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A Future in Education or a Preservation Betrayal? The Great Land Swap Debate in St. John Takes Center Stage at Hearing

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The first hearing on the land swap deal between the GVI and NPS regarding Whistling Cay and Catherineberg in St. John took place during a Committee of the Whole on Tuesday, July 11, 2023 in St. John. By. V.I. LEGISLATURE

The 35th Legislature's Committee of the Whole hearing on Tuesday afternoon was filled with passionate discussion in support of – and against – the only item on the agenda: legislation that would facilitate the exchange of Whistling Cay for a parcel of land belonging to the National Park Service (NPS) in Catherineberg, Hammers Farm St. John. The land thus acquired from the NPS would be used to build a new all-grades public school on St. John.

Testimony began with Commissioner Dionne Wells-Hedrington, head of the Department of Education. She spoke forcefully in favor of the land swap, noting that the children of St. John had been grappling with a lack of equity and equality in education for decades.

Wells-Hedrington argued that this was the first time in her long history as an educator that there has been a convergence of factors such that a public K-12 school on St. John was an imminent possibility. “I was a student, a parent, an educator, and assistant principal, a principal, an insular superintendent, a chief operations officer and now the commissioner,” she noted, establishing her bona fides. “The funding is in place. The property is available. The need is overwhelming. And the opportunity to create this historic moment is upon us,” she declared.

She went on to describe the proposed school, noting that it would also serve as a hurricane shelter when necessary, expanding shelter capacity on St. John from 15 to over 100 people. A gymnasium and auditorium would play host to indoor sporting activities and large assemblies respectively, opening new possibilities for St. John community life. The money to build the new school would come from a Federal Emergency Management Agency award which was approved to reconstruct the Julius E. Sprauve school, the K-8 facility damaged beyond repair in the 2017 hurricanes.

She explained the seeming urgency to complete the land swap process and begin construction as soon as possible by disclosing the grant was for a fixed sum. “Once they give us an amount, that’s it. So as we experience delays and inflation escalates, we will not get a single dime extra,” the DoE commissioner noted.

The creation of a magnet school at the new facility, Commissioner Wells-Hedrington said, would not only serve St. Johnian students, but also those from St. Thomas who might want to travel in order to pursue concentrations in fine arts, music, and potentially environmental engineering and science.

“Look at the faces of those students”, Dr. Wells-Hedrington exhorted lawmakers, referring to the children that were seated in the gallery behind her. “Unless you walk the walk you don’t know it.”

She ended by once again arguing that this was the first time there has been such an achievable opportunity towards a long-held goal. “This is the first time that the stars have aligned,” she said, urging lawmakers not to squander the opportunity.

Following Dr. Wells-Hedrington’s emotional appeal, a letter from National Parks Service Superintendent Nigel Fields was read into the record. The correspondence recounted the process by which the land swap deal came about. “In 2019...the GVI identified the Catherineberg Parcel as their top desired location for a new public school. In late 2019, Governor Albert Bryan Jr. formally offered to NPS the 17 acre, uninhabited, undeveloped island of Whistling Cay in exchange,” the letter stated.

Following the initial testimony from the two public officials, several senators said that needed more information to feel comfortable making a decision. They expressed disappointment and disapproval of the failure of a representative from the NPS to make themselves available to answer questions that arose from the day’s discussion, even after lawmakers were reportedly promised that clarity would be provided by NPS officials during the day’s discussion.

Senator Alma Francis-Heyliger wondered if it was appropriate to take land that had been bequeathed by someone interested in preservation (the Catherineberg parcel) use it for a purpose other than what was intended. She also questioned the mechanism by which the land under

consideration was appraised. Before closing, the senator warned that the legal exception to the prohibition on selling shoreline property that would be required to effect this land exchange would be the beginning of a slippery slope. "If we're going to now potentially change the law, just for one project to go through, what stops us when that rich developer wants it too?"

Senator Kenneth Gittens noted that during the visit to the two sites on Monday, lawmakers were told that their unanswered questions would be addressed by NPS in Tuesday's committee meeting, a claim with which committee chair Senator Novelle France agreed.

Other senators opposed not the construction of a new school for St. John, but the idea of requiring land be exchanged in order to do so. "Dwayne Maurice De Graff votes no unless I have no other choice," Senator DeGraff declared. Senator Frett-Gregory claimed that the entire deal was an attempt to "strong-arm" Virgin Islanders by expediting funding to build the St. John school while dawdling on approvals for storm-damaged schools with much larger student populations on St. Thomas and St. Croix. Lawmakers needed to consider the proposed land swap on its own merits, she suggested, to decide whether it is a good decision in the first instance, before considerations regarding the purpose for which the acquired land would be used. She too, lamented the lack of relevant public officials to answer questions specific to their agencies, and criticized the government for what she framed as a deliberate strategy to avoid scrutiny. "It's not important enough to GVI to send their representatives. What they've done is they've sent the Department of Education, because they know this is an emotional issue. But we have to look at this issue collectively, as a whole; we can't look at it in buckets," Ms. Frett-Gregory noted.

Other senators, while acknowledging the less than ideal circumstances by which the construction of the school can come about, nevertheless supported the measure as the only feasible option currently on the table. Senator Angel Bolques Jr, in lieu of questions, gave his own presentation supporting the deal, using economics as one of his arguments in favor. "With student round-trip [ferry] tickets at a cost of \$6.60, the Department of Education has spent over \$1.4 million in ferry fares alone. That's just in ten years," said Senator Bolques. The land swap, in comparison, is appraised at \$1.2 million, the senator said.

"It is irritating and outright ridiculous for us to continue to have these children travel every single day for education," Mr. Bolques complained. "I will continue to work with...my colleagues and the governor to provide future generations with a fair shot at an opportunity to access our human rights, a higher quality of life and most of all, high quality education for the children," the at-large representative concluded.

Senator Milton Potter said that he feels conflicted. "I just want to do what is in the best interests of St. Johnians, and that is why I'm struggling with this," he confided. "Some people will tell me it's a slam dunk... it's not," Senator Potter mused. "St. Johnians feel like we always seem to be getting the short end of the stick," he said, referring to the stipulation that land belonging to the GVI must be given up to facilitate the deal.

However, Senator Fonseca took a pragmatic approach. "For those of you that don't have access to your land now, this land swap deal ain't gon' resolve this issue," he said, comparing the longstanding grievance some St. Johnians feel towards the NPS with the emotions one might experience surrounding a former partner. "Everything your ex do, you're against," Mr. Fonseca admonished. "There are years of hurt with the National Park Service; I emphasize with our people," he said, before mentioning that several of his former school mates are urging him to vote yes on the measure.

In response to a question from Senator Marise James, Sean Krigger, director of the VI State Historic Preservation office assured that there would be no change in usage rights following the transfer of Whistling Cay to the federal government. Ms. James indicated her support of the measure, as did her colleague Senator Diane Capeheart, who said that she had experienced a change of heart from her initial stance of opposition to the land swap idea.

“This is not buildable,” she said of Whistling Cay. “We can’t build a school, we can’t build anything on this island.” Ms. Capeheart described the decision to exchange the uninhabited island for the parcel in Catherineberg as a tough but necessary decision. “We don’t want to give away our nice, pristine, natural...island, but we have to do it for our next generations to come.”

The next raft of testifiers came from the community. Dr. Hadiya Sewer, president and co-founder of the St. John Heritage Collective (St.JanCo) described the difficult task it is to bear and raise children on the island. “Often we have to weigh whether we can afford to remain on island or whether we will succumb to the challenges we face and pursue opportunities in the wider territory or the U.S. mainland.” Many St. Johnians who have not returned home, Dr. Sewer said, cite the lack of a public school on the island as one of several reasons they prefer to live elsewhere. However, she says that the proposed deal is coercive, just the latest oppressive facet of the “colonial and inequitable power dynamic that exists between Virgin Islanders and the federal government.”

Noting that the VI National Park occupies over two thirds of St. John’s not quite 20 square miles, Dr. Sewer attributed the decline of farming, the island’s real estate boom, and the cultural erasure of many ancestral traditions to this fact. The outside impact of the national park has fostered a dependence on tourism on the island, leading to “a leisure oriented economy that prioritizes tourist experiences on island over the wellbeing and self determination of the island’s long term residents and ancestral people,” according to Dr. Sewer. She noted that in 2007, a bill introduced in the U.S. House of Representatives by former Virgin Islands Congresswoman Dr. Donna Christensen, which would have allowed the Secretary of the Interior to lease National Park land to GVI in order to build a school, passed the House but failed in the Senate, where it died in committee. “This bill died in part because nearby property owners in Estate Catherineberg leveraged their relationships with their state representatives to kill the bill,” Sewer asserted, saying it was because the non-resident landowners feared that the long-term lease would harm their property values. “And so HR 53’s trajectory shows us how racism, colonialism and classism create land injustices and educational inequality.”

Instead of continuing to pursue the land exchange, Sewer urged the government to consider exploring whether locally-owned lands could be acquired or donated that could be used to either construct the school, or be used instead of Whistling Cay in a swap. “This legislation proposing the exchange of Whistling Cay for land in Catherineberg leads us to believe that we have to choose between our children’s future and our land. Those of us who oppose the land swap do so in part because we believe this to be a false choice,” she said. Even though Whistling Cay is not an area that can be developed, Sewer says that the colonial precedent that would be reinforced by the transfer “can have implications for the future of development on St. John...we as St. Johnians have been displaced enough, by economic, cultural, and political forces.”

Many of those currently in opposition to this way of going about things would lend their support if they were satisfied that the proposed land exchange was the only viable way to achieve the establishment of a public school on St. John, said Dr. Sewer. However, they were not yet convinced that all other alternatives had been exhausted. “This is an opportunity to craft a win-win solution, one where we as a people are not fighting with one another in order to meet federal and

colonial expectations of us, but rather to find a pathway forward that recognizes and honors the land rights that our ancestors across the Virgin Islands had valiantly fought for,” she concluded.

Coral Bay resident David Silverman suggested that the government could offer some of the thousands of acres of seabed to the NPS instead of Whistling Cay. “There is an opportunity for the Government of the Virgin Islands to swap submerged land offshore of the newly-created shoreline within the National Park which would not then involve transfer of any fast land – Whistling Cay or any other privately owned parcel – and create a swap of equal value to the Catherineberg site,” Mr. Silverman said, indicating that he had sent a proposal to that effect to both Government House and the National Park Service.

Ida Smith, a sixth-generation St. Johnian, claimed that the entire land swap deal was invalid because of errors introduced following the original government survey of the area, while Russell Christopher asserted that the National Parks Service does not own the Catherineberg parcel, and likewise the government did not own Whistling Cay, and therefore any attempted land swap was moot. Former senator-at-large Cleon Crickey also opposed the proposal, calling the deal a “synonym of acquisition” dubbed an exchange to make it more palatable. “I’m not in favor of exchanging Whistling Cay for a school that I feel we are entitled to,” Mr. Crickey said in his written statement.

After this round of testimony, senators expressed surprise that other alternatives seemingly existed, saying they felt strong-armed into accepting the executive branch’s proposal as delivered to the Legislature. Similar to her sentiments in the request to assist the Water and Power Authority [meet its payments to Vitol](#), Senator Alma Francis Heyliger said that she resented hearing that Governor Bryan signed off on a document three years ago, the details of which were just coming to the lawmakers for consideration. “How does that allow me to do my research with all this information on the testimony given to me today, but other people have years ahead? But then you put it at my doorstep and say if I don’t make a decision now I don’t love the kids,” she complained. “We have to do better than this.”

Lawmakers, however, were reminded that many of the alternative proposals had been discussed on several occasions at town halls and other public meetings over the years. Ms. Smith noted that her family has offered land at the peppercorn rate of \$1 for the purposes of building the school St. Johnian children need. “Let them come out to Coral Bay, and they can have a school,” she urged.

At the end of the marathon session, lawmakers seemed in agreement that more information, as well as much deliberation on the pros and cons of the proposed land exchange, would be necessary as they prepare to vote on the measure in the coming weeks. “This is tough,” said Senate President Novelle Francis. “It’s really a hard decision to make...when you listen to these testimonies and the passion.”