

The Virgin Islands Consortium

Plaskett, Citing Federal Law and Court Ruling, Says it is Unlawful to Block Public From Using Buck Island

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Buck Island on St. Croix

Delegate to Congress Stacey Plaskett has called on the National Park Service (NPS) to reconsider its decision of closing Buck Island to local boaters and instead hold a conversation with the St. Croix community on solutions and the decision-making process relative to the popular beach. Ms. Plaskett also said the closure was unlawful, citing several federal laws and a court judgement in favor of the territory's residents.

The Congresswoman said she was taken by surprise following the NPS's [announcement on July 16](#) that only its concessionaires along with local and federal authorities would be

allowed to visit the park. NPS cited "recent boating incidents along with the rapid growth of Covid-19 and public health advisories and guidance" as reasons for its decision.

"Only National Park Service staff, National Park Service concessionaires and contractors, U.S. Coast Guard, Government of the Virgin Islands emergency and law enforcement agencies, and other agency partners will be authorized during this temporary closure," said NPS. "Unauthorized vessels will be turned around and prevented from entering the monument, and from anchoring or mooring."

Ms. Plaskett said she spoke with NPS Regional Director Stan Austin, and Park Service Superintendent Greg Camacho after the PSA was released. "The announcement came as a surprise as I had not been informed of the impending closure by the National Park Service. In my conversation with the regional director, I shared my concern over the vagueness of timing and rationale for the closing but more importantly reminded the National Park Service of federal law which prohibits the closure of Buck Island to the people of the Virgin Islands," Ms. Plaskett said.

She added, "While their notice gives as citation several cases and federal rules to afford the National Parks Service with authority for closure, it does not cite several laws and court ruling which are specific to Buck Island Reef National Monument.

"First, under federal proclamation 3443 – December, 28, 1961 which establishes the monument, President Kennedy expressly forbids any closure of Buck Island 'to the bathing or recreational privileges by inhabitants of the Virgin Islands.'

"I also reminded the National Park Service of federal court opinion in 1996 which ruled that the National Park Service was enjoined from closing the beach at Buck Island. The case cited the proclamation and the Open Shoreline Act in conjunction with the Revised Organic Act (which applies to lands ceded to the United States). Additionally, the Clinton proclamation of 2001 caused additional concern and federal interpretation– the relevant portion of such was that the federal agency ruled that the existing rights' of the inhabitants remained.

"This was also tested during the federal shutdown of 2013 when discussion of closing Buck Island became an issue and the Monument was required to remain open," said the Congresswoman.

She went on to describe as flawed and insufficient the NPS's rationale. "I am happy to be part of strategizing for a solution which does not contravene the law," she said. "I suggested holding a virtual or other meeting with the local community (who are also concerned) requesting their support and utilizing their good will to find a solution which meets all of our needs."

Resolution incoming

At a planned meeting with Mr. Camacho today, Ms. Plaskett shared her concerns, and said the superintendent expressed the need to better communicate with the public. He also indicated that he was trying to hasten important work at Buck Island, including mappings for anchoring and pins, so that the beach could reopen by next weekend.

The Congresswoman, who described the meeting as constructive, said the conversation with Mr. Camacho involved ways for NPS to better communicate with the public about Park Service plans.

Mr. Camacho is expected to appear on a number of radio talk shows Tuesday to share NPS's plans relative to Buck Island. Calls placed to the superintendent were not immediately returned.

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