

STATEMENT OF MARTHA BOGLE, ACTING SUPERINTENDENT, VIRGIN ISLANDS NATIONAL PARK, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS, HOUSE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 53, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO A LONG-TERM LEASE WITH THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS.

July 09, 2007

Ms. Chairwoman, thank you for the opportunity to appear before your subcommittee at this field hearing on H.R. 53, a bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land for the establishment of a school. Because we do not typically provide positions on bills at field hearings, I will limit my comments to the history of this proposal and information concerning the National Park Service's existing administrative authorities to exchange or lease land within the park. We plan to send a followup letter providing our position on this bill.

Virgin Islands National Park (park) was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands real property, including any improvements, for the purposes of constructing a school complex to serve grades K through 12. The piece of property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island, close to Centerline Road. The property in question was not part of the Rockefeller donation, and is not encumbered by the reversionary clause that restricts the use of the Rockefeller properties to national park purposes. Though no formal survey has been done, the property is believed to contain fewer historic resources than other parts of the Estate. The property is near a road and other developments.

During the past 14 years, the Government of the United States Virgin Islands and Virgin Islands National Park have discussed many proposals that would allow the Government of the Virgin Islands to construct a school on land currently owned by the National Park Service. These proposals have included an administrative land exchange. Though the Secretary of the Interior does have the authority to make minor boundary revisions of a unit of the National Park System through a land exchange, the Land and Water Conservation Act stipulates several conditions that must be met before the land is exchanged and the boundary is revised.

The land gained in the exchange must be “necessary for...the proper preservation, protection, interpretation, or management of an area of the national park system.” Second, the total value of the land exchanged – the combined value of both the land added and the land deleted from the unit – must be less than \$750,000. Though no

formal determination has been made, a land exchange involving the Catherineberg Estate property does not appear to meet either of these criteria. The exchange does not appear necessary for the protection of the park, and it appears that the Estate land alone is likely to be worth more than \$750,000.

During the 109th Congress, Delegate Christensen introduced H.R. 272 to legislatively authorize a land exchange. The Department of the Interior did not take a position on H.R. 272.

The Secretary does not have any other authority to allow the construction of a school on property owned and managed by the National Park Service. The 1998 National Parks Omnibus Act does give the Secretary the authority to lease buildings and associated property (16 U.S.C. 1a-k), as long as the lease does not “result in degradation of the purposes and values of the unit”. While public education is not in conflict with the purpose of Virgin Islands National Park, the construction of a complex of buildings appears to be in conflict with the direction given by the park’s authorizing legislation, which states, “The national park shall be administered and preserved by the Secretary of the Interior in its natural state...” (70 Stat. 940).

The National Historic Preservation Act gives the Secretary the authority to lease historic property, including historic buildings and historic lands, but only if the lease “will adequately insure the preservation of the historic property” (16 U.S.C. 470h-3). New construction of an education complex would not insure that the historic character of the land in question is preserved.

Finally, the Land and Water Conservation Act authorizes the Secretary of the Interior to convey to a freehold or leasehold interest in lands within the national park system, but this authority does not apply to “property within national parks” (16 U.S.C. 4601-22(a)).

That concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.