

EV
May 28, 2010

Ms. Judith A. Enck
Regional Administrator
Region 2
U.S. Environmental Protection Agency
290 Broadway
New York, New York 10007-1866

Re: Site visit March 4,2010, Former Naval Facilities, Vieques, Puerto Rico

Dear Ms. Enck:

The Department of the Navy staff appreciated the opportunity to meet with you and your staff at the site visit of the former Vieques Naval Training Range on March 4,2010. The Navy wanted you to understand the extent of the explosive safety risk there, and is gratified that you are willing to support the Navy in implementing interim measures to limit trespassing within restricted areas of the property, as indicated in your letter dated April 7, 2010.

As discussed during your site visit, the Navy has already implemented a number of interim actions to limit access to the restricted areas by the public and to reduce the explosives safety hazards at the former Vieques Naval Facility, and is actively pursuing others. These measures include: surface clearance of munitions from over 1,500 acres of beaches and uplands within the National Wildlife Refuge Area, specifically within the Live Impact Area (LIA), Eastern Conservation Area (ECA), and the Surface Impact Area (SIA). These actions included the identification, destruction of and removal of over 34,000 live munitions items, the installation of bilingual "No Trespassing" signs and warning buoys, US Fish and Wildlife (FWS) and private security patrols ashore, Restoration Advisory Board (RAB) meetings and community outreach programs for UXO safety awareness.

There are three further active mitigation measures that the Navy is pursuing and would greatly appreciate any support the EPA could bring to bear. The first is a Removal Action for the installation of waterway barriers and warning buoys to restrict access to Icacos Bay, an area containing underwater munitions where recreational boaters frequently anchor their boats. A work plan for the barrier system has been submitted for regulatory review, however, National Marine Fisheries, is insisting upon a formal ESA Section 7 Consultation notwithstanding the CERCLA basis for the munitions response work being done. To be clear, the Navy recognizes the ESA as an ARAR, and recognizes the need to accommodate the threatened or endangered status of sea turtles and various coral species in its Removal Action. At staff level, the Navy has been attempting to address those substantive concerns with Marine Fisheries. The procedural issues, however, remain, and as a result, the

implementation of this mitigative measure is anticipated to take an additional six months or more.

A second mitigating measure initiated by the Navy is the establishment of a restricted area in the shallow waters around the former Navy facility, in accordance with the Army Corps of Engineers' regulations. This measure, together with patrols afloat by the Coast Guard, and other Commonwealth Law Enforcement agencies, or a combination, will establish enforceable regulations to limit access of the shallow waters by the public. The implementation of this measure may take more than a year to resolve the jurisdictional and fiscal authority issues for the various agencies involved.

The third, and most important, initiative which can be implemented in a relatively short time period, is the controlled burning of the remaining 70 acres of dense vegetation within the LIA restricted area that contains highly sensitive and dangerous sub munitions. The burning would improve the visibility of the sub munitions on the ground and allow the munitions removal contractors to safely detonate and remove the source of explosive hazards in a safe manner. The source removal of these munitions items will significantly reduce the exposure and explosive safety hazards to the public who trespass within the restricted Wilderness Area.

Over the last four years, the Navy has worked closely with EPA, Environmental Quality Board (EQB), and FWS to develop the burn plan, conduct air monitoring and prepare air modeling documents to demonstrate that the controlled burning can be conducted in a safe manner that is protective of human health and the environment. Although the Navy has not received final approval from EPA, it is the Navy's understanding that all substantive technical requirements have been resolved to the satisfaction of EPA.

The Navy appreciates EPA's support in the environmental restoration of the former Naval facility on Vieques. Any support you can provide to expedite the process to implement the mitigation measures identified will be greatly appreciated.

Sincerely,

R.M. NATSUHARA
Acting Assistant Secretary of the Navy
Installations and Environment

Copy to:

Mr. Donald R. Schegordus/Deputy Assistant Secretary of the Navy Installations and Environment