



DRAFT

FORMER NAVAL STATION ROOSEVELT ROADS

Restoration Advisory Board (RAB) Meeting Minutes

Club Cívico La Seyba, Ceiba, Puerto Rico

Meeting No. 12

March 18, 2009

Note: This meeting summary is based on informal notes taken at the meeting. It is not intended as a verbatim transcript, and portions of some discussions may not have been captured. If comments or additional notes are provided within 30 days of distribution of these minutes, they will be added as an attachment to this summary.

I. Order of the Day and Welcome

The meeting began at 6:20 PM. Susana Struve (CH2M HILL) welcomed RAB members and members of the public in attendance (see Attachment 1). Mark Davidson (Navy) informed the attendees that he is looking forward to working with them again as the Navy Co-Chair. Mark went through the list of action items, see status at the end. Mark also welcomed Mike Dalton as a new RAB member.

Susana invited members of the public in attendance to sign in if they want to receive information via mail or e-mail.

II. Cleanup Update – Mark Kimes (see presentation [Attachment 2] for more details)

Mark summarized the progress of the cleanup for three sites – Solid Waste Management Unit (SWMU) 9 (Tank 214 Area), SWMU 60 (Former Landfill at the Marina), and SWMU 70 (Disposal Area Northwest of the Landfill) – as well as the fieldwork for the remediation activities at Area of Concern (AOC) F (Monitored Natural Attenuation [MNA] sites) and SWMU 3 (Solid Waste Landfill).

Mark provided an update of the status of all reports submitted. See presentation (Attachment 2) for more details.

- Debra McWhirter (RAB member) asked: So many reports have been submitted, what is the actual progress at the site?

Mark answered that it depends on the document. Below is a brief summary by site.

- AOC F – For the quarterly sampling, we are just monitoring the fuel around the tanks to see if the concentration continues to decrease.

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

- SWMU 62 – This is the first report written on this site; we found contamination, so we are recommending further investigation
- SWMU 3 – This is our semi-annual monitoring for the landfill; we are not seeing anything in the groundwater that will trigger more investigation.
- SWMU 78, Pole Yard site – This is the first report on the first investigation; we found some metals so we need to take more samples.
- SWMU 68, Fire Training Pit – The corrective measures studies identified a couple of “hot spots” on this site.
- SWMU 71, Quarry Disposal Site – This is the draft RCRA Facility Investigation (RFI), the first investigation that recommends a full RFI after identifying some areas of concern.

In a Phase I RFI, we take some samples. If they show contamination, the site is recommended for a full RFI. If contamination is found that needs to be cleaned up to protect human health and the environment, then we move into the corrective measures study (CMS). In the CMS, each type of contamination is identified (in soil or groundwater) and the cleanup alternatives, costs, and technologies are evaluated before recommending one alternative to the regulatory agencies. EPA and EQB regulate the method used to clean up the site. Under RCRA, the environmental law regulating the work at Roosevelt Roads, EPA is the lead agency; EQB reports to EPA under this system.

- Luis Velázquez (RAB member): I see here that several documents were presented to EQB. Is EQB accessing the base to confirm the information in the documents? EPA and EQB are the eyes and ears of the community.
Wilmarie Rivera (EQB) answered: After each document is presented there is a comment period where the agencies review the document, submit comments and perform site inspections before a Work Plan (WP) is approved. Luis added: Since the community does not have access to the site, EQB is the agency who should check that the Navy is following the approved Work Plan. After the work is done, the agencies provide oversight on the work done.
- Mark Kimes (Baker Environmental): Let me add that I am a professional; when we say that we have followed a Work Plan, it is because we have done it. My work is my livelihood, we are honest, and we take photos and document what we are doing in the field. This information is in the report that goes to the agencies. EQB and EPA have their consultants that review the documents in detail.
Luis Velázquez responded: I too am a professional (a construction professional). The RAB has a responsibility before the community; the agencies need to do their oversight job, too.

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

III Remediation Planning

Mark summarized the activities related to the Remediation Planning for SWMUs 7/8, 54, and 55; the groundwater monitoring planned for the site; the soil work at SWMU 7/8; and SWMU 54 and 55 Corrective Actions. The CMS documents for all three sites have been approved; the preferred remediation activity for these sites is a removal action.

- For SMWU 7/8, large fuel storage facility on the Base - The selected measure for this site is total recovery. We have been removing petroleum product from groundwater at nearly 85 wells. A contractor goes once a month to recover the product. New wells will be installed to take the product out of the ground and additional monitoring wells will be installed to monitor the fuel in the ground. Test pits will assist in capturing any product in the ground. Additionally we are going to evaluate the performance of soil power pumps used in extraction/vacuum technologies. A pilot study will be developed using enhanced fluid recovery. All of these technologies will help evaluate the final remedy for the site.
- Groundwater monitoring will activate the product recovery system. Quarterly monitoring will evaluate product recovery.
- For soils, there are semi-volatile compounds and arsenic is a concern in sub-surface soil at the site. After the contamination is delineated, those soils will be excavated from the site.
- SWMU 55 is within the Tow Way Fuel Farm. Trichloroethylene (TCE) was found in groundwater during a well sampling event. The contamination at SWMU 55 is only in groundwater. We found that there is a low point on the bedrock that prevents the TCE from moving down. The proposed cleanup alternative for this site is chemical oxidation, injecting an oxidizer into the groundwater that will “chew up” the contamination. This technology measures the concentrations of permanganate sulfate to see how much we will need to clean up the site. Groundwater monitoring will help evaluate the technology for this site.
- SWMU 78 - The soil will be excavated. The figure (see presentations, Attachment 2) shows where the soil was and provides additional sampling locations to further delineate contamination at the site.
- SWMU 54 is another groundwater site. This site also has TCE, a solvent compound used for cleaning parts like in an auto-shop; it is heavier than water and it sinks in the groundwater. The contamination at this site is related to a benzene plume associated with a gas station located at the site. To remediate the TCE plume we are injecting an emulsified vegetable oil solution (about 5,000 pounds) into the well; this is an anaerobic treatment. To clean up the benzene plume, we are using an oxygen release compound (6,000 pounds) in the groundwater. The technologies will be monitored to assess the results.

3

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

- Lirio Márquez (RAB member): How long does the Pilot Study take and, after the preferred method is selected, how long does it take to remediate the site?
Mark Kimes answered: Pilot studies are usually for 30-60 days to see how well the system is operating. When we were writing the CMS for this site, we noted that the soil is made of tight clay that prevents contaminants from reaching the surface water. In this case, after two years the technology is evaluated.
- Jorge Fernández Porto (RAB member): Enhanced fluid, what does it mean?
Mark Kimes answered that enhanced fluid recovery is the methodology that may involve fracturing the soil with high pressure to allow more movement of the product into the well.
- Jorge Fernández Porto: Could it be that you have “contamination pockets”?
Mark Kimes answered: We installed over 80 wells, showing that the TCE is only in one location. All the wells were analyzed for the entire total contaminants list (TCL) which includes TCE.
- José Madera (member of the public): It would be useful if you presented a matrix with a timetable including the remedy for each site; that way the community may feel more comfortable.
Mark Kimes answered: Maybe for the next meeting we can try to make a graph that will show the process.

IV. Archeological Sites – David Criswell (Navy)

David Criswell gave an update of a couple of action items related to the archeological sites. We can get more information at the next meeting; there are some reports that are being completed which will be available in a couple of months. We will keep the update on the archeological investigation as an on-going item.

As stated before, there is currently no archaeological curation facility compliant with 36 CFR 79 in Puerto Rico that could host the artifacts. The artifacts from the current archeological recovery efforts in the sale parcels have been excavated and 30–40 boxes have been taken to the compliance authorized contractors in Florida. The artifacts will be studied, catalogued, and will remain there until the Navy and the Puerto Rico State Historical Preservation Officer (SHPO) have another consultation, and discuss what the ultimate location of those artifacts will be.

There was a question about the artifacts collected in the past during construction or demolition projects. The Navy as a federal agency has a responsibility to care for archeological artifacts. During all the years of work in Roosevelt Roads, the Navy completed recovery and documentation of many artifacts. There are 100 or more boxes with artifacts recovered over time, which are also hosted at a compliance facility in Maryland.

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

We understand that Puerto Rico wants these artifacts back. We will continue to work with the SHPO to try to develop some kind of program that will allow these artifacts to come back once a compliance facility is identified in Puerto Rico. We'll keep you updated.

Another question was related to archaeological surveys conducted on the installation from 1994-1996 and again in 2004-2005 after the base was closed. We provided an update of the recent information about the cultural resources sites located in the parcels that are for sale. CH2M HILL sent a copy of this report, which has an update on the archeological work, to the mailing list.

- Debra McWhirter: Obviously there are interesting artifacts. I hope someone from the local government could establish some kind of museum for us to enjoy everything that came from our ancestors. We can do a museum in Ceiba.
- Jorge Fernández Porto: I have the executive summary of the report you mentioned and I am concerned about the recommendations from the U.S. archeologists. They indicate that the analysis shown mitigates any impact to the sites where the artifacts were found. I don't understand how it is that a simple study mitigates a site. A study is merely a description of what they found. A study is not mitigation.
- David Criswell (Navy) answered: There are two types of studies done, one to determine whether or not there are historical sites, and a mitigation study if historical resources are found. The cultural resources sites are mostly located in the conservation areas transferred to the Commonwealth of Puerto Rico. Because we transferred these sites to the conservation agencies, there was no need for mitigation. The recovery work that is being done is on the property that is for sale and will be transferred outside of state or federal ownership. Private owners do not have the same legal responsibility to protect artifacts. Professionally removing and cataloging the artifacts is the mitigation required under the law, because the artifacts are completely recovered, leaving nothing that could be damaged. Their value to understanding the history of the area is preserved.

V. Coastal Zones and Mangroves – David Criswell (Navy)

This presentation is going to overlap with the U.S. Fish & Wildlife Service presentation later tonight. I am going to answer some of the action items from the last meeting in the context of property transfer and to insure the conservation measures are passed on to new property owners. The questions were related to the Navy's right to transfer property in conservation zones (mangroves, beaches, etc.). When the Navy transfers the property, it is done by a quitclaim deed that states that the Navy is no longer the owner and passes any right to the property to the new owner, in the context of the laws of the commonwealth and the U.S., which the new owner must follow.

The Commonwealth of Puerto Rico's federally approved Coastal Management Plan guides the development of property and water activities in the designated coastal zone. It is enforced through PR Planning Board (PRPB) and DNER. The PRPB has the authority to

5

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

issue development permits to the new owners. The Division of Coastal Zone within the Puerto Rico DNER is responsible for administration and coordination of the Coastal Management Plan. The Special Zoning Plan prepared by the Local Reuse Authority should include the *Biological Assessment for Disposal of NSRR* and the conservation measures developed for the protection of natural resources, including threatened and endangered species.

Conservation Parcels:

When the Navy transfers these areas, we include in the deed conservation measures that have been agreed upon in our Biological Assessment. These measures will protect natural resources, primarily threatened and endangered species. Attached to the Quitclaim Deed of Transfer is the Finding of Suitability for Transfer, which details conservation measures developed for each parcel. It is available in our Administrative Record: www.nsrr-ir.org.

There are over 2,900 acres of undeveloped mangrove forests, freshwater wetlands, beaches and tidal wetlands that have been transferred to the Puerto Rico DNER; they are being managed by Conservation Trust of Puerto Rico.

Conservation transfers:

There are conservation areas within and adjacent to the sale parcels – conservation transfers. These are less than 130 acres (mostly SWMUs 1, 2, and 70), which were not transferred to the commonwealth due to contamination issues. Punta Puerca was reserved as a sale parcel.

VI. Biological Assessment - Marelisa Rivera (US Fish & Wildlife Service [USFWS])

The federal law that protects endangered species has two sections. The first one is a proactive mandate stating that the federal agencies need to use their authority to conserve endangered species and their habitat. The 1992 law that protects marine turtles is part of this initiative.

The second is part of Section 7 of the Endangered Species Act, related to the consultation that any federal agency planning to work in the area needs to do with USFWS to avoid putting at risk the survival or recuperation of a species at threat of extinction, or destroying its habitat. The federal agency is responsible for determining the potential impact of their action on the threatened species and should ask for the technical support of USFWS. This is a cooperative effort that requires good communication between both agencies. It includes both a formal and an informal process; all is done in writing.

At Roosevelt Roads, we followed an informal process that identified the affected species, the actions, the effects on the species (or benefits), and the mitigation measures; it evaluated the need to move to a formal process. During the informal process, the Biological Assessment (BA) is developed for significant actions. It is a document used to initiate the informal consultation, has information on the species at a site, habitat, direct and indirect effects (interrelated and interdependent). It defines the type of consultation and the measures

6

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

needed to minimize or mitigate impacts. The BA is prepared by the federal agency. The BA for re-use of Roosevelt Roads identified the following species: Puerto Rico boa and VI tree boa, Cobana negra, yellow shouldered black bird, endemic lady bug, pelican, plover, 33 areas for marine turtles' nesting and manatees conservation areas. See presentations for more details.

The BA includes 3,300 acres of conservation areas, including mangroves, wetlands, forested areas, and lands with slopes of more than 15 degrees (1,342 acres) which may not be developed. They are protected under special zonification done in December 5, 2005 by the Office of Economic Development (now the Local Reuse Authority). The BA includes specific conservation measures for each one of these sites and for each species. For the boa, the search and conservation protocol established by DNER will be in place. For the manatees' conservation areas, any proposed activity in the water requires a permit from the Army Corps of Engineers and an individual consultation for each project which may affect the manatees. The consultation concluded when USFWS concurred with the mitigation activities proposed by the Navy for the conservation of these species. The BA incorporated the mitigation measures negotiated through the process.

- Lirio Márquez: Are the zones you mentioned corresponding with the parcels? Marelisa answered: We base our zonification on the BA that we reviewed and approved. The BA has a map with 68 parcels (including the conservation parcels). Each parcel has an individual map with its measures and a number.
- Juan Solina (public member): How are the parcels marked?
Marelisa answered: I understand that each parcel has an aerial photograph and a delimited area marked by GPS.
Juan: What I meant is, how do you know you are not trespassing?
Marelisa: The deed marks all the property. Our assessment did not focus on trespassing, but on issues related to habitat destruction.
- Rafael Montes (RAB member): The explanation you gave us, it seems to me, changes all the rules related to the sale of the parcels. I imagine the interested buyer would need to check with USFWS.
Marelisa answered: What I understand is that the person should have all of the information of the parcel including the restrictions for parcel development (i.e., areas where turtles nest).
- Juan Solina: What this means is that it is up to the community to check and provide oversight so things are developed right by the new owners.
Marelisa Rivera answered: The conservation on these areas is a shared responsibility; the community has a role, but all the agencies need to do their work when the areas are ready to be sold. Some of the areas have been transferred to other conservation agencies (such as DNER); now they are subject to local jurisdiction.
- Juan Solina: Will there be a type of publication with the results of the agency oversight?
Marelisa Rivera answered: The USFWS typically does not publish that kind of

7

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

information, although any deviation to the BA is documented with a letter. I also know that if USFWS continues participating in these RAB meetings, we can provide timely updates.

- Carmen Guerrero (Conservation Trust consultant): You mentioned the plan for land use, which the LRA recently finished; have the BA recommendations been incorporated in this plan?

Marelisa Rivera answered: I only saw a translated version of the final plan. I trust that the conservation measures have been incorporated and are being followed.

- Jorge Porto Fernandez: You mentioned that one of the conservation measures is a set-back of 20 to 70 meters from developed areas. Does this affect all of the parcels?

Marelisa Rivera answered: This set-back is for all 33 areas identified for turtle nesting activities (mostly Carey turtles), which includes Isla Piñeros.

- Rafael Montes: I was born here and lived in this area of my life, all the areas have Carey. I don't know how the parcels were developed and the restrictions issued. Why does the law stop us from capturing Carey now?

Marelisa Rivera answered: Over-capturing is why the species is in danger. The marine turtles were protected even before the law to protect threatened species was established in 1973. Even with these measures the 5-year review for the Carey found that the species is still at low numbers.

- Luis Velázquez: In the first meetings we had about the development of Roosevelt Roads, we talked about "Moises the manatee." Why don't you establish a breeding/repatriation program for turtles?

Marelisa Rivera answered: The best way to protect them is by conserving the habitat; they take 20 years to reproduce for the first time. In Mexico, there was an unsuccessful in captivity turtle breeding program. This is why USFWS does not support this type of program. Moises was a baby orphaned manatee that we helped until it went back to the wild.

- Lirio Márquez: David, you mentioned that SWMUs 1 and 2 are carved out from the conservation sites, but you mentioned Punta Puerca; is it proposed for conservation?

David Criswell answered: Punta Puerca is included in Sale Parcel 3 and it will be sold.

- Lirio Márquez: David said that many of the archeological sites are in marine zones or wetlands, and conservation areas transferred to the Puerto Rican government and DNER. Does DNER have a plan to manage these sites as archeological sites?

Vicente Quevedo (DNER) answered: We received documentation from the Office of Historical Preservation that identified the archeological sites. Once the management and administration of those lands is in place, there will be an agreement with the Conservation Trust. The conservation plan they are working on will include information about each area to determine the strategies to address the sites. DNER was aware of the importance of the archeological sites; the management will be done through specific objectives following the applicable laws from Puerto Rico.

8

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

- Lirio Márquez: The quitclaim deed identifies these sale parcels and transfers the rights on these parcels to DNER. The Navy used the areas for activities that may not be allowed under the conservation law even within the waters. Puerto Rican law has a different approach to using these lands; how does DNER address the historical use of the area with the conservation mandate for these zones?
Vicente Quevedo answered: After all the lands in the base are transferred to the different uses identified in the Special Use Plan; some resources are influenced by the shore and submerged areas. DNER in its organic law will comply with its mandate and it is in the process of analyzing historical uses and evaluating if DNER needs to recuperate these coastal/marine assets for public domain.
Lirio Márquez: The main concern is that these transactions won't affect the public's rights on these areas.
- Félix López (USFWS): I have a comment on parcel 38, Punta Puerca. The access to the parcel is part of the conservation area for Los Machos; the new owner will have an isolated parcel, which will create conservation problems. I don't know if the entire area can be defined as a conservation area.
Luis Velázquez: Punta Puerca is the only dry forest on the East of Puerto Rico. There is a documentary about this forest which can be shown at the RAB meeting. This area should be protected. It can become the best observation point for local tourism. The first plan showed 55 parcels with ocean view. For us, it is important to conserve this site instead of developing it for high-end houses. I commend you; you are listening to our comments. I am glad you added some mangrove conservation areas; you should do the same with Punta Puerca.

VII. Fishing Restrictions - Mark Davidson (Navy)

Ramon Figueroa (Community Co-Chair) requested this item to be added to the agenda. Mark Davidson forwarded Ramon's email to the commander of the base and this was his response. The Navy does not have the manpower to control access and provide security. The biggest problem we have is that we still need to provide security for some of our tenants (Customs and Border Patrol). Allowing fishing boats is not practical at this time, so the restrictions are still in place for the waters around the base.

Fishing from Pier 3 and the dry dock area is allowed to those with a military ID during daylight hours. However, everyone needs to leave by 6:00 PM.

VII. Sale Update - David Criswell (Navy)

The Navy has completed the draft invitation for bids for the 3 sale parcels. There will be online auctions where people can bid on any combination of these parcels. Only people who provide credit and follow up with the bidding process can participate. We expect the invitation for bids to be posted to our website by the end of April to mid-May. There will be at least 90 days of due diligence, where bidders can look at the documentation on the

9

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

website. RAB meetings, environmental studies, and information on conservation and endangered species is posted on the due diligence section in the online library. The due diligence period will continue during the summer. Bidding will start at the end of August and will run for at least 30 days. If the bidding process is slow, we can make a 72-hour call where we tell everyone the best and final bids. Bidding could be extended for 30 days. Our goal is to complete the sale by September or October.

- Member of the public: How are you going to sell contaminated parcels?
David Criswell answered: All of the property within the sale parcels is going to be sold (about 3,000 acres out of the 8,600). Within two of these parcels, there are contaminated sites, but we are only allowing the transfer of the deed to the clean property. We will hold onto the deed for the contaminated property until we get it cleaned up and EPA and EQB decide that the property can be transferred. This process could take years to complete.

Keep in mind that the contaminated sites represent only 10 percent of the entire property; they are areas where development can't occur. This is part of the reason for the 30-day due diligence; there is a lot of information about the environmental state of the property. Bidders are aware that there are parts of the parcels that they will not have access to for a time, until we complete the clean up.

If there is groundwater contamination at the site, the Navy may lease the parcel. The new owner could build a parking lot on this area, because the contamination is 20 or more feet below the ground, so there is no exposure path for the contamination to harm anybody. Within limits that will be negotiated with EQB and EPA, there will be some allowable uses of the contaminated property.

- Member of the public: So when could the developer start working on these sites?
David Criswell answered: That is up to the developer; once we have transferred the deed, the land is ready for development.
- Félix López: My question has to do with the restricted areas in the nautical charts for Roosevelt Roads. The only agency that can remove the restrictions is the agency that requested them in the first place, in this case the Army Corps of Engineers and the Coast Guard. Once the properties are sold and the Navy has no property, are those restrictions in the water going to be lifted?
David Criswell answered: This is on our "to do list." Because the Navy still owns such a large portion of the base and because we have security issues to protect the public and workers at the base, we kept the restrictions in place. We will remove the restrictions when the appropriate time comes.
- Rafael Montes: When law number 54 was approved in 1941, which transferred to the Navy the coastal zones (including wetlands and dry lands) until the lands are not needed for National Defense, the lands automatically were to be transferred to the Government of Puerto Rico. Now the Navy is selling the lands or has transferred them

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

to federal agencies. Today the Bayamon Municipality acquired 7.2 *cuerdas* of land through the BRAC law in Buchanan. I don't understand what the mayor of Bayamon did to be able to get the lands and the buildings. In Ceiba we have more coastal areas and can't get anything; we need to keep fighting, but it seems it is too late for us. Can the Navy do anything for this municipality? This is unfair, because it is the town who was a good neighbor to the Navy.

- Jorge Fernandez Porto: I have a question for the LRA. Is there a timeframe for the zoning plan for the area? When is the plan going to be available for public review?
Jaime González (the new LRA director) answered: The governor nominated me for the transition committee and later as the executive director for the LRA. The LRA submitted the plan to the Planning Board. With all the changes due to the new government, I asked if perhaps we need to wait until the new representatives are in place before the vision can be determined. Mr. Colorado (the former LRA director) told me that we couldn't wait to issue the plan; there is 30 days of comment where the activities can change. I asked about the lack of public comment period. I don't want to make decisions on the fly, so I requested that the final consideration on the zoning plan wait until we develop an orderly process, where the municipality and the community can have the opportunity to give their input. The original plan is very detailed; I considered it was better to give opportunity for public meetings. The Planning Board agreed to wait until the input is received to delineate better the approach for the sites.

I don't think Roosevelt Roads all of a sudden can become a tourist center with new hotels and expensive residences. The Governor told me that the development of Roosevelt Roads is an important project for the economic development for the east part of the island, and specifically for the Ceiba and Naguabo municipalities. The 90 days are over, so the plan is going to be re-evaluated. It will be considered within the new LRA directorate, it will have input from the municipalities and the community, and will include planning technicians to review the plan so the process is expedited.

- Lirio Márquez: It seems a reasonable approach. So how will you match the new approach of the zoning plan with the Navy's plan to sell the parcels at the end of the summer?
Jaime González: The new plan will be in place before the bidders make their final offers.

VII. Closure

The next RAB meeting will be held on Wednesday, May 13, 2009. The meeting ended at 9:30 PM.

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

VII. New Action Items, Action Items that Require Follow-up, and Ongoing Action Items for the Next RAB Meeting

The following summarizes the action items that were carried forward from the last RAB meeting in January 2009. There are no new or ongoing action items to be carried forward to the next RAB meeting in May 2009.

Item	Description	Discussion	Status
#1	The Ports Authority conducted work resulting in a mound of soil at or near SWMU 69 immediately before heavy rains occurring in Puerto Rico.	The Navy will conduct the additional investigation required because of the violation of land use controls, in order to speed up the cleanup process. The Navy will then seek reimbursement for the Ports Authority for the additional work.	Completed.
#2	Community concern about the potential sale of property containing historic and natural resources.	Navy provided information regarding studies conducted at the site before 1930 to 1940 during the March 2009 RAB meeting.	Completed, information provided at this meeting.
#3	Community concern about historic and valuable archaeological artifacts being removed from the island.	Puerto Rico currently does not have an archaeological curation facility compliant with 36 CFR 79 that could host the artifacts. Therefore, the artifacts from past and current archeological recovery efforts will be stored in the states until such time as Puerto Rico gets a compliant facility.	Completed.
#4	Information about the report on the excavation of historic artifacts on the base.	Navy provided a copy of the report produced by the archeologists to the RAB.	The report was mailed to the RAB in January 2009.
#5	Information regarding the remediation planning and data collection at SWMUs 9, 13, 46, 53, 7, 8, 55, and 56.	The Navy and contractors provided more information about this work to the RAB during the March 2009 meeting.	Completed - see minutes.
#6	Information about the Biological Assessment and other documents used to establish transfer of sites.	The USFWS provided more information about the BA to the RAB at the March 2009 meeting.	Completed - see minutes.

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

ATTACHMENT 1 - Meeting Attendees - March 18, 2009

RAB Community Members in Attendance	RAB Community Members Absent
Ramón D. Figueroa, Community Co-Chair	Carlos Brown
Ismael Velázquez	Jimmy Concepción Robles
Luís A. Velázquez Rivera	José Díaz
Jorge Fernández Porto	Myrna Maldonado
Lirio Márquez D'Acunti	Ramón M. Ríos
Rafael Montes	Daniel E. González
Agustín Velázquez Santos	Noraida Vázquez Arce
Debra McWhirter	William Laurido
Ángel de Jesús Matta	Samuel Caraballo
Mike Dalton	Rogelio Figueroa
Community Members Visiting	
Antonio Ávila	Sonia Menendez
Gilberto Camacho	Flor María Morales
José M. de Jesús	Flor Rivera
Rafael Donato	Hiram Rivera
Jeannette M. Hernández	Juan Solís
Ramonita Luciano	Pedro Tejada
José Meléndez	Danny Velázquez
RAB Agency Representatives in Attendance	
Mark Davidson, Navy Co-Chair, BRAC Environmental Coordinator,	Navy - BRAC Program Management Office Southeast
David Criswell, Deputy Program Manager	
Tim Gordon (absent)	US Environmental Protection Agency, Region 2 (EPA)
Luis Negrón (representative)	
Wilmarie Rivera	Puerto Rico Environmental Quality Board (EQB)
Gloria M. Toro Agrait	
Neida Pumarejo Cintrón (absent)	Puerto Rico Conservation Trust
Santiago Oliver (representative)	

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

RAB Agency Representatives in Attendance (Continued)	
Vicente Quevedo	Puerto Rico DNER
Elizabeth Padilla	Puerto Rico Conservation Trust
Félix H. López	U.S. Fish and Wildlife Service
Marelisa Rivera	U.S. Fish and Wildlife Service
Other Agency Representatives	
Jaime González	Director, (Local Reuse Authority [LRA])
Freddy de Jesús	(Local Reuse Authority [LRA])
José A. Candelaria	(Local Reuse Authority [LRA])
CDR Daniel Kalal	Naval Activity Puerto Rico
Support Staff Present	
Susana Struve	CH2M HILL, Inc. (Navy contractor – meeting facilitator)
Pedro Ruiz	Naval Activity Puerto Rico
Mark Kimes	Baker Environmental, Inc. (Navy contractor – Installation Restoration Program)

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

Nota: Este resumen se presenta en inglés y en español para la conveniencia del lector. Se han hecho todos los esfuerzos para que la traducción sea precisa en lo más razonablemente posible. Sin embargo, los lectores deben estar al tanto que el texto en inglés es la versión oficial.

Restoration Advisory Board (RAB) Meeting

Former Naval Station Roosevelt Roads
Ceiba, Puerto Rico

Meeting #12

March 18, 2009



Tonight's Agenda

Welcome and Introductions

Mark Davidson, Navy Co-Chair

Action Items from January RAB Meeting

Mark Davidson

Cleanup Update

Mark Kimes, Baker Environmental

Remediation Planning

Tom Beisel, CH2M HILL

Break (6:50 – 7:00 pm)

Follow up on archeological investigations

David Criswell

USFWS Biological Assessment Information

Félix Lopez

Fishing Restrictions

Mark Davidson

Other public comments and questions

RAB members and visitors



Action Items from January Meeting

Mark Davidson

March 18, 2009



Action Items

Action Item	Status
Port Authority conducted work resulting in a mound of soil at or near SWMU 69 immediately before heavy rains occurring in Puerto Rico.	Navy to follow up with the Port Authority to determine the impact of their activities at or near SWMU 69.
Community concern about the potential sale of property containing historic and natural resources.	Navy to provide information related to documentation for the site from before 1930 to 1940.
Community concern about the taking of historic and valuable archaeological artifacts being removed from the Island.	Navy to invite archaeologists to participate at the next RAB meeting.
Information about the report on the excavation of historic artifacts on the base.	Navy provided a copy of the report produced by the archeologists to the RAB.
Information regarding the remediation planning and data collection at SWMUs 9, 13, 46, 53, 7, 8, 55, and 56.	Navy and contractors to provide more information about this work to the RAB.
Information about the Biological Assessment and other documents used to establish transfer of sites.	USFWS to provide more information about the BA to the RAB.



Cleanup Update

Mark Kimes

March 18, 2009



Fieldwork (Investigations)

- **SWMU 9 (Tank 214 Area), SWMU 60 (Former Landfill at the Marina), and SWMU 70 (Disposal Area Northwest of the Landfill)**
 - Mobilized on Sunday January 11, 2009; demobilized on Saturday January 24, 2009.
 - Fieldwork is completed.
 - Laboratory analysis of the samples collected is completed.
 - Data validation of the laboratory analysis is underway.
 - Reports for all three SWMUs are in development.
- **Annual Land Use Controls (LUCs) Inspections**
 - Inspections of all SWMUs were conducted January 28, 2009.
 - Report was submitted to the EPA on February 26, 2009.



Fieldwork (Investigations) cont.

- **AOC F (Monitored Natural Attenuation [MNA] sites) and SWMU 3 (Solid Waste Landfill)**
 - Mobilized on Sunday March 1, 2009; demobilized on Friday March 6, 2009.
 - Conducted the Year 6 - 4th Quarter groundwater and soil sampling at select sites from AOC F.
 - Conducted the semiannual groundwater sampling at the solid waste landfill.
 - Laboratory analysis of the samples collected is underway.
 - Data validation of the laboratory analysis will be conducted following the completion of the lab analysis.
 - Reports for both sites will be developed.



Fieldwork (Remediation)

- **SWMU 9 (Area B Tank 214 Area), SWMU 13 (Old Pest Control Shop/Building 258), SWMU 46 (Pole Storage Yard Covered Pad), SWMU 53 (Malaria Control Building/Building 64), and AOC C (Transformer Storage Pad)**
 - Excavations at all five sites have been backfilled and seeded.
 - Final Closeout Report needs to be developed.



Reporting

- **AOC F (MNA sites)**
 - The Draft AOC F MNA Year 6 - 3rd Quarter Report was submitted to the EPA on January 9, 2009.
- **SWMU 62 (Former Bundy Disposal Area)**
 - The Draft Phase I RFI Report for SWMU 62 was submitted to the EPA on February 6, 2009.
- **SWMU 3 (Solid Waste Landfill)**
 - The Draft Semiannual Groundwater Monitoring Report for September 2008 sampling event for SWMU 3 was submitted to the EPA on February 16, 2009.



Reporting (cont.)

- **RCRA Quarterly Progress Report**
 - The RCRA Quarterly Progress Report including the Tow Way Fuel Farm Quarterly Progress Report was submitted to the EPA on February 26, 2009.
- **Annual LUCs Inspection Report**
 - The Annual LUCs Inspection Report for NAPR was submitted to the EPA on February 26, 2009.
- **SWMU 78 (Pole Yard)**
 - The Draft Phase I RFI Report for SWMU 78 was submitted to the EPA on February 26, 2009.



Reporting (cont.)

- **AOC F (MNA sites)**
 - The Final AOC F MNA Year 6 – 2nd Quarter Report was submitted to the EPA on March 5, 2009.
- **SWMU 68 (Former Southern Fire Training Area)**
 - The Draft Final CMS Final Report for SWMU 68 was submitted to the EPA on March 5, 2009.
- **SWMU 71 (Quarry Disposal Site)**
 - The Draft Phase I RFI Report for SWMU 71 was submitted to the EPA on March 13, 2009.



Remediation Planning SWMUs 7/8, 54, and 55

Tom Beisel, CH2M HILL

March 18, 2009



SWMU Locations



SMWU 7/8 Groundwater



Product Recovery

- **Install product recovery wells.**
- **Install monitoring wells.**
- **Test pits.**
- **Evaluate the performance of solar-powered pumps to high vacuum-extraction technologies.**
- **Perform pilot study using Enhanced Fluid Recovery.**



Groundwater Monitoring

- **Operate product recovery system.**
- **Perform groundwater monitoring and sampling quarterly.**

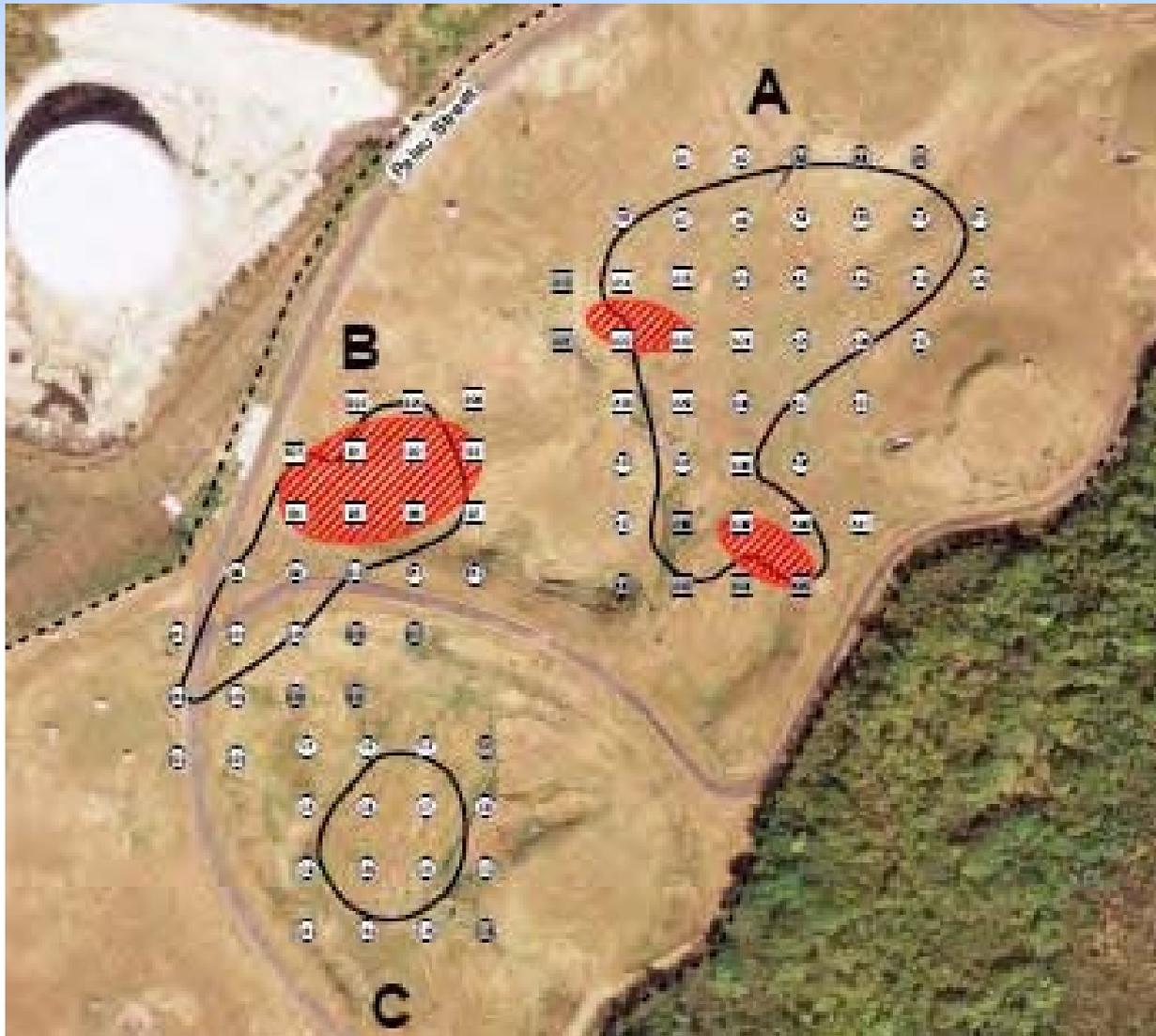


SWMU 7/8 Soil

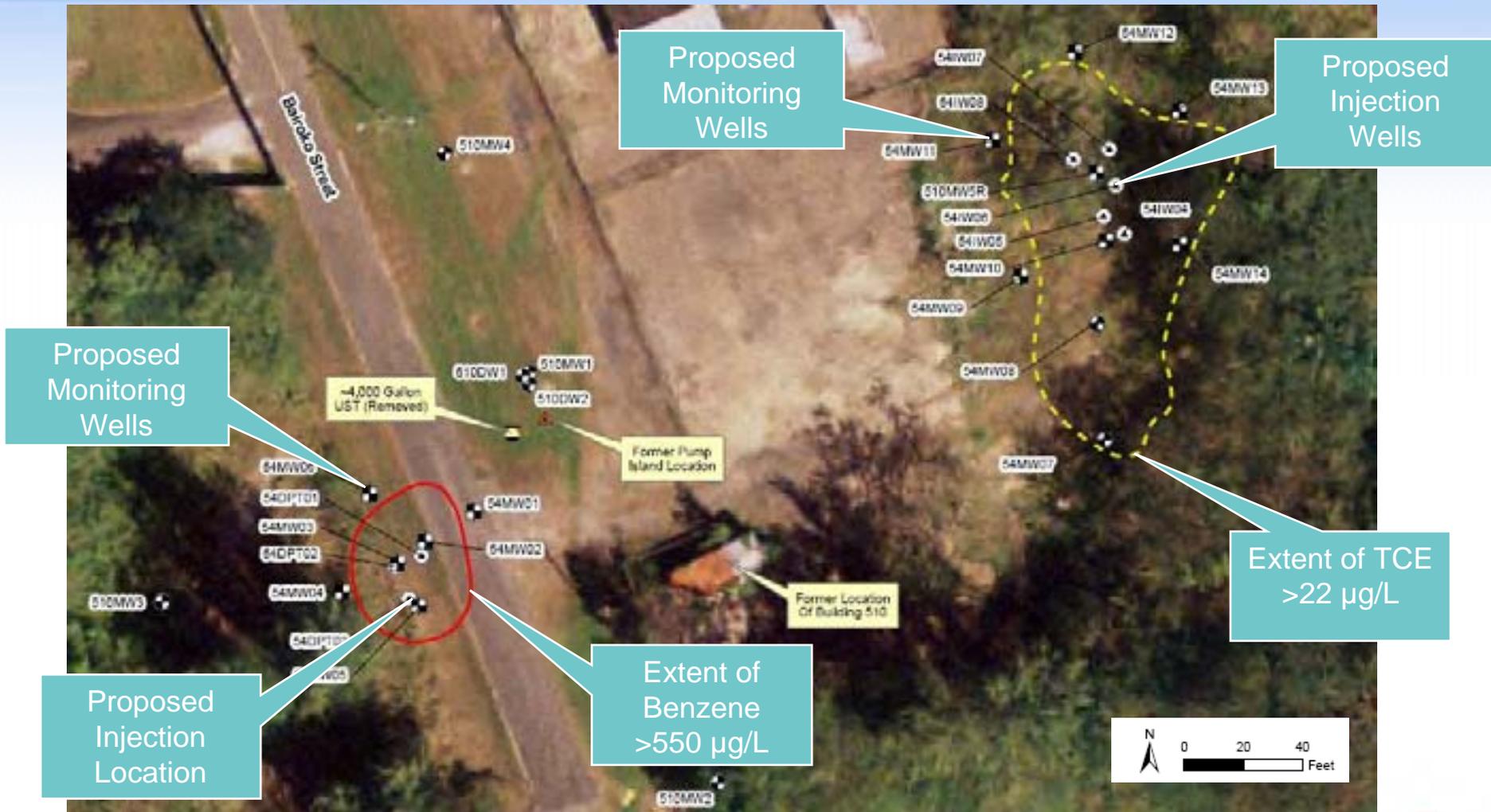
- **Semivolatiles and arsenic of concern in surface soil.**
- **Collect confirmatory soil samples to delineate extent.**
- **Excavate contaminated soils.**



SWMU 7/8 Soil



SWMU 54 Site Map



SWMU 54 Corrective Action

- **In-situ Biodegradation (ISB) at both plumes**
- **Enhance natural processes**
- **TCE Plume**
 - ISB via anaerobic treatment
 - Inject emulsified vegetable oil (EVO) solution
- **Benzene Plume**
 - ISB via aerobic treatment
 - Inject Oxygen Release Compound[®] (ORC)



SWMU 54 Pilot Testing

- **TCE Plume**

- Baseline sampling event
- Inject about 5,000 lbs EVO
- Measure injection radius, determine injection rates, and assess how long EVO stays in subsurface
- Monitor TCE concentration over time to evaluate technology success



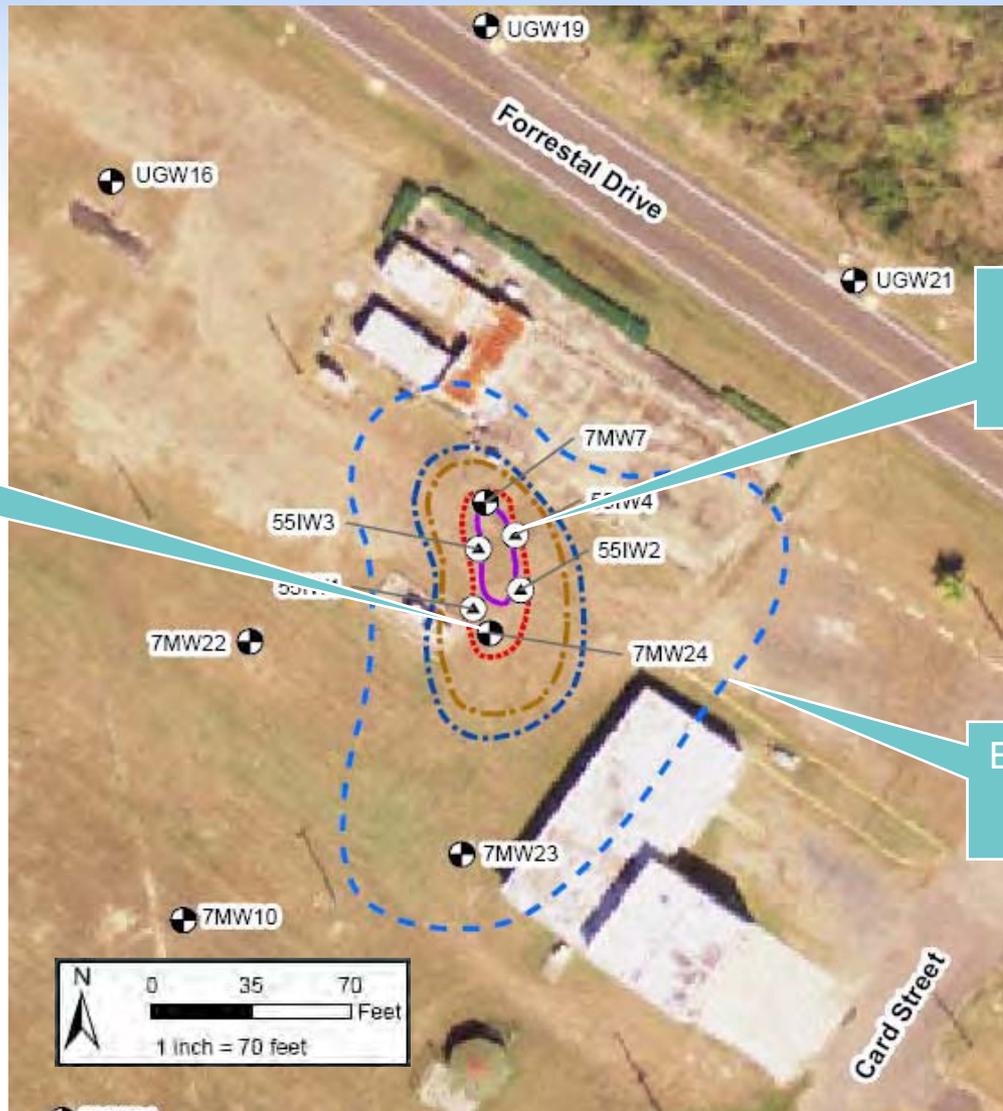
SWMU 54 Pilot Testing

- **Benzene Plume**

- Baseline sampling event
- Inject about 600 lbs ORC
- Measure injection radius, determine injection rates, and assess how long ORC stays in subsurface
- Monitor benzene concentration over time to evaluate technology success



SWMU 55 Site Map



Existing
Monitoring
Wells

Proposed
Injection
Wells

Extent of TCE
>22 µg/L



SWMU 55 Corrective Action

- **In-situ chemical oxidation (ISCO)**
 - Baseline sampling event
 - Inject between 5,000 – 8,300 lbs potassium permanganate
 - Measure injection radius, determine injection rates, and assess how long potassium permanganate stays in subsurface
 - Monitor TCE concentration over time to evaluate technology success



Questions? Comments?



Archaeological Sites

David Criswell

March 18, 2009



Archaeological Investigations

- **Archaeological Curation Facility compliant with 36CFR79**
 - Artifacts from the current archeological recovery efforts
 - Artifacts collected in the past during construction or demolition projects
 - Archaeological Surveys were conducted on the installation from 1994-1996 and again in 2004 and 2005.



Coastal Zones and Mangroves

David Criswell

March 18, 2009



Coastal Zone Management

- **Quitclaim Deed**

- **GRANTOR** has released and quitclaimed to the **GRANTEE**, its successors and assigns, without warranty, express or implied, under and subject to the obligations, terms, reservations, restrictions, conditions, and covenants, all as hereinafter expressed and ***set out, all right, title, interest, claim, and demand which the GRANTOR has in and to that certain Property***

- **Commonwealth of Puerto Rico federally approved Coastal Management Plan (CMP)**

- Guide development of property and water activities in the designated coastal zone
- Enforcement through PR Planning Board and DNER
- PRPB has the authority to issue development permits
- Division of Coastal Zone within the Puerto Rico DNER is responsible for administration and coordination of the CMP.



Conservation Measures

- **Special Zoning Plan (LRA)**
 - *Biological Assessment for Disposal of NSRR*
 - Conservation measures for the protection of natural resources and threatened and endangered species
- **Finding of Suitability to Transfer**
 - Exhibit to the Quitclaim Deed of Transfer
 - Detailed conservation measures developed for each parcel included in the FOST
 - View at www.nsrr-ir.org



THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 10

Common Name—Sale

Conveyance—Sale

Neighboring Parcel(s)—11, 12, 13

Yellow-shouldered Blackbird

GENERAL REQUIREMENTS

- No development is allowed in Parcel 11, 12 and 13 (Conservation).
- All development related activities (new construction, ground clearing, demolition/remodeling) adjacent to conservation parcels (11, 12, and 13) between September 1 and March 15 (non-breeding season) or be restricted to an area 50 m from the conservation parcel boundary from March 15-August 30 (breeding season).
- Notify USFWS if a yellow-shouldered blackbird nest is found anywhere on the property (787-851-7297).
- Pesticide and herbicide applications must follow Commonwealth of Puerto Rico regulations.

Activity	Conservation Measures
Development Planning	Save as many existing on site palms and trees as possible in new development plans.
New Construction/Clearing	If undeveloped yellow-shouldered blackbird habitat is proposed for clearing consult with the USFWS a minimum of one year prior to planned project initiation.

Sea Turtle

GENERAL REQUIREMENTS

- Consult with U.S. Fish and Wildlife Service (USFWS) and Puerto Rico Department of Environmental Resources (DNER) on all beach use plans and permit requirements.
- Notify USFWS if you observe an injured or dead turtle anywhere on the property (787-851-7297).
- Pesticide and herbicide applications must follow Commonwealth of Puerto Rico regulations.

Parcel Index 10-1

*Parcel Map for the Disposal
of Naval Activity Puerto Rico*

Activity	Conservation Measures
Beach Development/Use	Implement all USFWS and Puerto Rico DNER lighting standards/requirements (includes parcels bordering the nesting area). Implement USFWS/ Puerto Rico DNER precautionary measures for sea turtles before, during, and after development activities. Establish a 50 m buffer zone between any developed or undeveloped



Conservation Transfers

- **Conservation Parcel**

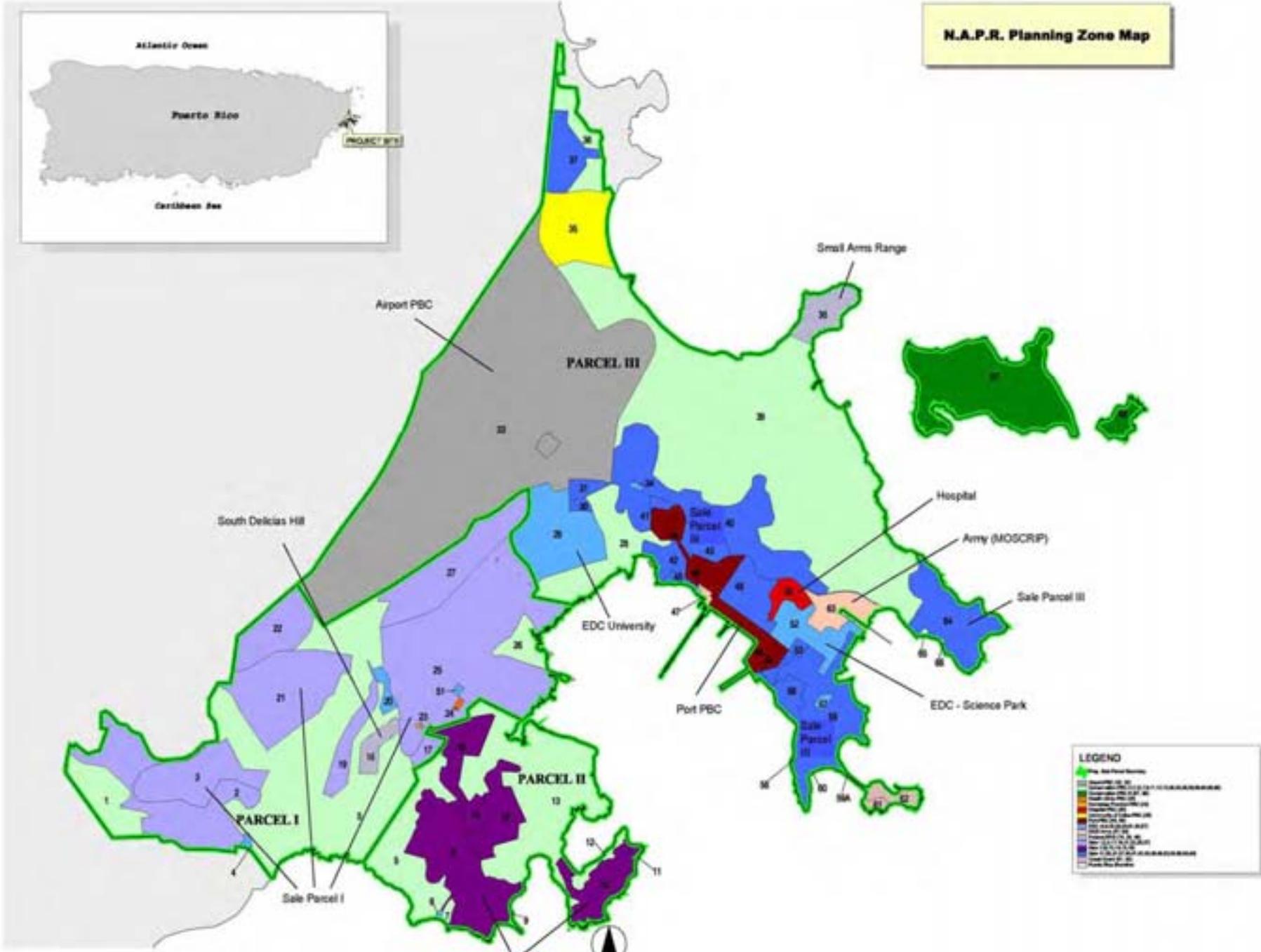
- Over 2,900 acres of undeveloped mangrove forests, freshwater wetlands, beaches and tidal wetlands
- Puerto Rico DNER; managed by Conservation Trust of Puerto Rico
- Within and adjacent to Sale Parcels

- **Conservation Areas in Sale Parcels**

- Less than 130 acres (mostly SWMUs 1, 2, and 70)
- Punta Puerca



N.A.P.R. Planning Zone Map



LEGEND

Green	High and Special Services
Light Green	General Office
Yellow	Retail
Orange	Community Office
Blue	Community Office
Red	Community Office
Purple	Community Office
Grey	Parcel III
Light Purple	Parcel I
Dark Purple	Parcel II
Green with Dotted Pattern	Small Arms Range
Green with Solid Pattern	Hospital
Green with Dotted Pattern	Army (MOSCRIP)
Green with Dotted Pattern	EDC - Science Park
Green with Dotted Pattern	Port PBC
Green with Dotted Pattern	EDC University
Green with Dotted Pattern	South Delicias Hill
Green with Dotted Pattern	Airport PBC



Parcels 7 and 9 – Conservation
Areas 24 and 25 – Turtle Nesting
Parcel 6 - WWTP

Parcels 11, 12 and 13 – Conservation
Areas 21, 22 and 23 – Turtle Nesting
Parcel 10 – Sale Parcel II



Sale Parcel I



Mangroves

Mangroves

AOC D

ECP 9

ECP 17

SWMU 42

SWMU 1

SWMU 2

25

26

24

23

20

18

16



Other public comments and questions?



Closing: next RAB meeting

- **Next RAB meeting May 2009?**
 - At Club Cívico La Seyba, if available
 - Please remember to call ahead, or send an alternate, if you cannot attend
- **Agenda suggestions for next time?**
 - Call Ramón Figueroa, RAB Community Co-Chair (787-235-1473)
- **Thank you for participating!**



Questions between meetings

David Criswell

**Navy BRAC Program
Management Office Southeast**

4130 Faber Place Dr, Ste 202
North Charleston, SC 29405

Telephone:
843-743-2130

Fax: 843-743-2142

Email:
david.criswell@navy.mil

**Wilmarie Rivera
Federal Facilities Coordinator**

Junta de Calidad Ambiental

Edificio de Agencias Ambientales Cruz
A. Matos
Urb. San José Industrial Park
1375 Avenida Ponce de León
San Juan, PR 00926-2604

Telephone: 787-767-8181

Email:
?wilmarierivera@jca.gobierno.pr



Questions between meetings (Continued)

Tim Gordon

U.S. Environmental Protection Agency, Region 2

290 Broadway, 2nd Floor
New York, NY 10007-1866

Telephone:
212-637-4167

Email:
gordon.timothy@epamail.epa.gov



Endangered Species Consultation

Marelisa Rivera
Caribbean Field Office



Section 7 components: 7(a)(1)

Proactive Conservation Efforts:

Section 7(a)(1) directs Federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of species listed pursuant to the Act.

Examples: PFW, Lighting Initiatives for Sea Turtles, Conservation Recommendations in BOs, Technical Assistance, among others



Section 7 components: 7(a)(2)

Consultation Requirements:

Section 7(a)(2) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to **jeopardize** the continued existence of a listed species or result in the destruction or **adverse modification** of designated critical habitat.

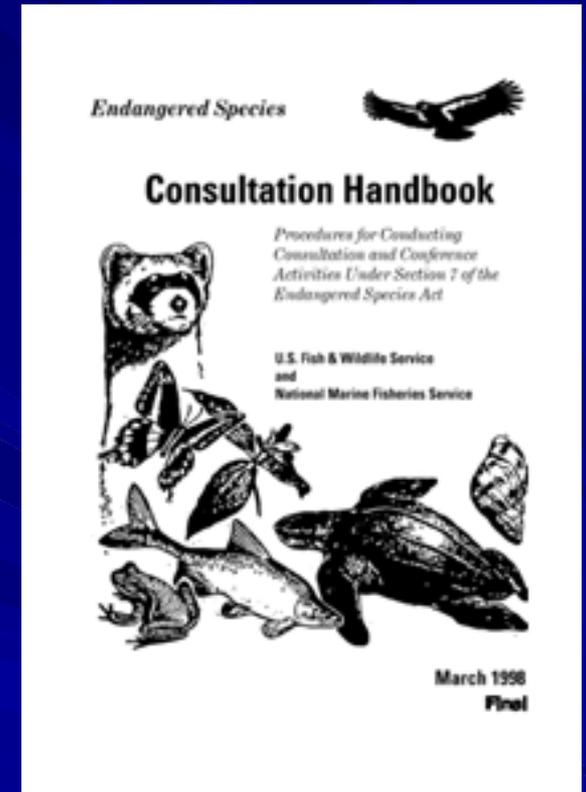
Federal Action Agencies:

- *Federal Nexus* (when an agency authorizes, funds or carries out a project)
- Must determine if proposed action could affect listed species.
- May request assistance from the USFWS even if a section 7 consultation review is not required



Section 7 Consultation

- A process that assists a Federal agency to comply with the ESA
- The purpose is to ensure that Federal actions are able to move forward without violating the ESA
- It is a cooperative process that depends on good communication between the consulting agency and the action agency
- Includes informal and formal processes for listed species and designated critical habitat



Informal Consultation

- Unstructured approach to meet section 7 conservation responsibilities (7(a)(1))
- Clarify species presence/absence within the action area
- Determine effects of the action
- Explore ways to reduce or remove adverse effects
- Determine the need to enter into formal consultation or conference
- Explore benefits to the species
- Represents the great majority of the consultations (#)

Biological Assessment (BA) /Biological Evaluation (BE)

- Provides information regarding species or CH present in the Action Area (defined by the direct and indirect effects of the action).
- Evaluates potential effects on listed/proposed species and designated critical habitat.
- Assists in determining the type of consultation required.
- Prepared by Federal action agency.

BA/BE: Content

- Project description
- Species and suitable habitat and critical habitat description(s)
- Effects of the action (direct, indirect, effects of interrelated and interdependent actions, cumulative effects, quantity of incidental take)
- Conservation measures
- Conclusions
- Literature Cited
- List of Preparers

BA: Disposal RRNS

■ Species and Habitats

- Puerto Rican boa and VI tree boa
- Cobana negra
- YSBB (designated CH)
- Brown pelican, roseate tern, piping plover
- Sea Turtles (nesting beaches)
- Antillean manatee





BA: Disposal RRNS

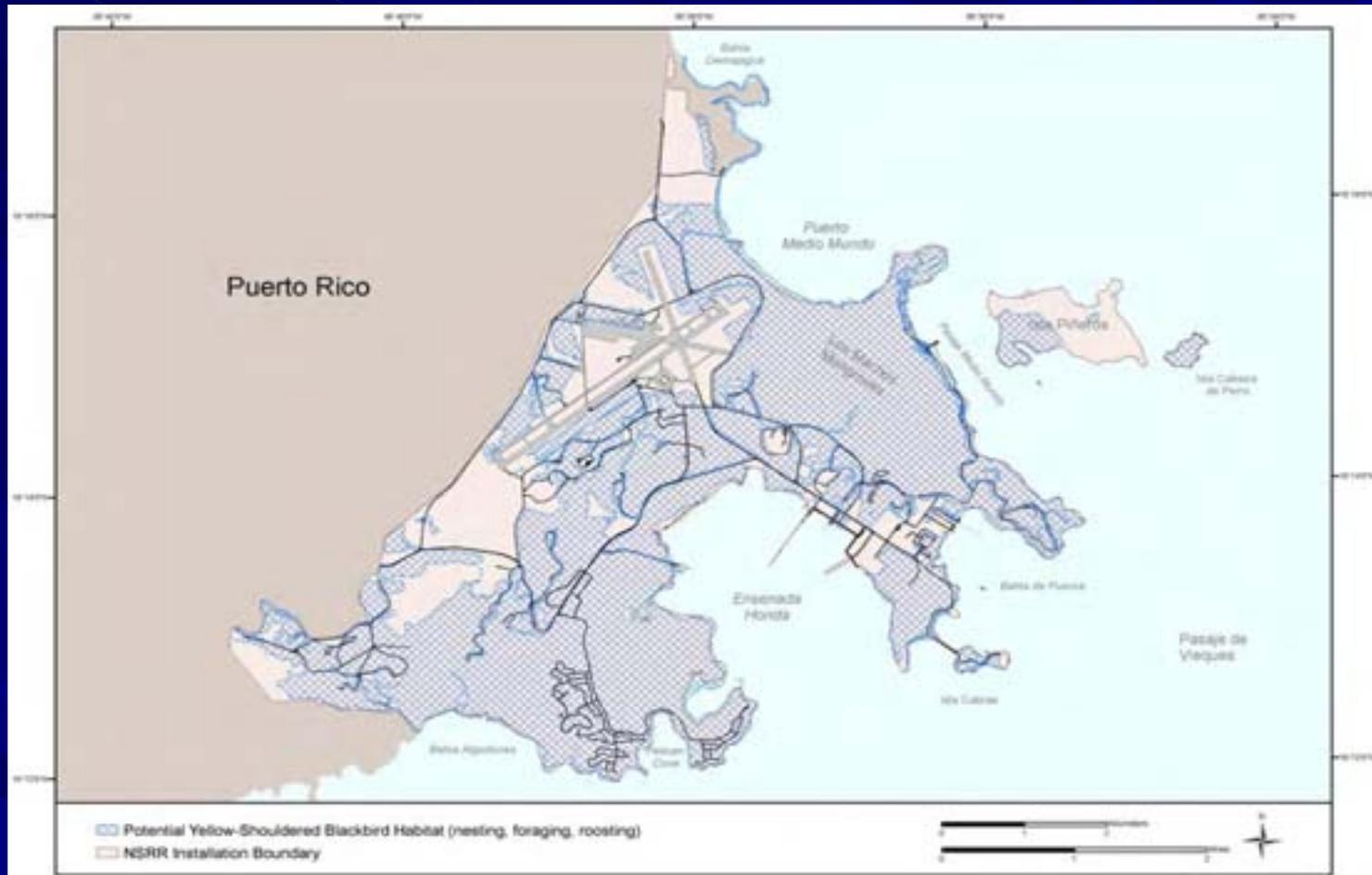
■ Proposed Actions

- Re-use lands – 3,868 acres
- Conservation Zones – 3,333 acres
 - Mangroves
 - Wetlands
 - Upland forest
- Slope > 15% Non-developable – 1,342 acres
- Implementation of Conservation Measures (Site-specific, species-specific)

Sea Turtle Conservation Measures

- 50 m set back
- 20 m buffer zone
- Comprehensive lighting plan and light inspection
- Reforestation with native vegetation
- **33 Parcels**
- Disclaimer (Section 10 permit)

Suitable Habitat for the YSBB



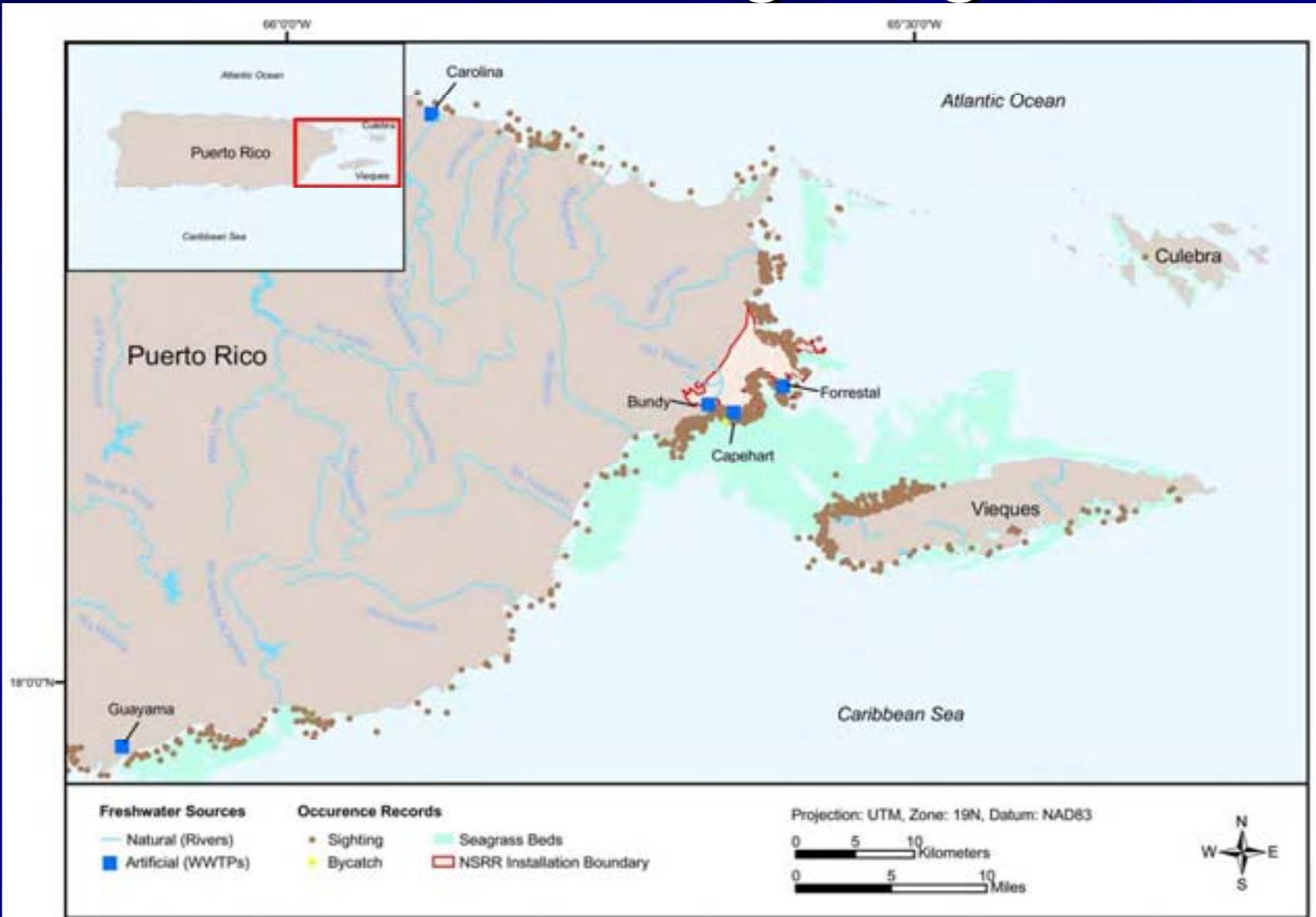
YSBB Conservation Measures

- No commercial and residential development is allowed in Zone 9 (Conservation)
- All development related activities in zones adjacent to Zone 9 should occur between September 1 and March 15 (non-breeding season) or be restricted to an area 50 m from the Zone 9 boundary from March 15-August 30 (breeding season).
- Notify USFWS if a yellow-shouldered blackbird nest is found anywhere on the property (787-851-7297).
- Pesticide and herbicide applications should conform with Commonwealth of Puerto Rico regulations.
- 7 Site-specific measures (Table 6-3)
- 68 parcels

Boas Conservation Measures

- No commercial and residential development is allowed in Zone 9 (Conservation)
- Protect as many existing forested habitat as possible in new projects
- If suitable boa habitat is present and proposed for clearing, consult with USFWS. Note: A minimum of one year maybe required to complete consultation. As part of the consultation process, USFWS may require a survey just prior to clearing to determine the presence/absence of Puerto Rico boas. If Puerto Rico boas are present contact USFWS.
- If boa present, contact DNER and USFWS. Implementation of DNER protocols
- Notify USFWS if a Puerto Rico boa is found during maintenance activities, inside a building/structure or on the grounds.
- 40 parcels

Manatee sightings



Section 7 Requirements for Manatees

- The West Indian manatee occurs in coastal waters adjacent to NAPR. The proposed future use of this area (e.g., marina expansion) has the potential to adversely impact the West Indian manatee. Potential impacts and manatee conditions will be evaluated by the proponent and will require a Section 10/404 permit issued from the U.S. Army Corps of Engineers.
- Section 7 consultation required for Permit

Consultation Concluded

- Concurrence letter dated April 7, 2006
- BA incorporated conservation measures and compensation of habitat (Conservation Zone)
- Special Zoning Plan
- Letter from December 2, 2005 from Secretary of the DEDC with a commitment to implement the Plan