

## HASSEL ISLAND

The area known as Hassel Island in Saint Thomas Harbor consisting of approximately 135 acres, together with such adjoining lands, submerged lands, and waters as the Secretary of the Interior deems appropriate, but the boundaries shall not, in any event, extend beyond 100 yards from the mean high water mark of the island.

Lands, submerged lands, and waters added to the Virgin Islands National Park pursuant to sections 398c to 398f of this title shall be subject to administration by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4),<sup>1</sup> as amended and supplemented.

(Pub. L. 87-750, § 1, Oct. 5, 1962, 76 Stat. 746; Pub. L. 95-348, § 7(a), Aug. 18, 1978, 92 Stat. 493.)

## Editorial Notes

## REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

## AMENDMENTS

1978—Pub. L. 95-348 inserted provisions relating to boundaries of Hassel Island located in Saint Thomas Harbor and adjoining lands, submerged lands, and waters.

**§ 398d. Acquisition of lands, waters, and interests therein****(a) Authorization; payment requirements; interest rate**

Within the boundaries of Virgin Islands National Park as established and adjusted pursuant to sections 398 and 398a of this title, and as revised by sections 398c to 398f of this title, the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by purchase, exchange or donation or with donated funds. In acquiring such lands, up to 6.6 acres, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding the current prevailing commercial rate.

**(b) Employment and training of residents to develop, etc., area**

The Secretary is authorized and directed to the maximum extent feasible to employ and train residents of the Virgin Islands to develop, maintain, and administer the Virgin Islands National Park.

<sup>1</sup> See References in Text note below.

**(c) Payment requirements for acquisition of Hassel Island from United States**

Subject to continued protection and use of Hassel Island for park and recreation purposes, and such other conditions as the Secretary may deem appropriate, the Territory of the Virgin Islands may, within, but not after, five years after August 18, 1978, by duly enacted legislation acquire all interests of the United States in Hassel Island by reimbursing the United States in an amount equal to the amount actually expended by the United States for the acquisition of lands and interests in lands and for the costs of construction of permanent improvements, if any.

**(d) Rights of owners of improved property on Hassel Island to use and occupancy of property for noncommercial residential purposes; term; payment requirements; suspension of authority to condemn Royal Mail property; "improved property" defined; termination of rights of owners to use and occupancy**

(1) Except for property deemed necessary by the Secretary of the Interior for visitor facilities or administration of the park, any owner or owners of improved property on Hassel Island on the date of its acquisition, may retain for themselves a right of use and occupancy of the property for noncommercial residential purposes for twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the owner's spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. The authority of the Secretary to acquire the property commonly known as the Royal Mail (hotel) by condemnation shall be suspended for ten years from August 18, 1978, if such owner or owners agree, in writing, within ninety days after August 18, 1978, to grant to the United States the right to purchase such property at a purchase price, mutually agreed upon by the Secretary and the landowner, which does not exceed the fixed value of said property on July 1, 1978.

(2) As used in subsection (d)(1), "improved property" means a single-family dwelling, the construction of which began before January 1, 1977, together with such lands as are in the same ownership and appurtenant buildings located thereon.

(3) The Secretary may terminate a right of use and occupancy retained pursuant to subsection (d)(1) upon his determination that such use and occupancy is being, or may be, exercised in a manner inconsistent with the purposes for which they were included within the park and upon tender to the holder of such right of the amount equal to the value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 87-750, § 2, Oct. 5, 1962, 76 Stat. 747; Pub. L. 95-348, § 7(b)(1)-(3), Aug. 18, 1978, 92 Stat. 494.)

## Editorial Notes

## AMENDMENTS

1978—Pub. L. 95-348 designated existing provisions as subsec. (a), inserted provisions respecting acquisitions of up to 6.6 acres, and added subsecs. (b) to (d).

**Statutory Notes and Related Subsidiaries**

## CANEEL BAY LEASE AUTHORIZATION

Pub. L. 111-261, §1, Oct. 8, 2010, 124 Stat. 2777, provided that:

“(a) DEFINITIONS.—In this section:

“(1) PARK.—The term ‘Park’ means the Virgin Islands National Park.

“(2) RESORT.—The term ‘resort’ means the Caneel Bay resort on the island of St. John in the Park.

“(3) RETAINED USE ESTATE.—The term ‘retained use estate’ means the retained use estate for the Caneel Bay property on the island of St. John entered into between the Jackson Hole Preserve and the United States on September 30, 1983 (as amended, assigned, and assumed).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) LEASE AUTHORIZATION.—

“(1) IN GENERAL.—If the Secretary determines that the long-term benefit to the Park would be greater by entering into a lease with the owner of the retained use estate than by authorizing a concession contract upon the termination of the retained use estate, the Secretary may enter into a lease with the owner of the retained use estate for the operation and management of the resort.

“(2) ACQUISITIONS.—The Secretary may—

“(A) acquire associated property from the owner of the retained use estate; and

“(B) on the acquisition of property under subparagraph (A), administer the property as part of the Park.

“(3) AUTHORITY.—Except as otherwise provided by this section, a lease shall be in accordance with subsection (k) of section 3 of Public Law 91-383 ([former] 16 U.S.C. 1a-2(k)) [see 54 U.S.C. 102102], notwithstanding paragraph (2) of that subsection.

“(4) TERMS AND CONDITIONS.—A lease authorized under this section shall—

“(A) be for the minimum number of years practicable, taking into consideration the need for the lessee to secure financing for necessary capital improvements to the resort, but in no event shall the term of the lease exceed 40 years;

“(B) prohibit any transfer, assignment, or sale of the lease or otherwise convey or pledge any interest in the lease without prior written notification to, and approval by the Secretary;

“(C) ensure that the general character of the resort property remains unchanged, including a prohibition against—

“(i) any increase in the overall size of the resort; or

“(ii) any increase in the number of guest accommodations available at the resort;

“(D) prohibit the sale of partial ownership shares or timeshares in the resort;

“(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and

“(F) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

“(5) RENTAL AMOUNTS.—In determining the fair market value rental of the lease required under section 3(k)(4) of Public Law 91-383 ([former] 16 U.S.C. 1a-2(k)(4)) [see 54 U.S.C. 102102], the Secretary shall take into consideration—

“(A) the value of any associated property conveyed to the United States; and

“(B) the value, if any, of the relinquished term of the retained use estate.

“(6) USE OF PROCEEDS.—Rental amounts paid to the United States under a lease shall be available to the Secretary, without further appropriation, for visitor services and resource protection within the Park.

“(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to

the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the award of the lease.

“(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

“(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary determines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 ([former] 16 U.S.C. 5951 et seq.) [enacting former sections 5951 to 5966 of this title, which were repealed and restated in sections 101911 et seq. and 101524 of Title 54, National Park Service and Related Programs, amending former sections 1a-7 and 3 of this title, repealing section 17b-1 and subchapter IV of chapter 1 of this title, and enacting provisions set out as notes under sections 100101, 101911, and 101912 of Title 54].

“(c) RETAINED USE ESTATE.—

“(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

“(2) APPRAISAL.—

“(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser who is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

“(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

“(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

“(ii) the Uniform Standards of Professional Appraisal Practice.”

**§ 398e. Bathing and fishing rights protected****(a) Regulations**

Nothing in sections 398c to 398f of this title shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 398c of this title for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

**(b) Admission fee prohibited**

Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed for entrance or admission into the Virgin Islands National Park.

(Pub. L. 87-750, §3, Oct. 5, 1962, 76 Stat. 747; Pub. L. 95-348, §7(b)(4), Aug. 18, 1978, 92 Stat. 495.)

**Editorial Notes**

## AMENDMENTS

1978—Pub. L. 95-348 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 398f. Authorization of appropriations for acquisitions, grants, etc.**

Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National