

presidential documents

Title 3—The President

PROCLAMATION 4346

Reserving Certain Lands Adjacent to and Enlarging the Boundaries of the Buck Island Reef National Monument in the Virgin Islands of the United States

By the President of the United States of America

A Proclamation

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441). It now has been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210), unless the President, under Section 1(b) (vii) of that Act, designates otherwise.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b) (vii) of Public Law 93-435 (88 Stat. 1210), do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93-435; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),

THE PRESIDENT

do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47'30" N, longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64°36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude 17°47'15" N, longitude 64°36'22" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.75-3356 Filed 2-3-75;10:11 am]

1961

FOURTH SPECIAL SESSION

Act No. 800

Section 3. Act No. 501 of the Third Legislature, approved October 5, 1959, is hereby repealed, without however in any way impairing the validity of the proceedings, things or acts validated by such enactment; the effect of such enactment being hereby declared to be merged in, and continued by, this enactment.

Approved December 5, 1961.

(BILL 1552)

No. 800.

(Approved December 5, 1961)

To Authorize the Governor to Transfer Control of Buck Island and Adjacent Submerged Lands and Waters to the National Park Service for Administration as a National Monument.

WHEREAS Buck Island, situated near the northeast coast of St. Croix Island in the Virgin Islands of the United States, and its adjoining shoals, rocks and underseas coral reef formations constitute one of the finest marine gardens in the Caribbean Sea and these lands, submerged land and their related features are of great scientific interest and educational value; and

WHEREAS said Buck Island and certain of its adjoining shoals, rocks, reefs and waters are proposed for establishment by the President of the United States of America as a national monument under authority contained in the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431); and

WHEREAS the Government of the Virgin Islands is desirous that such establishment of a monument be made, consistent with the preservation and continuance of certain existing fishing, bathing and recreational uses of the area by inhabitants of the Virgin Islands; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

Section 1. For the purpose of facilitating the establishment and administration of Buck Island and certain adjoining shoals, rocks, coral reefs and waters as a national monument under the jurisdiction of the Secretary of the Interior, the Governor of the Virgin Islands is hereby authorized, for and on behalf of the Government of the Virgin Islands, to relinquish to the United States such con-

trol as is vested in the Government of the Virgin Islands under the Virgin Islands Organic Act of June 22, 1936, as revised and amended (49 Stat. 1808; 48 U.S.C. 1405c), the property described as follows:

Beginning at latitude 17° 47' 58" N., longitude 64° 38' 16" W., thence approximately 10,450 feet to latitude 17° 47' 30" N., longitude 64° 36' 32" W.; thence approximately 1,500 feet to latitude 17° 47' 15" N., longitude 64° 36' 32" W.; thence approximately 4,500 feet to latitude 17° 47' 00" N., longitude 64° 37' 16" W.; thence approximately 8,600 feet to latitude 17° 47' 35" N., longitude 64° 38' 37" W.; and thence approximately 3,075 feet to latitude 17° 47' 58" N., longitude 64° 38' 16" W., the place of beginning, embracing an area of approximately 850 acres.

Section 2. The Government of the Virgin Islands hereby expressly declares that it is a condition of its relinquishment of control over Buck Island, and the adjoining shoals, rocks, coral reefs, and waters embraced in the description set forth in section 1 of this Act, and a condition to the continued exercise of control over such property by the National Park Service, or any other department, agency or instrumentality of the United States in which administrative control is vested pursuant to the provisions of this Act, that such department, agency or instrumentality shall not adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, and shall not charge any fees for admission to the area. The faithful performance of the foregoing conditions shall be deemed to be a condition subsequent to the control by any such department, agency or instrumentality over the aforesaid area.

Approved December 5, 1961.

any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, and shall not charge any fees for admission to the area.

"WHEREAS it is in the public interest to preserve this area of outstanding scientific, aesthetic, and educational importance for the benefit and enjoyment of the people:

"NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, there is hereby reserved and set apart, as the Buck Island Reef National Monument, the area embraced within lines drawn between the coordinates of latitude and longitude recited as follows:

"Beginning at latitude 17°47'58" N., longitude 64°38'16" W.; thence approximately 10,450 feet to latitude 17°47'30" N., longitude 64°36'32" W.; thence approximately 1,500 feet to latitude 17°47'15" N., longitude 64°36'32" W.; thence approximately 4,500 feet to latitude 17°47'00" N., longitude 64°37'16" W.; thence approximately 8,600 feet to latitude 17°47'35" N., longitude 64°38'37" W.; and thence approximately 3,075 feet to latitude 17°47'58" N., longitude 64°38'16" W., the place of beginning, embracing an area of approximately 850 acres.

"WARNING is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved for the monument by this proclamation.

"The Secretary of the Interior shall have the supervision, management, and control of this monument as provided in the act of Congress entitled 'An act to establish a National Park Service, and for other purposes,' approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3), and all acts supplementary thereto and amendatory thereof: Provided, that neither the Department of the Interior, nor any other agency or instrumentality of the United States, shall adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, or charge any fees for admission to the area.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

"DONE at the City of Washington this twenty-eighth day of December in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

"JOHN F. KENNEDY

"By the President:

"DEAN RUSK,

"Secretary of State."

Playground and recreational facility in French Village, St. Thomas. Act June 15, 1961, No. 759, Sess. L. 1961, p. 13, authorized the construction of a modern playground and recreational facility in French Village, St. Thomas, and provided for the acquisition of land in connection therewith, and for the Governor to prepare, or have prepared, plans and specifications for submission to the Committee on Public Works, Safety and Trade, of the Legislature, at least 21 days prior to the Regular Session of the Legislature in 1962.

Improvements at Magens Bay. Act June 9, 1961, No. 716, Sess. L. 1961, p. 69, provided:

"Section 1. The Governor of the Virgin Islands is hereby authorized to take whatever action is necessary to provide picnic and camping grounds and a

of administration when a minimum acreage of not less than five thousand acres in Federal ownership for purposes of this Act shall have been acquired by the United States in specific areas containing such acquired lands to be designated by the Secretary; and

"(f) Notice of the establishment of the park as authorized and prescribed by this Act shall be published in the Federal Register.

"SEC. 3. [This section, authorizing an appropriation for capital improvements of not in excess of \$60,000 and annually for administration of not in excess of \$30,000, was repealed by Act of Congress May 16, 1958, Pub. L. 85-404, 72 Stat. 112.]"

Buck Island as National Monument. Act Dec. 5, 1961, No. 800, Sess. L. 1961, p. 277, authorized the Governor of the Virgin Islands to transfer such control of Buck Island and adjacent submerged lands and waters as was vested in the Virgin Islands Government under the Virgin Islands Organic Act of 1936, as revised and amended (see § 4 thereof, set out preceding Title 1), to the National Park Service of the Department of the Interior for administration as a National Monument, providing, as conditions to such transfer, that no limitations or restrictions be placed, or reductions be made, in existing fishing privileges (including the landing of boats and the laying of fishpots outside the marine garden), or bathing or recreational privileges, of inhabitants of the Virgin Islands, and that no fee be charged for admission to the area. The President's Proclamation No. 3443, dated Dec. 28, 1961, filed Jan. 2, 1962, F.R. Doc. 62-152, 27 F.R. 31, establishing the Buck Island Reef National Monument, provides as follows:

"WHEREAS Buck Island, situated off the northeast coast of St. Croix Island in the Virgin Islands of the United States, was included in the public, government, or crown lands ceded to the United States by Denmark under the convention entered into August 4, 1916, and proclaimed by the President January 25, 1917 (39 Stat. 1706); and

"WHEREAS all property thus acquired by the United States from Denmark, not reserved by the United States for public purposes prior to June 22, 1937, was placed under the control of the Government of the Virgin Islands by the act of June 22, 1936, 49 Stat. 1807 (48 U.S.C. 1405-1405c), with the legal title remaining in the United States; and

"WHEREAS Buck Island was not reserved by the United States for public purposes prior to June 22, 1937, but has been owned by the United States continuously since the convention with Denmark in 1916; and

"WHEREAS Buck Island and its adjoining shoals, rocks, and undersea coral reef formations possess one of the finest marine gardens in the Caribbean Sea; and

"WHEREAS these lands and their related features are of great scientific interest and educational value to students of the sea and to the public; and

"WHEREAS this unique natural area and the rare marine life which are dependent upon it are subject to constant threat of commercial exploitation and destruction; and

"WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463), impressed by the caliber and scientific importance of the coral reefs of Buck Island, has urged their prompt protection to prevent further despoliation; and

"WHEREAS the Governor of the Virgin Islands, under the authority vested in him by the legislative assembly of the Virgin Islands by an act approved December 5, 1961, has relinquished to the United States, for the purposes of facilitating the establishment and administration of a national monument for the protection of the above-mentioned areas and objects of historic and scientific interest, such control as is vested in the Government of the Virgin Islands by the said act of Congress dated June 22, 1936, over the area hereinafter described; subject, however, to the condition that the United States, including any agency or instrumentality thereof, shall not adopt or attempt to enforce