplated herein, (c) provide the necessary Cultural Resources Survey of the National Park Service Property required under applicable laws and regulations; and (d) provide the necessary Natural Resources Survey of the National Park Service Property required under applicable laws and regulations. If the survey reveals the presence of cultural resources, the resources must be preserved or protected before the Exchange can proceed. Any costs to mitigate in order to minimize the damage to resources shall be paid by the NPS.

**11.** The NPS agrees to pay the costs incurred in publishing the requisite public notification of the proposed exchange, and in conducting an environmental compliance review and documentation process of the potential effects of the proposed exchange, including reasonable costs incurred by the NPS staff in administering the completion of the environmental compliance review and documentation process and other aspects of the exchange process. The environmental compliance review and documentation process is to be conducted under the direction of the NPS and in compliance with the Agency's DO-12, National Environmental Policy Act Guidelines.

**12.** The NPS will undertake a Phase 1 Environmental Site Assessment of the GVI Property and the National Park Service Property to identify, to the extent feasible, recognized environmental conditions (REC) in general accordance with 40 CFR Section 312.10 and ASTM Method E 1527-13. As defined in ASTM 1527-13, a REC is: "the presence or likely presence of any hazardous substances or petroleum products





in, on or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." The ESAs are subject to review and approval by the NPS and the exchange is contingent upon approval of the ESAs by the NPS before the closing.

**13.** If the value of the NPS Property to be conveyed exceeds \$1,000,000, the exchange shall not be consummated until the Senate and House Committees on Appropriations have had a 30-day period in which to examine the proposed exchange. Such exchange proposals are submitted to the House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies, and shall be considered approved after expiration of the 30-day review period if the Committees have posed no objection.

**14.** In order that the NPS may complete documentation needed to conclude the exchange, the GVI does, by the signing of this document, allow access and permission to officers and accredited agents of the NPS, at all proper times, to survey and enter upon the GVI Property for all lawful purposes in connection with the exchange action. Likewise, the NPS, by the signing of this document, does allow access and permission to officers and accredited agents of the GVI, at all proper times, to survey and enter upon the National Park Service Property for all lawful purposes in connection with the exchange action.

**15.** Upon the mutual execution of this Agreement, the GVI and the National Park Service agree to pursue the exchange of interests in land as contemplated herein and to comply with the National Park Service's Exchange Guidelines and NEPA and applicable US Virgin Islands law.

**16.** The parties agree that either party may decline without penalty to complete the exchange of land interests as set forth above prior to the exchange of land interests.

**17.** This Agreement shall terminate without penalty upon (a) the completion of the exchange contemplated herein; (b) upon written notification by either party, in its sole discretion, that it will not proceed with the exchange, provided that such notice must be given prior to the exchange of land interests; or (c) the passage of two (2) years from the date of the last signature executing this Agreement, or the date of any subsequent written amendment to this Agreement, only in the event that the written amendment expressly provides for a time extension.

**18.** All terms and conditions with respect to this Agreement are expressly contained herein and the GVI agrees that no representative or agent of the NPS has made any representation or promise with respect to this Agreement not expressly contained herein. Furthermore, the NPS agrees that no representative or agent of the GVI has made any representation or promise with respect to this Agreement not expressly contained herein.

**19. Anti-Deficiency Act:** Pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1), as amended, nothing herein contained shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations.

**20. Non-Discrimination:** All activities pursuant this agreement and the provisions of Executive Order 11246; shall be in compliance with requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 42 U.S.C. § 2000d et seq.); Title V, Section 504 of the Rehabilitation Act of 1973 (87 Stat. 394; 29 U.S. C. §794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. § §6101 et seq.); and with all other Federal laws and regulations prohibiting discrimination on grounds of race, color, national origin, handicap, religious or sex in providing of facilities and service to the public.

**21. Liability:** The Parties will be liable to the extent provided by law for any property damage, personal injury, or death, caused by the negligent or wrongful acts or omissions of their respective employees, acting within the scope of their employment.

**22. Freedom of Information Act:** Any information provided to the NPS under this Agreement is subject to the Freedom of Information Act, 5 U.S.C. § 552.

**23. Counterparts:** This Agreement may be executed in one or more counterparts, each of which counterpart shall for all purposes be deemed to be an original; but for all such counterparts together shall constitute but one instrument.

**24.** The captions inserted in this Agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this Agreement or any provision hereof, or in any way affect the interpretation of this Agreement.



25. The effective date of this Agreement shall be deemed to be the last date, in point of time, on which all parties hereto have executed this

**Agreement.**

26. This Agreement may be amended by a written instrument executed by both parties.

SIGNED, SEALED AND DELIVERED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESS: GOVERNMENT OF VIRGIN ISLANDS

\_\_\_\_\_ By: \_\_\_\_\_  
Anthony D. Thomas  
Commissioner  
Department of Property and Procurement

WITNESS: \_\_\_\_\_ NATIONAL PARK SERVICE

\_\_\_\_\_ By: \_\_\_\_\_  
Stan Austin  
Regional Director  
Interior Region 2  
National Park Service  
Department of the Interior

**APPROVED FOR LEGAL SUFFICIENCY:**

U.S. Virgin Islands Department of Justice

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Assistant Attorney General

APPROVED

\_\_\_\_\_ Date: \_\_\_\_\_  
Honorable Albert Bryan Jr.  
Governor of the U.S. Virgin Islands



# NPS-GVI Land Exchange - Overview

Island of St. John



USA-GVI PRELIMINARY LAND EXCHANGE AGREEMENT OCTOBER 2020

Map



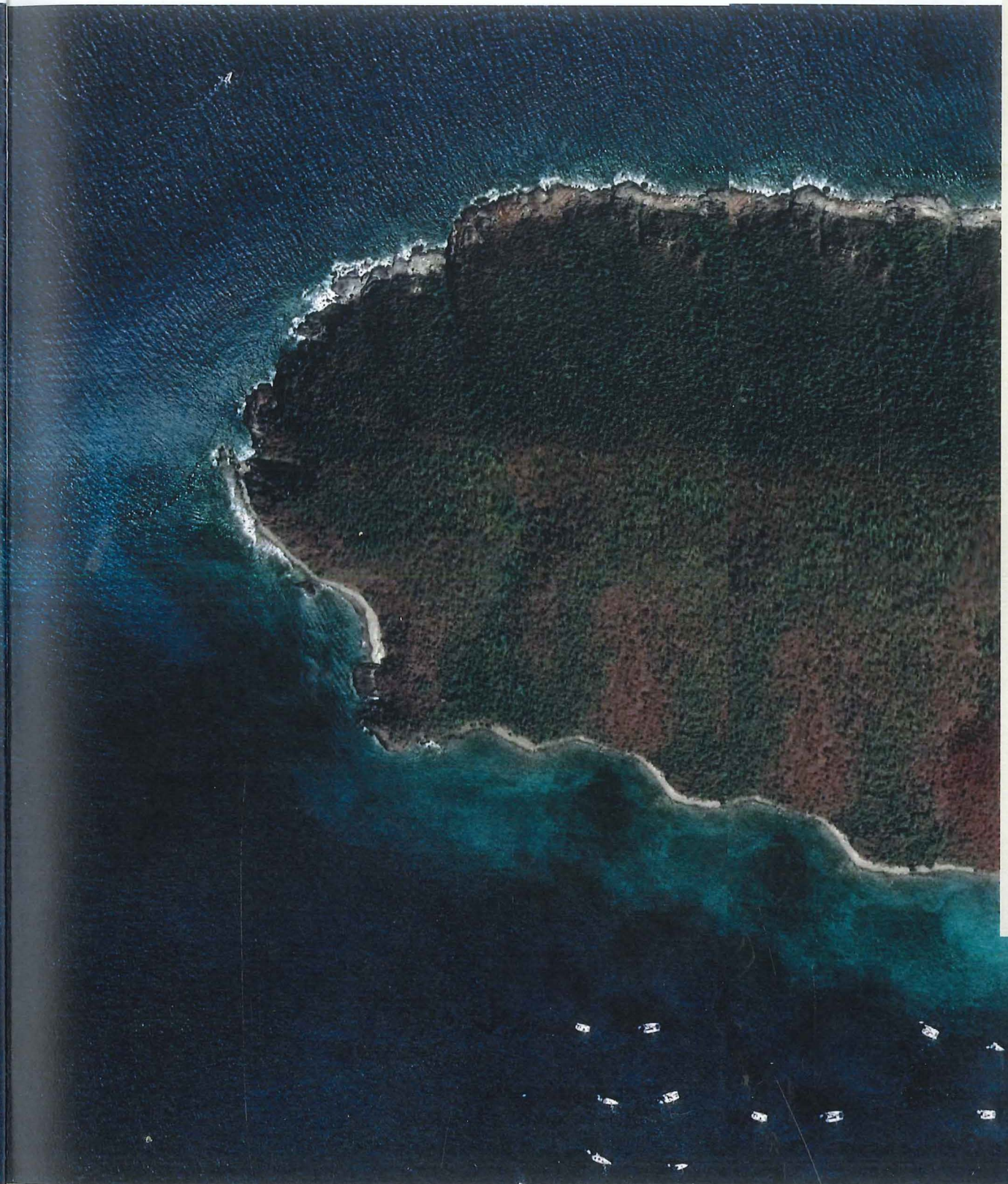
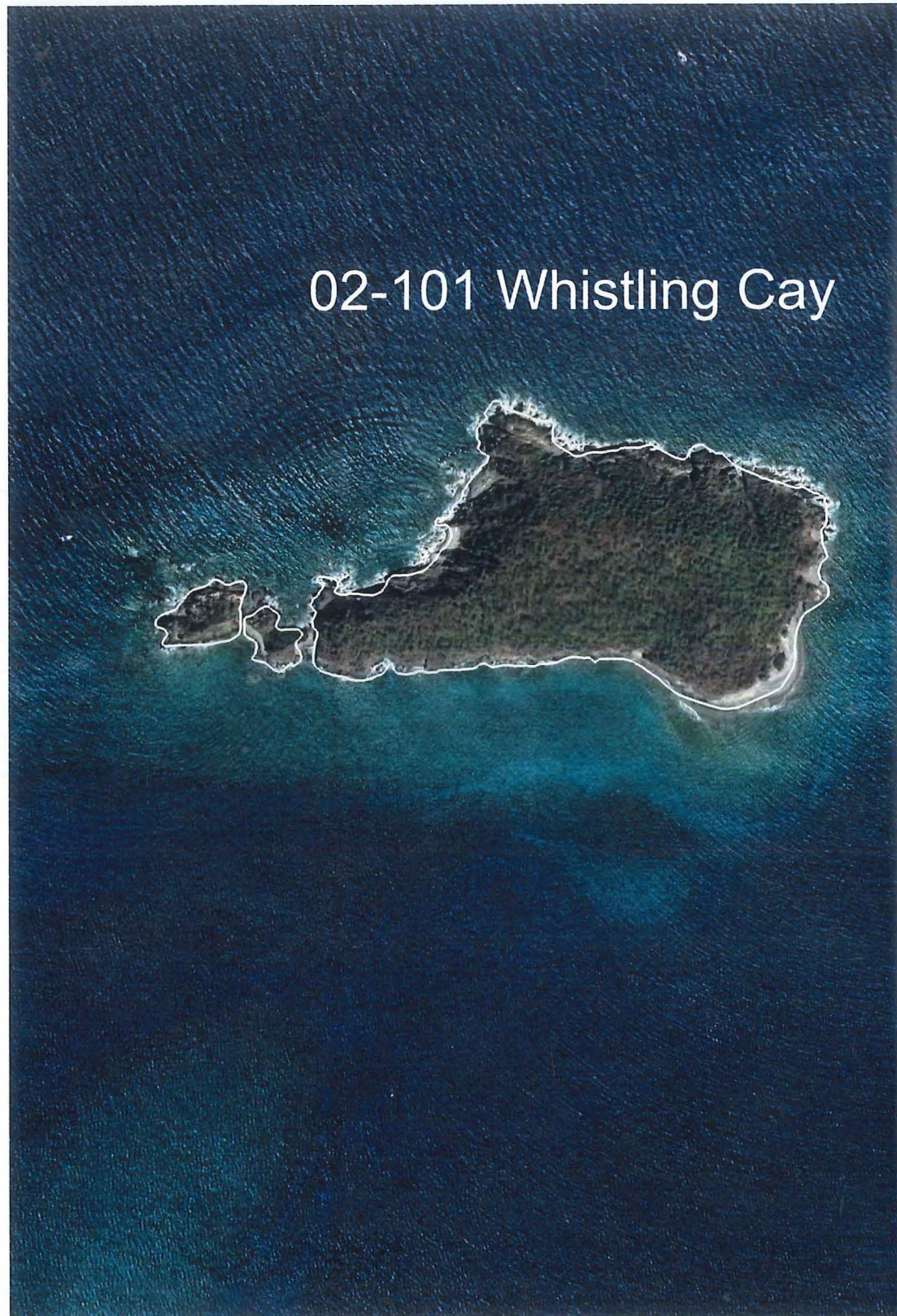
# NPS-GVI Land Exchange - Whistling Cay

GVI - Tract 02-101 - ±17.97 Acres

## GVI Property

The island of Whistling Cay, also known as Whistling Island, as well as the surrounding islets and rocks lying above the Mean High Water Line, lying just West of Mary Point Peninsula, Maho Bay Quarter, St. John, United States Virgin Islands.

Containing 17.97 acres, more or less



Map



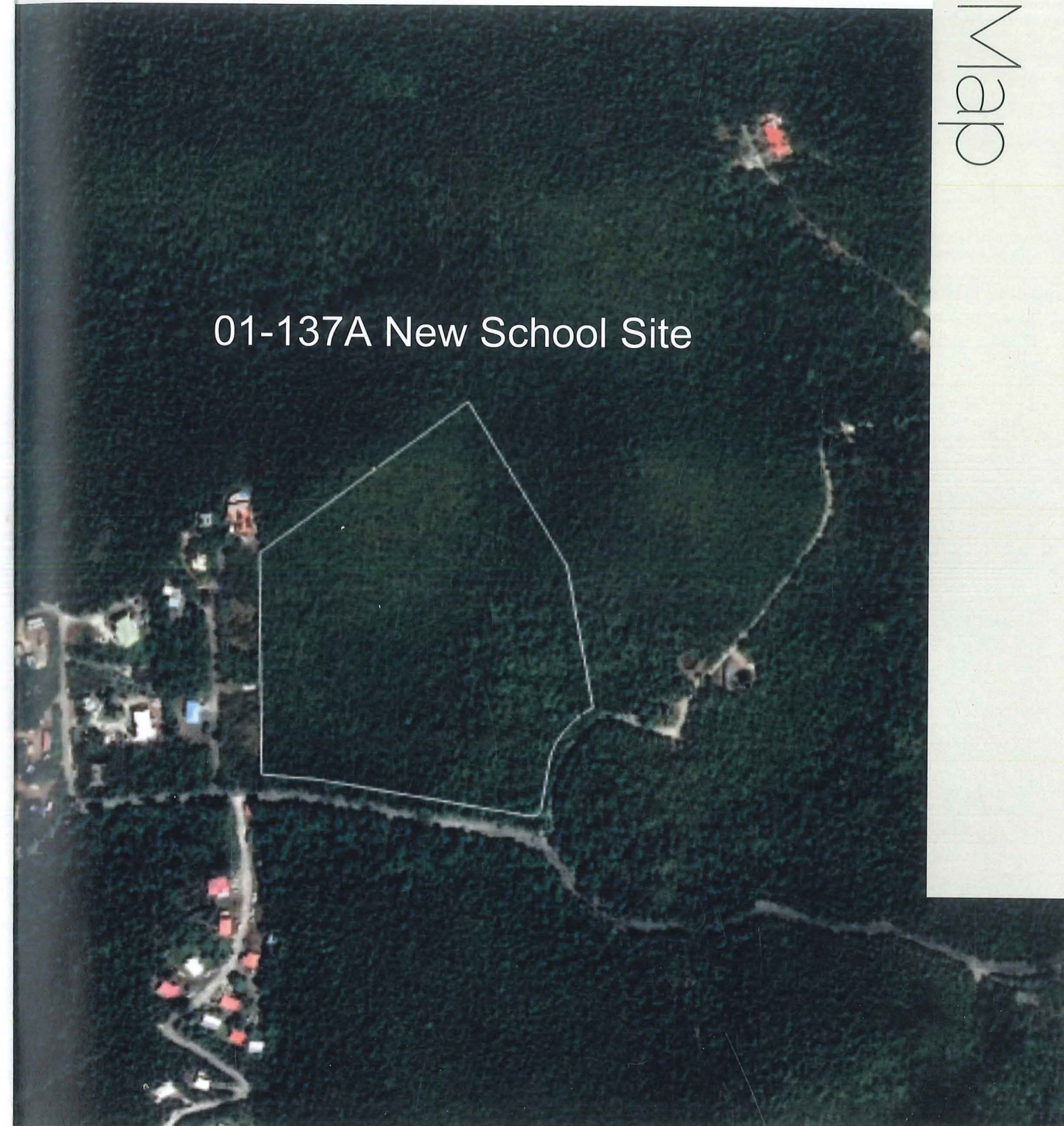
## NPS-GVI Land Exchange - Catherineburg Property

### NPS - Tract 01-137A - New School Site - ±11.3 Acres

#### National Park Service Property

A portion of parcel number 6 of Estate Cathrineburg, also known as Herman's Farm, also known as Hammer's Farm number 19, Cruz Bay Quarter, Island of St. John, United States Virgin Islands, described as follows

BEGINNING at a Concrete Boundary Post numbered 1647 at the intersection of the East line of Estate Adrian, the West line of Estate Cathrineberg and the North line of a paved road know as Centerline Road (VI 10);thence along the West line of Estate Cathrineberg, N 05°47'00" E for a distance of 498.22 feet to a ½" rebar;thence leaving said West line, N 60°19'14" E for a distance of 579.04 feet to a ¾" iron pipe;  
 thence S 24°30'5" E for a distance of 127.02 feet to a ¾" iron pipe;  
 thence S 24°30'5" E for a distance of 303.26 feet to a ¾" iron pipe;  
 thence S 3°59'19" E for a distance of 324.00 feet to a ¾" iron pipe;  
 thence S 3°59'19" E for a distance of 1.48 feet to the North line of an unpaved road known as John Head Road (VI 206);  
 thence along the North and West line of said John Head road for the following eight courses;  
 S 69°17'22" W for a distance of 6.68 feet;  
 thence along a curve to the left with an arc distance of 23.78 feet, a chord bearing of S 62°28'37" W, a chord distance of 23.72 feet, and a radius of 100.00 feet;  
 thence S 55°39'51" W for a distance of 30.80 feet;  
 thence along a curve to the left with an arc distance of 26.81 feet, a chord bearing of S 48°0'26" W, a chord distance of 26.73 feet and a radius of 100.00 feet;  
 thence S 40°21'0" W for a distance of 24.84 feet;  
 thence along a curve to the left with an arc distance of 41.50 feet, a chord bearing of S 28°27'38" W, a chord distance of 41.20 feet and a radius of 100.00 feet;  
 thence S 16°34'17" W for a distance of 114.47 feet;  
 thence along a curve to the right with an arc distance of 31.30 feet, a chord bearing of S 61°24'23" W, a chord distance of 28.20 feet and a radius of 20.00 feet, to the North line paved road know as Centerline Road (VI 10); thence along the North line of said Centerline road for the following three courses; N 73°45'30" W for a distance of 478.40 feet;thence along a curve to the left with an arc distance of 26.07 feet, a chord bearing of N 76°14'53" W, a chord distance of 26.06 feet, and a radius of 300.00 feet;thence N 78°44'16" W for a distance of 106.13 feet; returning to the POINT OF BEGINNING,  
 Containing 11.3 acres, more or less



01-137A New School Site

Map





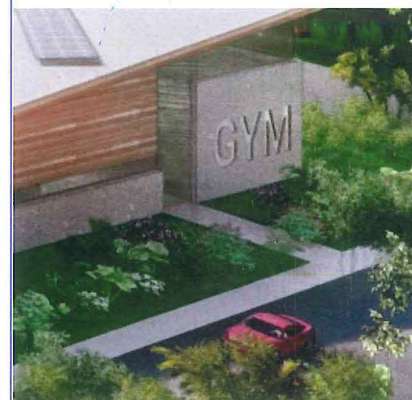
# K-12 St. John Public School Description



The Sprauve K-12 Magnet School will be a unique opportunity for the students of St. Thomas and St John to participate in the natural environments of the National Park located on St. John, U.S. Virgin Islands. The school will be located outside of Cruz Bay (nicknamed: Love City) off of Centerline Road (Hwy 10) near Catherineberg Estate Ruins on 28 acres of land that was previously part of the National Parks system and is designed to foster a love of the unique context and culture of St. John.

The school consists of approximately 100,000 GSF of space that is divided into five buildings centered on a water shed that will be developed to highlight the natural environments of the Virgin Islands. Key building features include a contemporary take on the proportions and roof structures that were identified in the Master Plan as a key component of the vernacular architecture of the islands. The buildings will sit lightly on the land and will be interconnected by a series of walkways that allow for easy access to all the campus. Roof shapes and forms will be designed to leverage the use of photovoltaics and collection of rain water to create an "off the grid" school that captures the desire to be a place of teaching and learning in a facility that is environmentally responsive to this special site.

Adjacent to Centerline Road (Hwy 10) is the parking, bus and student drop off and the gymnasium. This is a key component of the public amenities that will be offered to the community of St. John. Stepping up the almost 60 feet on the sloped site, there are two, two-story buildings that create the balance of the public features available to the greater St. John community. To the west of the water shed is the Administrative Building, or Welcome Center, with an Ideas Lab for the arts, tinkering and invention on a second level. To the east of the water shed is the I-Commons/cafeteria on the lower level with a multipurpose white box/entertainment lab above.







At the highest point of the school are the facilities that include the core academics. The first floor of academics includes the "little kids" on the west with the balance of the career and technical and educational (CTE) spaces on the east. Potential foci of these pathways will include everything from the visual and performing arts to maritime studies to eco-tourism that will celebrate the national park, the beaches, and the island. A key component of the outdoor learning program for all ages will be integrations with programs offered by the National Park Systems as part of their Buddy Bison programs.

The second story of the academic space houses a 1-5, a 5-8 and a 9-12 small learning community designed to encourage inquiry-based learning throughout the grades. Each of the learning communities includes a combination of learning studios (classrooms), science labs, collaborations areas and flex spaces that allow for the different age cohorts to learn from both teacher to peer, and peer to peer. This dynamic form of active learning begins with inquiry, problems, or scenarios that allow students to identify, investigate, and research issues and respond to challenges or complex problems individually or as part of a collaborative process.

### About DLR Group

DLR Group is an integrated design firm delivering architecture, engineering, interiors, planning, and building optimization for new construction, renovation, and adaptive reuse. Our promise is to elevate the human experience through design. This promise inspires sustainable design for a diverse group of public and private sector clients; local communities; and our planet. DLR Group is 100 percent employee-owned and fully supports the initiatives and goals of the 2030 Challenge and is an initial signatory to the China Accord and the AIA 2030 Commitment.





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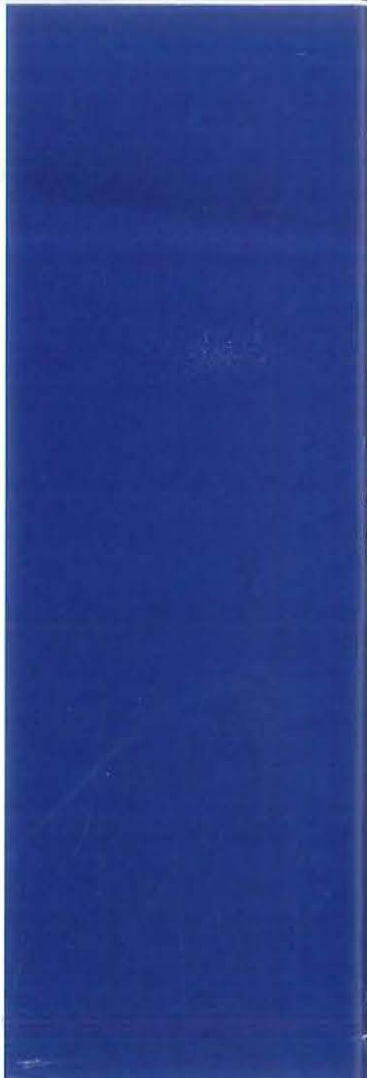
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Government of the Virgin Islands of the United States







As the nation’s principal conservation agency, the Department of the Interior has responsibilities for most of our nationally owned public lands and natural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.



