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9 Senators Vote for Whistling Cay Land Swap to Build Public School, Frett-Gregory Misses Vote Due to 'Plane to Catch'

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Render of proposed pre K-12 school on St. John, and Whistling Cay. By. GOV'T HOUSE

The months-long, passionate debate over Bill #35-0115 was settled on Friday, when members of the 35th Legislature voted to approve the transfer of Whistling Island, commonly called Whistling Cay, to the Department of Interior, in exchange for a parcel of land in Estate Catherineberg St. John for the building of the island's first public K-12 school.

Having discussed the issue several times this year, the positions for and against the measure taken by lawmakers during Friday's meeting of the Committee on the Whole did not come as a surprise. Senator Alma Francis Heyliger reiterated her opposition to the bill, saying she felt that people

were being railroaded into acceding to the less-than-ideal option on the table rather than exploring alternatives. “I am concerned at the fact that we are stepping away from a history that belongs to the people in this territory,” she opined, “and we are willing to sell it out when there are so many other options in my opinion that we could utilize....I want the children to get their school but I have to vote no today,” Francis Heyliger continued.

Senator Franklin Johnson concurred with his colleague. “We just can’t give up and surrender easily all the time. This is not the first and it won’t be the last option to build a school,” he declared. Senator Dwayne DeGraff, who likewise signaled his opposition to the proposed legislation, called the process “ludicrous,” noting that the V.I. Legislature took 45 days of research and deliberation only to come back to consider the same bill sent from the executive branch.

“I don’t want in good conscience to push this land swap down on St. Johnians when there can be or are other alternatives that we haven’t had a chance to...evaluate,” Senator Samuel Carrion commented, while Senator Javan James Sr. suggested that gentrification on St. John had at least partially been facilitated by locals, and said that enhancing education on St. John would ensure that “we will not make these mistakes in future.” He noted that amendments were on the table, the first of which stipulates that the property being acquired by the Government of the Virgin Islands be used to build a public K-12 school which could also be used as a temporary hurricane shelter. Another amendment seeks to preserve access to the waterway known as Funghi Passage for public recreational and commercial purposes. Together, the additions address key concerns of skeptics, Mr. James argued. “At the end of the day, we have a decision to make,” he declared.

Senator Angel Bolques made what he called an “impassioned plea” to his colleagues to support the measure. “We do not want this to go through our fingers like sand,” he urged. “I will not hold the future of the children in hostage...we cannot wait another 55 years to make sure and assure that our children get what they deserve.”

Senator Milton Potter, meanwhile, chose an equanimous approach. “There are no villains here today. Mature, intelligent, well-meaning Virgin Islands can look at the same set of facts and come to different conclusions based on their honest perspective,” he said, before declaring his support for the measure under consideration. “You can’t make the perfect be the enemy of the good,” he advised his colleagues, referencing the oft-given advice of his mother. “By choosing to build a school, we empower our youth with the knowledge needed to thrive in an increasingly competitive world.”

After leading with a declaration of support for the Whistling Cay land swap, Senator Marise James suggested that the move should spark a movement that demands a reduction in National Park acreage on St. John. “What we need to do is we need to agree to this land swap, and then we need to start to fight the federal government,” she declared, noting that several other significant sites across the territory were all acquired by the federal government. “When we stand up and we fight for Hassel Island and we fight for Buck Island and we fight for Whistling Cay that time will come, and hopefully it will come with the very children we’re going to educate at that school that’s going to be built on the island of St. John.”

Senators Ray Fonseca and Diane Capeheart said they would vote for the land swap, while declaring that the National Park Service should offer to donate the land needed for the school without requiring anything in return. Mr. Fonseca went further to argue that the NPS might be best placed to ensure the preservation of Whistling Island, while Ms. Capeheart said that eliminating the arduous commute would reduce high levels of truancy among St. Johnian children.

Senator Kenneth Gittens, in registering his opposition to the measure, argued that the NPS was well over its statutory maximum 9000 acres it is allowed to control on St. John, and thus the agency should be made to turn over the Estate Catherineberg parcel with no reciprocation. "I'm truly concerned about violating the laws that's on the books," he said.

Senator Carla Joseph followed by voicing strong support for the legislation, declaring that her affirmative vote would be on behalf of the young people of St. John. Meanwhile, Senate President Novelle Francis was more ambivalent. "Damned if you do, damned if you don't," he said, acknowledging the divisiveness of the issue. However, he too said he would support the legislation. "We have an opportunity of a lifetime. We have to do right by our children."

Following the at-times heated debate, Mr. Bolques offered the amendments outlined by Mr. James earlier in the discussion. They were objected to by Senator Francis Heyliger, but approved by a 10-4 margin. The amended bill itself, which gave the Whistling Cay land swap agreement the stamp of approval from the legislative branch of government, was approved by 9 votes in favor (Senators Blyden, Bolques, Capeheart, Fonseca, Francis, Marise James, Javan James Sr., Joseph, and Potter). Senators Carrion, DeGraff, Francis-Heyliger, Gittens, and Johnson voted no, while Senator Donna Frett-Gregory, who earlier in Friday's hearing noted that she "had a plane to catch," was absent for the vote.

The measure now goes before the Governor for his assent into law.