



The Trust for Virgin Islands Lands



Protecting Fish Bay's New Park with a Conservation Easement

Dear Estate Fish Bay Owners Association,

As you are aware, the land proposed for transfer from Giffit Hill School to the Territorial Government of the U.S. Virgin Islands is intended to be permanently protected through a conservation easement granted to the Trust for Virgin Islands Lands (TVIL). Understandably, many of you have questions about what this means for the park, and for the conservation and access values cherished by the Fish Bay community.

This summary is designed to explain what a conservation easement is, how it works, and why it provides lasting protection.

1. What Is a Conservation Easement?

A **conservation easement** is a legally binding agreement between a landowner—in this case, the Government of the Virgin Islands—and a qualified conservation organization—the Trust for Virgin Islands Lands. The easement:

- **Defines the conservation values to be protected** (mangrove forests, wildlife habitat, watershed and gut function, scenic open space, and public access).
- **Restricts uses of the land** that would damage those values (such as clearing, development, or incompatible commercial uses).
- **Allows compatible activities** such as hiking, educational use, birdwatching, and the construction of small structures (trails, boardwalks, interpretive signs, small shelter with benches) that support conservation and access.
- **Runs with the land in perpetuity**—meaning the protections apply forever, no matter who owns or manages the property.

2. How Easements Provide Lasting Protection

The conservation easement is recorded in the land records, just like a deed, and cannot be undone by future changes in government or ownership. This legal framework ensures that the park's ecological, scenic, and recreational values remain safeguarded for generations.

The easement is crafted to balance **strict conservation protection** with **practical flexibility**:

- It prohibits destructive activities.
- It affirms that community access, low-impact recreation, and small supporting structures are permitted.

3. Monitoring and Enforcement

The Trust for Virgin Islands Lands has the responsibility to **monitor the property annually** to ensure the terms of the easement are upheld.

- If a violation occurs (e.g. unauthorized clearing), TVIL works with the landowner to correct it.
 - If necessary, TVIL can enforce the easement in court.
- This **monitoring-and-enforcement role ensures that the protections are real**, not symbolic.

4. Legal Framework Supporting Easements

US Virgin Islands law:

- The Virgin Islands Code authorizes the use of conservation easements as a tool for land protection.
- Easements are recognized as permanent interests in real property, enforceable by conservation organizations like TVIL.

Federal law:

- The U.S. Congress enacted the **Uniform Conservation Easement Act**, which many states and territories, including the USVI, follow to validate easements.
- Federal law also recognizes conservation easements for charitable tax purposes when donated to qualified land trusts.

Together, these legal frameworks make conservation easements one of the strongest, most durable land protection tools available.

5. Why This Matters for Fish Bay

For the Fish Bay neighborhood, the conservation easement over the land means:

- The mangroves, wildlife habitat, and watershed areas are permanently protected.
- Access and low-impact recreational use are guaranteed.
- The community's values—scenic beauty, open space, and ecological health—are safeguarded forever, not subject to changing political priorities.

The conservation easement is not a barrier—it is a guarantee that the land will always remain a place for nature, for access, and for the community.

In short: A conservation easement is one of the strongest protections available under Virgin Islands and U.S. law. With the Trust for Virgin Islands Lands as steward, the values you cherish—conservation, access, and enjoyment—will be preserved permanently.

Thank you for your support for the permanent protection of this important land. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,

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About the Trust for Virgin Islands Lands



The Trust for Virgin Islands Lands was incorporated as a non-profit corporation in the U.S. Virgin Islands in 2006. TVIL is a tax-exempt charitable organization under section 501(c)(3) of the Internal Revenue Code. We are a member of the Land Trust Alliance, the national convener and representative of land trusts and their supporters throughout the nation.

Our mission is to conserve and steward tracts of agricultural and natural landscapes that are identified for their scenic beauty, ecological diversity, historical value and cultural significance. TVIL protects a total of 184 acres of land of high conservation value across the islands of St. Croix, St. Thomas and St. John.

The Trust for Virgin Islands Lands is an accredited land trust, which means it has been independently reviewed and certified by the Land Trust Accreditation Commission, a national body in the United States. Accreditation assures the public that TVIL:

- Meets rigorous standards for ethics, governance, and financial integrity.
- Has proven capacity to monitor and enforce easements forever.
- Operates with transparency and accountability.

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