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St. John Resident's 13.2 Acres Offer in Place of Whistling Cay Rejected by Lawmakers

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Whistling Cay, St. John USVI By. GETTY IMAGES

On Friday, before voting on Bill No. 35-0112, [which approved the transfer](#) of Whistling Island to the federal government in [exchange for a parcel of land](#) in Estate Catherineberg on St. John, lawmakers heard from David Silverman, a resident of Coral Bay, who had an alternative proposal.

Instead of giving up Whistling Island to facilitate the construction of a public school on St. John, he offered a 13.2 acre parcel of land he and his wife “recently acquired,” which according to him sits “within the authorized boundary of the Virgin Islands National Park,” meaning that the National Park Service (NPS) could acquire the property without needing an Act of Congress to do so.

Mr. Silverman, who had [previously suggested swapping seabed](#) (ocean floor land), instead of Whistling Cay, said that after the Senate voted to [hold the land swap legislation in committee](#) for up to 45 working days in order to weigh their options, he immediately began trying to put an alternative proposal together.

After contacting National Park representatives, he said he was told that any such proposals had to come from the Office of the Governor. Mr. Silverman says he wrote to Governor Albert Bryan Jr. requesting a meeting to “discuss alternatives that would avoid having to give up Whistling Cay,” but that request was ignored. Further meetings with National Park leadership revealed interest in his alternative proposals, Mr. Silverman said, but park officials insisted that any proposal or alternative offer “must come from the Office of the Governor in order to be formally considered.”

Mr. Silverman said that last month, he and his wife began to look for privately-owned parcels of land within the National Park that “would be suitable for a swap for the Catherineberg parcel.” They found 13.2 acres of undeveloped land in Estate Carolina, “on a steep slope high in the main Carolina watershed.” That parcel was for sale, and the Silvermans closed on the property on August 31. In the interim, a public letter penned by 12 St. Johnians requesting a meeting with Governor Bryan was published in a local paper and similar to Mr. Silverman’s meeting request, subsequently ignored. On September 5, a letter from the Silvermans was delivered to the governor as well as all 15 senators, formally offering their newly-purchased land to the government of the Virgin Islands to be used in lieu of Whistling Cay for the land swap. “We’ve been very busy doing exactly what this body asked,” Mr. Silverman said. “We’ve been hard at work to find a viable approach to secure the Catherineberg parcel while avoiding the need to convey Whistling Cay.”

He and his wife went to so much effort, Mr. Silverman said, as non-St. Johnians who do not have school-aged children, because they are a “family of lifelong educators” who were “shocked” to learn about the need for children on St. John to commute to St. Thomas to receive a high school education. “This is wrong, and we are committed to do what we can to help correct that wrong.” Acknowledging the strong current of opposition to having Whistling Cay – or any land owned by the territorial government, for that matter – be acquired by the federal government, Mr. Silverman offered up his parcel as an alternative. The land, he says, has a total value of between \$900,000 and \$1 million dollars but the government could acquire it from him and his wife for their purchase price of \$305,000. Mr. Silverman suggested the use of unspent American Rescue Plan Act (ARPA) funds for the purchase, under new ARPA rules that permit local governments to acquire lands for public use. Acknowledging that the legislature did not have the authority to accept this deal, Mr. Silverman pleaded with lawmakers to defer the pending vote on the land swap until such time as the governor could discuss, consider, and decide on his offer.

Under questioning from Senator Alma Francis Heyliger who further probed his motivation for preemptively spending hundreds of thousands of dollars on a speculative proposal, Mr. Silverman noted his membership on iterations of coastal zone management boards both in the territory and on the mainland as a backdrop for his interest in, and sensitivity towards, issues surrounding shorelines. The bill under consideration bypasses a statutory provision against the transfer of any shoreline of the Virgin Islands, he argued, and said he was “very surprised that proposal was put before the body to...basically bypass that law with the notwithstanding clause in the proposed bill.” He predicted future transgressions, saying “if you can ignore the law one time, you can ignore it another,” and pointed to powerful interests in the tourism sector possibly targeting government-owned shoreline properties in North Shore St. Thomas and East End on St. Croix.

Later on, he said that the move was also a gesture of gratitude to the people of St. John. “We have received a tremendous amount from the people of St. John in the 15 years we’ve lived here. And

this was one small way that we are trying to return the gift that we've been given," Mr. Silverman told senators and those listening in the public gallery.

Legislators had mixed reactions to Mr. Silverman's proposal. Senator Francis Heyliger applauded him for the initiative, while Senator Angel Bolques Jr. rhetorically wondered why he did not instead choose to acquire land to assist with the housing crisis on St. John. Senators Javan James and Donna Frett-Gregory voiced doubts that Mr. Silverman represented the sentiments of the majority of Virgin Islanders, with Frett-Gregory stating, "And we have the issue of someone that's before us that doesn't look like us, that's defending us."

Despite him having testified a short while prior that NPS officials had expressed interest in the property he acquired, Senators Frett-Gregory and Bolques also suggested that it was unknown whether the Park Service was amenable to exchanging Mr. Silverman's land for Whistling Cay.

Senator Milton Potter expressed dismay that the legislature's acceptance of this proposal would necessitate further delays, without any guaranteed change in outcome. He tempered Mr. Silverman's optimism that a change in direction at this stage would not jeopardize federal funding for the school's construction. "The clock is in fact ticking with regards to our ability to access the funding," Mr. Potter warned.

Senator Marise James agreed with Senators Bolques and Frett-Gregory that transferring additional land on St. John proper to the NPS, as Mr. Silverman's proposal would, is less acceptable than giving up Whistling Cay in the land swap. "Don't give up a place which has equal historical value, when you can give up a place that does not have that value," Mr. Silverman responded to a similar line of discussion from Senate President Novelle Francis.

Senator Samuel Carrion succinctly encapsulated the quandary several legislators said they have found themselves in while weighing the Whistling Cay land swap proposal against Mr. Silverman's competing suggestion. "We know and are aware that there have been issues with the National Park Service over the years....And the sad thing about this is that in the end, if we don't move on ratifying what we have before us, our children will continue to suffer," the senator said. "So I'm in a really hard place."

The president of the 35th Legislature was less conflicted, however. "A bird in the hand is better than two in the bushes," said Mr. Francis. "I have the mindset that for far too long the children of St. John have been disenfranchised."

Allowed his final closing statement, Mr. Silverman once again appealed to the Legislature to once again delay voting on the governor's proposal to give his alternative suggestion space to breathe. "Look at the string of cays off the north shore of St. John – there are eight...seven of those eight cays are owned by the United States government and the National Park Service," he said. Whistling Cay, the only one currently owned by the people of the Virgin Islands, Mr. Silverman continued, "happens to be a cay with great historical significance and the whole story of the escape from slavery. It is an important, important asset to maintain."