

COMMITTEE ON CULTURE, HISTORIC PRESERVATION, YOUTH
AND RECREATION

BILL NO. 30-0453

Thirtieth Legislature of the Virgin Islands

July 29, 2014

An Act providing for the recognition of and respect for our sacred national patrimony, and the rights of the Taino, Carib, and other Caribbean Indigenous Peoples, as pre-Columbian inhabitants of the U.S. Virgins Islands, and recognizing that their descendants continue to exist today; designating Salt River Bay and Magens Bay as Amerindian Sacred Places, amending 29 V.I.C. section 964 and n 32 V.I.C., sections 31 and 52 providing for the Magens Bay Authority to perform preservation activities and providing for other related purposes

PROPOSED BY: Senator Myron D. Jackson

1 **WHEREAS**, the diverse indigenous groups which inhabited the Virgin Islands
2 left us rich evidence of a complex historic process that began more than 3,000 years ago;
3 and

4 **WHEREAS**, the pre-agricultural cultures, as well as the agricultural ones, known
5 to us as Igneri, Ostionoid, Arawaks, Tainos, Kalinago, and Caribs cultures, populated and
6 transformed the Virgin Islands leaving behind a lasting legacy; and

7 **WHEREAS**, the island of St. Croix was named Ay-Ay by the indigenous people
8 and that St. Thomas, St. John and surrounding keys were occupied before 2500 B.C.;

9 **WHEREAS**, our island's environment was modified through the introduction of
10 continental flora and fauna and the names of places identifying rivers, mountains and

1 valleys, and multiple elements of our diet, foods, and language still reflect their influence
2 of this cultural heritage left behind today; and

3 **WHEREAS**, Salt River and Magens Bay, are identified as a pre-Columbian
4 settlements by archeological investigations conducted in 1923 by the Danish archeologist
5 Gudmund Hatt, and that human remains, artifacts, ball court stones and other materials
6 were transshipped to Denmark and are presently housed at the Danish National Museum;
7 and

8 **WHEREAS**, pre-1493 archaeological evidence of Taino culture was uncovered
9 on coastal areas of Trunk, Cinnamon, and Lameshur Bays on St. John by the National
10 Park Service.

11 **WHEREAS**, on St. Thomas a pre-Columbian village site, known as TAVI Site,
12 was uncovered by the archaeologists from the State Historic Preservation Office in 1992
13 during the construction of the Tutu Mall; and

14 **WHEREAS**, a settlement, human remains, and artifacts were recovered, and
15 through community efforts to preserve this site a landmark court case for a temporary
16 restraining order was filed against Tutu Park Mall in 1992 by two private citizens who
17 identified themselves as descendants of indigenous people of the region for the
18 identification and the protection of this cultural patrimony; and

19 **WHEREAS**, as a result of this discovery during the 500-year anniversary
20 observance of the 1492 Voyages of Columbus, the development of a policy for an
21 Antiquities & Cultural Properties Act of 1998, was passed by the Virgin Islands
22 Legislature; and

1 **WHEREAS**, the history and the culture of the Virgin Islands are paramount to
2 educational, economic, social, cultural development and spiritual well being of the people
3 of the Virgin Islands; and

4 **WHEREAS**, actualized, optimum preservation of Salt River Bay National
5 Historical Park and Ecological Preserve at “Salt River Bay” and Magens Bay is
6 nonexistent; and

7 **WHEREAS**, the potential to procure cultural heritage tourism revenue for these
8 sites is not being acted upon in a timely manner; and

9 **WHEREAS**, the potential to procure international recognition from private and
10 public archaeological, political, historical, biological, maritime, architectural, and
11 scientific agencies is not being acted upon; and

12 **WHEREAS**, the mandates of previous laws have not been recognized or
13 enforced; and

14 **WHEREAS**, the repatriation of Amerindian remains is mandated by federal law
15 to recognize Amerindian tribes; and

16 **WHEREAS**, the potential of Salt River Bay to be recognized as a United Nations
17 Educational, Scientific and Cultural Organization World Heritage Site, or “UNESCO
18 WHS”, is not being acted upon; and

19 **WHEREAS**, it is recognized that there are descendants of the Taino and other
20 Amerindian peoples in the Virgin Islands and those descendants should be recognized by
21 groups such as the United Confederation of Taino People and Opi’a Taino of St. Thomas,
22 Virgin Islands who signed a Declaration of Unity which proves the developmental intent
23 of the Taino people to assert their cultural, historical, and spiritual agency; and

1 **WHEREAS**, title 29 V.I.C., chapter 17, section 951 mandates the cooperation of
2 the Government of the Virgin Islands with the Government of the United States “in
3 protecting and managing the Territory’s terrestrial and marine historical, cultural and
4 archaeological resources for the benefit of the people of the Virgin Islands; and

5 **WHEREAS**, title 29 V.I.C., chapter 17, section 953 (c) mandates the
6 implementation of a plan to study and identify all earth and marine sites of
7 archaeological, historical, and cultural value to the Virgin Islands; and

8 **WHEREAS**, the abandoned boats at Salt River Bay require actions pursuant to
9 Title 12 V.I.C., chapter 7; and

10 **WHEREAS**, The Taino, Carib, and other Caribbean Indigenous Peoples of the
11 Virgin Islands represented by Opi’a Taino, Opi’a Taino International, and the United
12 Confederation of Taino People, their members and affiliates have made decisions and
13 taken positive action to protect, defend, preserve, revitalize, and maintain the ancient
14 traditions, customs, and spirituality of their ancestors; and

15 **WHEREAS**, Opi’a Taino, Opi’a Taino International, and the United
16 Confederation of Taino People have diligently worked to promote an equitable dialogue
17 among Caribbean Indigenous Peoples and local and national government to raise
18 awareness on the important issue of indigenous sacred sites, burial grounds, ceremonial
19 objects, and ancestral remains in the Virgin Islands and throughout the Caribbean; and

20 **WHEREAS**, DNA testing completed in the 21st century has proven that there are
21 people in the Virgin Islands of the United States of America with bio-genetic, cultural
22 and historical heritage linkages to the indigenous native people who once populated these
23 Virgin Islands and are identified as Haplo Group C- a pre-Columbus human population;
24 and

1 **WHEREAS**, some of the living descendants of the indigenous people of the
2 Virgin Islands have established an international liaison through Opi’a Taino International
3 formally in effect with the United Confederation of Taino People for the creation and
4 maintenance of an International Tribal Registry for people with indigenous ancestral
5 heritage here in the Virgin Islands; Now, Therefore,

6 ***Be it enacted by the Legislature of the Virgin Islands:***

7 **SECTION 1.** As used in this Act:

8 (a) “Artifact” means any object that contains or references information that
9 gives insight into the culture and history of societies before and during Antiquity,
10 including but not limited to:

11 (1) Pottery

12 (2) Tools

13 (3) Carvings; and

14 (4) Stone petroglyphs

15 (b) “Government” means the Government of the Virgin Islands.

16 (c) “Preservation” means the protection and maintenance of all fauna, flora,
17 artifacts, and historical and cultural structures that are a part of or contribute to the
18 historical, ecological, cultural, and environmental identity of the United States Virgin
19 Islands.

20 (d) “Remains” means any human remains and associated funerary objects

21 (e) “UNESCO WHS” means United Nations Educational, Scientific and
22 Cultural World Heritage Site.

23 **SECTION 2.** (a) The Magens Bay historic site is added to the Virgin Islands
24 Registry of Historic Places.

1 (b) The Department of Planning and Natural Resources shall designate
2 Magens Bay as a pre-historic Amerindian Site of Memory.

3 (c) The Department of Planning and Natural Resources shall commence a
4 nomination process with the National Park Service Office of International Affairs to
5 place Salt River Bay on the UNESCO WHS list and produce a draft report for the public
6 of the nomination by the year 2017 in tandem with the centennial observance of the
7 transfer from Danish rule to American rule. The State Historic Preservation
8 Officer/Commissioner or Deputy State Historic Preservation Officer of the Department of
9 Planning and Natural Resources shall delegate such staff as necessary to conduct and
10 complete the nomination process for recognition as a UNESCO WHS.

11 (d) The Department of Planning and Natural Resources and the Virgin Islands
12 National Park Service shall disclose, inventory, and repatriate the remains of
13 Amerindians found in the Danish West Indies before and after the 1917 Transfer of the
14 Virgin Islands from Danish rule to American rule pursuant to the Native American
15 Graves Protection and Repatriation Act and the United Nations Declaration on the Rights
16 of Indigenous Peoples.

17 (e) The Department of Planning and Natural Resources and the Virgin Islands
18 National Park Service are tasked with creating an inventory and unified database in
19 collaboration with all museums in the world of any pre-Columbian material from the
20 Virgin Islands collected by the Virgin Islands government, private collections, and
21 international research groups or firms.

22 (f) Human remains that have been excavated and identified as Amerindian
23 must be reinterred in a designated burial vault built by the Magens Bay Authority at
24 Magens Bay, Salt River and Estate Tutu at the Charles W. Turnbull Regional Library if

1 the remains were excavated at those sites or deemed appropriate for human remains that
2 cannot be reinterred to their original sites. At Salt River Bay, the Department of Planning
3 and Natural Resources shall make the designation in collaboration with the National Park
4 Service. At Magens Bay, the Magens Bay Authority shall make the designation in
5 collaboration with the Department of Planning and Natural Resources.

6 (g) The developer of any development project that is executed, funded,
7 assisted, permitted, licensed, or approved by the Government shall institute a process that
8 assesses the possible effects of the actions on historic and cultural property before the
9 project is started.

10 (h) The Virgin Islands Government, through the Department of Public Works
11 and Department of Sports, Parks, & Recreation, may seek to obtain adjacent land outside
12 of the National Park Service boundaries to commence a project that redirects motor
13 vehicle access and parking to the Salt River Bay site. The project must reference or
14 institute previous conceptual architectural and landscape plans for access to Salt River
15 Bay. The new roads and parking and their construction must not interfere directly or
16 indirectly with the preservation of the archaeological and historical sites at Salt River
17 Bay. The Department of Public Works shall work with Department of Planning and
18 Natural Resources and the National Park Service in determining the optimum ways of
19 redeveloping public access to the site while maintaining preservation efforts at the site.

20 (i) The Government shall enter into concurrent jurisdiction agreements for
21 law enforcement patrolling activities with the National Park Service at Salt River Bay
22 pursuant to the Cooperative Management Agreement signed by both parties.

1 (j) The Department of Planning and Natural Resources shall commence
2 planning for removal and cleanup of derelict and abandoned boats in the water at Salt
3 River Bay by 2016.

4 (k) The Government shall recognize any individual as having Native
5 American heritage or ancestry if through voluntary DNA testing that person has at least a
6 2.5% blood quantum level of Native American genetics. That this data bank registry must
7 be conducted by the University of the in collaboration with the State Historic
8 Preservation Office of the Department of Planning and Natural Resources. The Historic
9 Preservation Office shall submit an annual report of the findings of this registry to the
10 Legislature and the National Park Service.

11 **SECTION 3.** The Department of Planning and Natural Resources shall submit to
12 the Legislature no later than 90 days after the enactment of this act information needed
13 for designation of Magens Bay as a historic district.

14 **SECTION 4.** (a) It is the declared policy of the Virgin Islands that all citizens,
15 non-governmental organizations, and the Government and its associated departments,
16 agencies, and instrumentalities respect our sacred national patrimony, and the rights of
17 the Taino, Carib, and other Caribbean Indigenous Peoples.

18 (b) Based on these truths that are self-evident and scientifically proven, the
19 living descendants of the indigenous people of the Virgin Islands are entitled to respect,
20 acknowledgement and inclusion as indigenous/native people of the Virgin Islands from
21 henceforth.

22 (c) The Government shall observe August 9 annually as “International Day of
23 the World’s Indigenous People”, as celebrated by the United Nations.

Section 1 sets forth the definitions of terms used in the bill. Included in this definition section are the definitions of “artifacts” “preservation” and “remains”.

14 Section 2 of the bill provides for the placement of Magens Bay on the Virgin
15 Islands Registry of Historic Places. Section 2 also mandates the Department of Planning
16 and Natural Resources to designate Magens Bay as a pre-historic Amerindian Site of
17 Memory and requires the Department to commence the process to nominate Salt River
18 Bay as a UNESCO World Heritage Site by the year 2017.

Section 3 provides for the disclosure, inventory, and repatriation the remains of Amerindians, commencement of a project that redirects motor vehicle access and parking from the Salt River Bay site, removes abandoned and derelict vessels from Salt River, and recognizes individuals as having Native American heritage or ancestry.

23 Section 4 sets forth the Territorial policy to respect the sacred national patrimony,
24 and the rights of the Taino, Carib, and other Caribbean Indigenous Peoples. The section

1 also designates August 9 annually as “International Day of the World’s Indigenous
2 People” as celebrated by the United Nations.

3 Section 5 amends the Archeological Preservation Fund and the Territorial Park
4 Trust Fund to authorize financing for the Mogens Bay Authority’s preservation activities.

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8 **BR14-1510/July 22, 2014/YLT**

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