A Correspondence

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

5090
Ser N46E/0056
19 Feb 04

Mr. Carlos Diaz
U. S. Fish and Wildlife Service
P.O. Box 491
Boqueron, PR 00622

Dear Mr. Diaz:

This letter presents our understanding of issues and strategies discussed by representatives of Navy and the Fish and Wildlife Service (USF&WS) at Naval Station Roosevelt Roads (NSRR) on December 2, 2003. The purpose of the meeting was to initiate Endangered Species Act (ESA) consultation related to the closure and transfer of NSRR. Participants in the discussions are listed in Enclosure (1).

The Navy informed the USF&WS of the pending operational closure of NSRR expected March 31, 2004 and subsequent land transfer. Naval Activity Puerto Rico (NAPR) will succeed NSRR for the purposes of final closure and transition of the property to others.

Several ESA issues were identified concerning closure and transfer. One major issue was the reduction or elimination of the freshwater drinking source provided by the Capehart wastewater treatment plant discharge which is utilized by manatees. In order to assess the potential impacts, Navy is requesting any manatee sighting data in the vicinity of NSRR which the USF&WS can provide. The Navy will be analyzing sighting data and reviewing other sources of freshwater to assess potential impacts to local manatee by the reduction or elimination of this freshwater source. Both short and long-term impacts will be considered in this analysis.

Other issues generally discussed include: potential impacts to the Yellow-Shouldered Blackbird (YSBB) and YSBB critical habitat, potential impacts to nesting sea turtles, potential impacts to the Puerto Rican boa and potential impacts to threatened and endangered plants. It should be noted that the Navy recently contracted for Geo-Marine Inc. (GMI) to begin collecting data, surveying for the boa and rare plant species and preparing a predictive rare plant occurrence model.

Additionally, GMI has been tasked to review the critical habitat for the YSBB to include field surveys and an assimilation of all previous YSBB survey efforts with the intent to provide a more accurate description of actual YSBB habitat utilization. The Navy will soon be preparing a consultation package for the transfer of the installation.

We thank you for your attendance at the December meeting and look forward to receiving the manatee data from your office. We also look forward to working with you to develop and implement a successful strategy for resource stewardship as we close and transfer the installation property.

Sincerely,

P. S. LYNCH
Commander, U. S. Navy
Deputy Program Manager
By direction of the Commander

Enclosure: 1. List of Participants

Copy to:
Mr. Dave Flemming
U.S. Fish and Wildlife Service
1875 Century Blvd., Suit 400

NAVY - FISH & WILDLIFE SERVICE
2 DEC 2003 MEETING/TELE-CONFERENCE
ESA SECTION 7 INFORMAL CONSULTATION

Mr. Dave Fleming	FWS	(404) 679-7096
Mr. Carlos Diaz	FWS	(787) 851-7297
Mr. Sindulfo Castillo	NSRR	(787) 865-4152 X462
Mr. Winston Martinez	NSRR	(787) 865-4152 X463
Mr. Brock Durig	CNRSE	(904) 542-8251
Mr. Jerry Wallmeyer	CNRSE	(904) 542-5218
Mr. Charlie Walker	EFD LANT	(757) 322-4830
Mr. Dan Cecchini	EFD LANT	(757) 322-4887
Mr. Dave Noble	EFD LANT	(757) 322-4888
Mr. Dave James	EFD LANT	(757) 322-4883

Enclosure (1)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Boqueron Field Office
P.O. Box 491
Boqueron, Puerto Rico 00622

March 11, 2004

Mr. Peter S. Lynch, Commander
U.S. Navy, Deputy Program Manager
Commander Navy Region Southeast
Box 102, Naval Air Station
Jacksonville, Florida 32212-0102

Dear Commander Lynch:

This is in response to your letter of February 19, 2004 regarding issues discussed during the meeting of December 2, 2003 concerning consultation under section 7 of the Endangered Species Act, as amended, for the proposed closure and transfer of Naval Station Roosevelt Roads (Action). We would like to suggest that your consultation package includes an evaluation of the potential impacts of the Action on sea turtle nesting (e.g., nesting at Piñeros Island) and manatee activities between Punta Figueras and Punta Algodones, and measures to prevent, reduce, or minimize to the greatest extent any impact(s) of the Action on these and other listed species, in addition to the analyses and surveys already mentioned in your February 19, 2004 letter.

Enclosed, please find compact disk with our digitized manatee data from aerial surveys in Puerto Rico, as requested.

Should you have any questions or need additional information, please do not hesitate to contact Dr. Jorge E. Saliva at 787/851-7297, extension 224, or at the above address.

We look forward to assisting you during this consultation process.

Sincerely yours,

Carlos A. Díaz
Assistant Field Supervisor

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

5090
Ser N46E/0100
15 Mar 04

Sam D. Hamilton
Southeast Regional Director
U.S. Fish and Wildlife Service
Atlanta, GA 30345

Dear Mr. Hamilton,

In accordance with the National Environmental Policy Act (NEPA), the Navy is preparing an Environmental Assessment (EA) for the disposal and reuse of Naval Station Roosevelt Roads (NSRR), Ceiba, Puerto Rico. The Navy will consult with the U.S. Fish and Wildlife Service (USF&WS) under Section 7 of the Endangered Species Act (ESA) for this action. In order to help facilitate this process, the Navy requests that the USF&WS serve as a cooperating agency for the development of the EA. Over the years the Navy and USF&WS have worked together to protect endangered species while also preserving the Navy's mission. The Navy believes the USF&WS will bring to the NEPA process both familiarity with NSRR and a high level of expertise on relevant resource issues. The Navy's intent is to formalize this cooperative agency relationship, which is discussed in the Council on Environmental Quality (CEQ) guidelines (40 C.F.R. Pt 1501).

As defined in 40 CFR 1501.5, the Navy is the lead agency for the disposal and reuse of NSRR.

As the Lead Agency the Navy will be responsible for the following:

- Gathering all necessary background information and preparing the EA.
- Working with USF&WS personnel to evaluate potential impacts on protected species.
- Circulating the appropriate NEPA documentation to the general public and any other interested parties.
- Scheduling and supervising meetings held in support of the NEPA process, and compiling any comments received.

- Maintaining an administrative record and responding to any Freedom of Information Act (FOIA) requests relating to the EA.

As the cooperating agency, the USF&WS would be asked to support the Navy in the following manner:

- Providing timely comment on the EA and responding to Navy requests for information. The Navy requests that this be done within 14 days of receiving Navy deliverables or requests for review. The disposal process is time sensitive and potentially controversial. Timely USF&WS input will be critical to ensure a successful NEPA process.

- Coordinating notice and public comment in conjunction with the Section 7 consultation process.

- Participating, as necessary, in meetings hosted by the Navy for discussion of EA related issues.

- Providing necessary information on threatened and endangered species on NSRR.

- Adhering to the overall schedule as set forth by the Navy.

- Providing a formal, written response to this request.

The Navy views this agreement as a formalization of the cooperative interagency relationship that has already been developed for NSRR activities. Contributions from your agency have been beneficial in determining the best course of action while maintaining the Navy's mission.

Our point of contact is Mr. Brock Durig, (904)542-8251, email durigw@cnrse.navy.mil.

Sincerely,

A. E. BROWN
Rear Admiral, U.S. Navy
Commander, Navy Region Southeast

Copy to:
EFD LANT (Planning)
NAVSTA Roosevelt Roads

DEPARTMENT OF THE NAVY
ATLANTIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1510 GILBERT ST
NORFOLK, VA 23511-2699

TELEPHONE NO:

IN REPLY REFER TO:

April 19, 2004

To Whom It May Concern:

The U.S. Department of the Navy (Navy) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for disposal and reuse of the former Naval Station Roosevelt Roads (NSRR), Ceiba, Puerto Rico. The Navy plans to dispose of NSRR in accordance with the U.S. Department of Defense Appropriations Act of FY04 (H.R. 2658, Public Law 108-87 signed 30 September 2003). The Commonwealth of Puerto Rico, through a Local Redevelopment Authority, will be developing a reuse plan for NSRR. Proposed reuse activities on the Installation could include private development activities.

The Navy will assess the environmental impacts associated with the proposed action. Alternatives to the proposed reuse plan also will be considered. Potential environmental issues identified by the Navy may include, but are not limited to, threatened and endangered species, water quality, cultural resources, and hazardous materials.

The Navy is initiating a scoping process to determine the range of environmental and socio-economic issues; applicable laws and regulations; potential permitting and regulatory requirements; and measures recommended to mitigate and/or monitor adverse environmental and socioeconomic impacts.

You are invited to provide written comments, in Spanish or English, regarding the proposed disposal and reuse. Scoping comments and/or requests for additional information may be sent to:

John Noles, Code EV42JN
Commander, Atlantic Division
Naval Facilities Engineering Command
6506 Hampton Blvd.
Norfolk, VA 23508-1278
FAX : (757) 322-4894

Comments will be accepted until May 31, 2004. When the Navy completes its environmental analysis, the draft EA will be made available for public review. A Notice of Availability of this document will be published in local newspapers. Comments regarding the analysis presented in the draft EA will be solicited. Thank you for your interest and participation in this action.

Sincerely,

Charles W. Walker

Charles W. Walker
Head, Environmental Planning Branch
Environmental Engineering Group
Atlantic Division, Naval Facilities Engineering Command

cc: CNRSE N46E

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

April 30, 2004

In Reply Refer To:
FWS/R4/ES

Rear Admiral A. E. Brown, U.S. Navy
Commander, Navy Region Southeast
Box 102, Naval Air Station
Jacksonville, Florida 32212-0102

Dear Rear Admiral Brown:

Thank you for your letter of March 15, 2004, concerning interagency coordination and cooperation as the Navy plans and implements the disposal and reuse of Naval Station Roosevelt Roads in Ceiba, Puerto Rico. We are pleased to accept the Navy's Cooperating Agency offer. We are committed to working with the Navy and other stakeholders to protect listed species and their habitats, meet the Navy's mission, and facilitate alternate uses of the subject lands and facilities.

The Service anticipates that the Endangered Species Act, section 7 consultation, will focus on effectively conserving and protecting the high quality habitats and corridors used by the Puerto Rican boa (*Epicrates inornatus*), yellow-shouldered blackbird (*Agelaius xanthomus*), and West Indian manatee (*Trichechus manatus*). The interagency consultation process is between the Navy and the Service and is generally not subject to public review and comment. We will gladly work with the Navy to resolve any issues that may arise concerning any resources under our jurisdiction.

We look forward to identifying and developing mutually acceptable schedules for our consultation and coordination processes. We recognize the time sensitive nature of the disposal process, and will strive to be supportive. We encourage the Navy to consider transfer funding arrangements in the schedule and work product discussions with our field office, in accordance with provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. Sections 661 *et seq.*), and the Sikes Act, as amended (16 U.S.C. Section 670).

Our point of contact for this effort is Edwin E. Muñiz, Field Supervisor, Caribbean Field Office, 787-851-7297 Ext 228. Please contact Mr. Muniz with any questions or comments.

Sincerely yours,

Cynthia K. Dohner
acting for Sam D. Hamilton
Southeast Regional Director

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

5090
Ser N45/0204
10 MAY 2005

Ms. Elizabeth Solá Oliver
State Historic Preservation Officer
Cuartel Ballaja, Oficina 336A
Norzagaray Street
Old San Juan, Puerto Rico 00906-6581

Dear Ms. Solá:

SUBJECT: SECTION 106 CONSULTATION, DISPOSAL OF FORMER U.S. NAVAL STATION, ROOSEVELT ROADS, CEIBA, PUERTO RICO SHPO 07-20-04-02

Our letter of July 12, 2004 formally initiated the Section 106 consultation process for this undertaking, establishing the Area of Potential Effect (APE) and historic properties within the APE. Your letter of August 31, 2004 concurred that our identification efforts for the above ground architectural surveys were complete, and upon completion of the archaeological survey work conducted in the summer of 2004, the requirements for 36 CFR Part 800.4(a) through (c) have been met. We are now proceeding to assessment and resolution of effects as required in 36 CFR Part 800.5 and 800.6.

Built Environment

The proposed undertaking will involve transfer of ownership of 28 buildings/structures located at former Naval Station Roosevelt Roads (NSRR), eligible for listing on the National Register of Historic Places (NRHP) either individually or as contributing elements to the Ammunitions Storage District, or the Administration and Barracks District. Preliminary redevelopment plans for this property developed by the Local Reuse Authority show these areas as being redeveloped for a variety of functions including industrial, university campus, residential, lodging and science park. It is not currently known if future plans would involve reuse of these buildings, or if they would be demolished.

All eligible buildings/districts have been identified as significant at a State Level under Criterion C as unique architectural or engineering examples in Puerto Rico except for Building 504 which is unique at a local level. Building 256 is considered eligible under Criterion A for its military function associated with Navy

communications in Puerto Rico, and Building 38 for its contribution to military history.

The Navy proposes to facilitate future redevelopment of the property for private use, and will impose no restrictive covenants on the National Register eligible architectural resources. As stated in 36 CFR 800.5(a)(2)(vii), transfer or sale of property out of Federal ownership, without adequate controls to ensure long-term preservation of the historic significance, is an adverse effect. We propose to execute a Memorandum of Agreement (MOA) with your office and the Advisory Council on Historic Preservation, if they elect to participate, addressing how the adverse effect will be resolved and any required mitigation. Possible mitigation measures include recordation to appropriate standards of representative samples of buildings that contributed to the eligibility of the Districts, as well as any individually eligible buildings. We propose as further mitigation, the preparation of documentation discussing the history of Roosevelt Roads, and its growth and major functions over the years. Additionally, as part of the recordation of Building 256 (Communication Center), we propose to conduct further study on its role in Navy Communications in Puerto Rico.

Archaeological Sites

As noted in our previous letter, there are no NRHP listed archaeological sites within the APE. Twenty-seven eligible sites were identified within the APE during prior survey efforts. During a survey conducted in the summer of 2004, an additional four sites were identified, RR-GMI-1 through 4. Three of these sites, RR-GMI-2 through 4 were identified as potentially eligible, and additional testing was recommended to determine eligibility. We are currently pursuing funding to conduct evaluation surveys of these sites. In the event this additional evaluation is not conducted, the sites will be treated as National Register eligible, for purposes of Section 106, based on information obtained to date. During the recent survey, the Navy conducted evaluations on five sites: RR-1, RR-2, RR-15, RR-17, and RR-18. RR-1 and RR-17 were determined eligible and the remaining three sites were determined not eligible. Enclosure (1) provides updated information on the status of the various sites, and the Navy's plan for treatment. Within the APE, there are 19 eligible sites, and three potentially eligible sites.

During the summer of 2004 the Navy conducted a reconnaissance survey of 290 acres of previously unsurveyed land. It was determined 211 acres were either completely disturbed or have a low to moderate potential for presence of archaeological resources. Seventy-nine acres were identified as being relatively undisturbed and having a moderate to high potential for presence of archaeological resource. We are also pursuing additional funding to conduct a site identification survey for these 79 acres. The enclosed draft report, enclosure (2), presents the findings and recommendations of the reconnaissance survey work and the evaluation testing conducted during the summer of 2004.

As noted on Enclosure (1), the majority of the eligible sites fall within the conservation areas defined in the Reuse Plan, the conservation areas the Navy has expanded, or the areas proposed for transfer to the Commonwealth of Puerto Rico for other uses. The conservation areas generally include coastal mangroves, wetlands, and an associated buffer. The intent is to transfer the expanded conservation zones to the Commonwealth of Puerto Rico, who would delegate the responsibility for management to Department of Natural and Environmental Resources (DNER). The other sites are within areas proposed for transfer to Commonwealth agencies where potential development may occur. Archaeological sites located within these conservation zones will be protected in the future from development pressures under the reused plan, therefore anticipated reuse of the property will result in no adverse effect on these sites. Sites located in areas proposed for potential redevelopment by the Commonwealth would be subject to Commonwealth law regarding their protection. Therefore, any future development of these areas would be afforded protection and the proposed Navy action would not adversely effect these resources.

For sites located outside the expanded conservation areas or other Commonwealth controlled areas, the Navy proposes (to the extent funding is available) to undertake data recovery for sites determined eligible. We propose to work with you and your staff to determine the best approach to take with respect to data recovery for sites deemed eligible and outside the conservation zones or Commonwealth control.

<u>Request for Concurrence of Effects of the Action and Proposed Mitigation</u>

5090
Ser N45/ 0204
10 MAY 2005

In accordance with 36 CFR 800.5, we seek your Agency's concurrence on (1) the proposed transfer of eligible architectural properties and the Navy's finding there will be an adverse effect, (2) the Navy's finding there will be no adverse effect on archaeological resources located within the conservation zones, (3) the Navy's finding there will be no adverse effect on archaeological resources located outside the conservation zones but remaining under Commonwealth control, and (4) the Navy's finding there will be an adverse effect on archaeological resources located outside the expanded conservation and Commonwealth controlled areas. We request your concurrence of these findings within 30 days. Additionally, we request your comments on the measures identified as possible mitigation for the adverse effect on architectural properties, as well as proposed mitigation for archaeological resources outside of Commonwealth control. Upon receipt of your response, we will begin development of a MOA, establish a plan for public involvement, and notify the Advisory Council on Historic Preservation of this proposed undertaking and its potential for adverse effect.

We propose a meeting at your office, so we can provide you with information concerning the former NSRR property disposal process, and to discuss any questions you may have. Please contact Mr. Bruce Larson, Staff Archaeologist, at (757) 322-4885 of the Naval Facilities Engineering Command, Atlantic or Mr. José R. Negrón, P.E. of our Environmental Department at (904) 542-0552 if you have any questions. We look forward to working with you on this consultation.

Sincerely,

L. S. COTTON
Captain, U.S. Navy
Chief of Staff

Enclosures: 1. U.S. Naval Station Roosevelt Roads Archaeological Site Status
2. Archaeological Survey and Site Evaluations, Naval Station Roosevelt Roads, Puerto Rico, Draft Report dated September 2004

Copy to:

5090
Ser N45/ 0204
10 MAY 2005

NAVFAC Atlantic, Charlie Walker, EV-4
NAVFAC Atlantic, Dave Noble, EV-41

ecology and environment, inc.
International Specialists in the Environment

220 West Garden Street, Suite 404
Pensacola, FL 32501
Tel: (850) 435-8925, Fax: (850) 435-9135

May 20, 2004

Mr. Andreas Mager
U. S. Department of Commerce
NOAA Fisheries
9721 Executive Center Drive North
St. Petersburg, FL 33702-2432

RE: Environmental Assessment (EA) for the U. S. Department of the Navy's (Navy) Disposal and Reuse of the former Naval Station Roosevelt Roads (NSRR)

Dear Mr. Mager:

On behalf of the Navy, Ecology & Environment, Inc. (E & E) is preparing an EA for the above referenced project, and is initiating contact with agencies in an effort to obtain and incorporate the most accurate and updated information available.

The subject property was previously the United States Naval Station Roosevelt Roads (NSRR). On March 31, 2004, NSRR was closed and the facility became Naval Activity Puerto Rico (NAPR). NAPR is located on approximately 8,627 acres (3,500 hectares) of land on the eastern coast of Puerto Rico (see attached figure). The facility is located within the municipalities of Ceiba (approximately 90%) and Naguabo (approximately 10%).

The Navy will maintain a presence at NAPR until the closure process is complete and the land holdings have been transferred to new ownership. As part of the closure process, an EA is being developed for disposal and reuse of NAPR. The Commonwealth of Puerto Rico established the Land Reuse Authority (LRA) to develop a reuse plan that will guide future use and development of the mainland portions of NAPR and the islands of Pineros, Cabras, and Cabeza de Perro. The LRA's reuse plan will form the basis of the proposed action to be evaluated in the EA. As part of the EA effort, E & E is collecting updated information on the resources at NAPR.

Past inventories of rare, threatened, and endangered plant and animal species have included up to 15 federal species of concern with the potential to exist at NAPR (Table 1).

Table 1. Species of Concern Likely to Occur at Naval Activity Puerto Rico		
Common Name	**Scientific Name**	**Federal Status**
Mammals		
West Indian Manatee	*Trichechus manatus*	E
Reptiles		
Puerto Rican boa	*Epicrates inornatus*	E
Hawksbill turtle	*Eretmochelys imbricata*	E
Leatherback turtle	*Dermochelys coriacea*	E
Green turtle	*Chelonia midas*	T
Loggerhead turtle	*Caretta caretta*	T
Birds		
Yellow-shouldered blackbird	*Agelaius xanthomus*	E
Brown pelican	*Pelecanus occidentalis*	E
Peregrine falcon	*Falco peregrinus*	E
Least tern	*Sterna antillarum*	T
Piping plover	*Charadrius melodus*	T
Lesser white cheeked pintail	*Anas bahamensis*	C
White-crowned pigeon	*Columba leucocephala*	C
Plants		
Cobana negra	*Stahlia monosperma*	T
Caribbean mayten	*Matenus cymosa*	C

C=candidate; E=endangered; T=threatened

In an effort to provide the most current and accurate information in the EA, we request that NOAA Fisheries provide review of the above species list relative to species under your agency's purview, as well as any additional information on: the occurrence of federally listed or candidate rare, endangered or threatened species; unique or significant marine or estuarine habitat; or other significant features within or adjacent to NAPR.

A corresponding request has been submitted to the Puerto Rico Department of Natural and Environmental Resources and to the U.S. Fish and Wildlife Service.

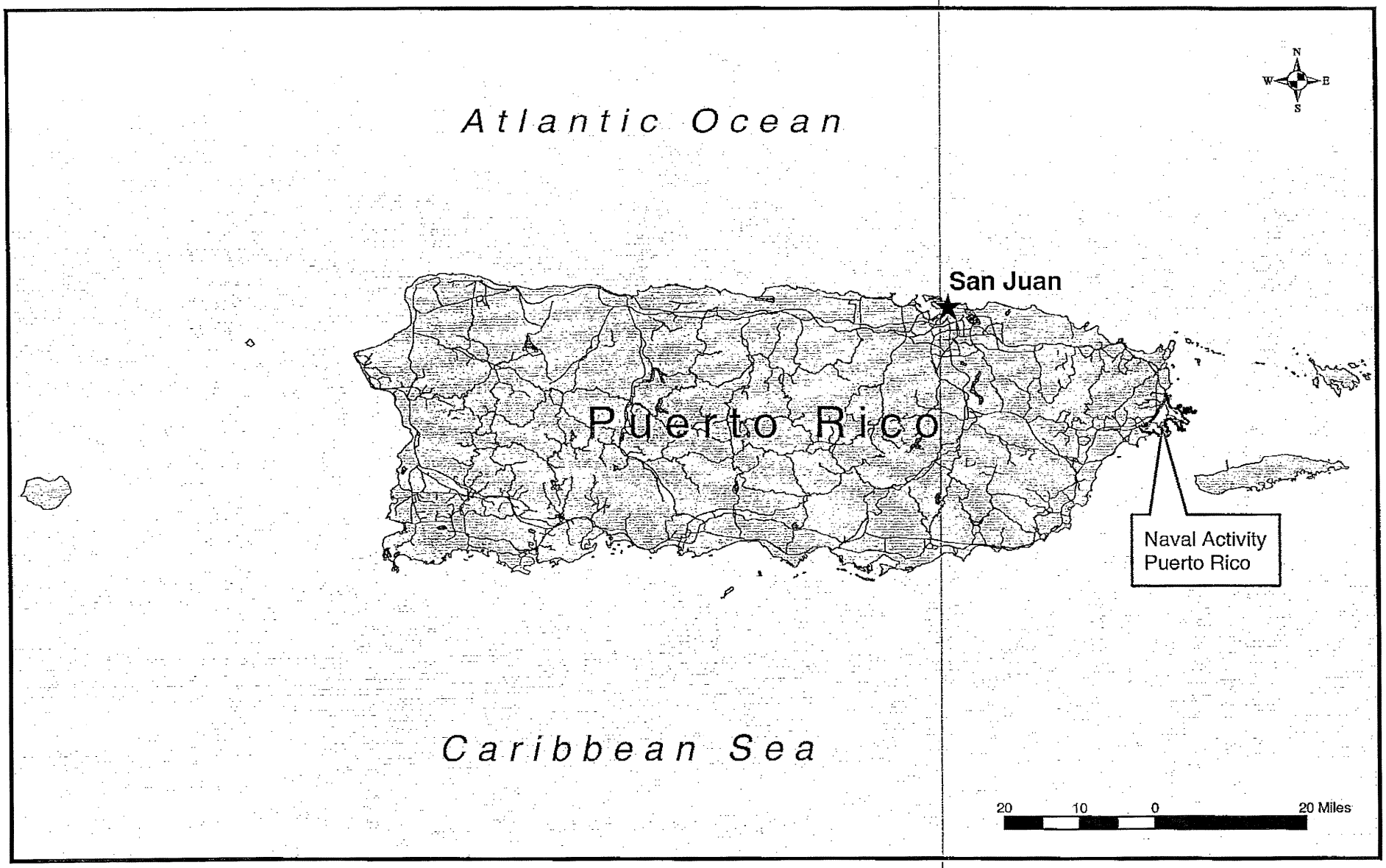
Thank you for your consideration in this matter. If you have any questions or require additional information, please feel free to contact me at (850) 435-8925 or by e-mail at pvalentine-darby@ene.com.

Sincerely,
ECOLOGY AND ENVIRONMENT, INC.

Patty Valentine-Darby

Patty Valentine-Darby
Biologist

xc: Jan Brandt, Ecology & Environment



General Location of Naval Activity Puerto Rico

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, Florida 33702
(727) 570-5317, FAX 570-5300

May 28, 2004 F/SER4:LC

John Noles, Code EV42JN
Commander, Atlantic Division
Naval Facilities Engineering Command
6506 Hampton Boulevard
Norfolk, Virginia 23508-1278

Dear Commander Noles:

The National Marine Fisheries Service (NOAA Fisheries) has received your letter dated April 19, 2004, regarding the disposal and reuse of the former Naval Station Roosevelt Roads (NSRR). The U.S. Department of the Navy (Navy) has requested written comments as part of the scoping process to identify issues that should be addressed in an environmental assessment (EA) being prepared to evaluate the proposed action. The Navy will assess the environmental impacts associated with facility disposal and reuse and consider alternatives to the proposed reuse plan. The reuse plan will be developed by the Commonwealth of Puerto Rico and may include private development activities.

The area of NSRR contains extensive mangrove forest, coastal lagoons, nearshore seagrass beds, and coral reefs as well as several creeks that support fringing estuarine wetlands near their outlets to the Caribbean Sea. The former base also includes several offshore cays characterized by mangrove forest fringes, seagrass beds, and extensive coral reefs. Seagrass beds, mangrove forests, estuarine wetlands, and coral reefs have been designated as essential fish habitat (EFH) by the Caribbean Fishery Management Council pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These habitats provide important spawning, nursery, forage, and refuge functions for a variety of commercially and recreationally important finfish and shellfish, including federally managed species such as juvenile and adult mutton snapper, juvenile yellowtail snapper, and adult squirrelfish. Estuaries, seagrass beds, and coral reefs are further classified as EFH habitat areas of particular concern due to their rarity, sensitivity to human-induced degradation, and importance to fisheries production.

Foremost, the EA should include an alternatives analysis that assesses viable options to the proposed reuse of NSRR. In view of the important fisheries habitats located in the project area, the EA should thoroughly address the habitats that would be directly and indirectly affected. These habitats, especially those designated as EFH, should be identified, quantified, and mapped. The EA should describe in detail the various development alternatives being considered as part of

the reuse of the NSRR and how each alternative would affect EFH and other fisheries habitats. Measures that would be taken to avoid or minimize impacts should be evaluated and discussed, including conservation measures under consideration to protect important natural systems within NSRR in perpetuity. Discussion of these measures should include details regarding the status of ongoing or proposed restoration and management actions by the Navy within NSRR, such as the restoration plan for the portion of the Los Machos mangrove complex that was impacted by the JP-5 fuel spill and the mitigation for the impacts to portions of this forest.

Considering the location of the proposed action, it is likely that EFH consultation under the Magnuson-Stevens Act and Section 7 consultation under the Endangered Species Act (ESA) will be required. Accordingly, the EA and all planning documents prepared as part of the development and implementation of the reuse plan should include an EFH assessment, and the EA should address project impacts to threatened and endangered species under NOAA Fisheries purview. Should you have specific questions regarding ESA consultation, please contact Mr. Eric Hawk, NOAA Fisheries Protected Resources Division, at 727/570-5312. Site-specific questions regarding the proposed action and marine fishery resources, including EFH, should be addressed to Dr. Lisamarie Carrubba in our Puerto Rico Field Office at 787/851-3700.

Thank you for the opportunity to identify issues to be addressed during the preparation of an EA for the proposed disposal and reuse of NSRR. Questions related to our comments on the proposed action and marine fishery resource issues should be directed to Dr. Lisamarie Carrubba in our Puerto Rico Field Office at 787/851-3700.

Sincerely,

Ricky N. Rubinstein

for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

5090
N46E/0737
12 Jul 04

Ms. Elizabeth Solá Oliver
State Historic Preservation Officer
Cuartel Ballaja, Oficina 336A
Norzagaray Street
Old San Juan, Puerto Rico 00906-6581

Subj: INITIATION OF NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATION, DISPOSAL OF FORMER U.S. NAVAL STATION, ROOSEVELT ROADS, CEIBA, PUERTO RICO

Dear Ms. Solá:

In December 2003 and February 2004, your staff and Navy representatives had preliminary discussions regarding the disposal of former U.S. Naval Station, Roosevelt Roads. Public Law 108-87 enacted September 30, 2003 directed the closure of Naval Station Roosevelt Roads (NSRR). Operational closure occurred on March 31, 2004. Pursuant to the authorizing statute, disposal of the property will be carried out in accordance with the procedures and authorities contained in the Defense Base Closure and Realignment Act (BRAC) of 1990 (title XXIX of Public Law 101-510).

This letter formally initiates the Section 106 consultation process for this undertaking, and as required in 36 CFR Part 800.4, establishes the Area of Potential Effect (APE) and identifies historic properties within the APE. Additionally, it includes a request for concurrence on the Navy's position on these issues:

APE for the Built Environment/Eligible and Listed Resources

The APE for the built environment, shown on Attachment 1, is defined by the boundaries of the land to be disposed of by the Navy and the surrounding private property that lies within the viewshed. The viewshed has been defined by an area ranging from one-quarter mile to one mile beyond the base boundaries as determined by topography. The APE includes portions of the municipalities of Naguabo and Ceiba including the communities of Aguas Claras, Quebrada Seca, Daguao, and Esperanza. We have properties within Puerto Rico, and no listed properties lie

within the APE. Additionally, we are not aware of any properties that have been determined to be eligible for the NRHP that are located within the APE.

Attachment 2 identifies 28 buildings/structures located at NSRR that are eligible for listing on the NRHP, either individually or as contributing elements to the Ammunitions Storage District, or the Administration and Barracks District. These resources were evaluated as part of a comprehensive architectural survey conducted in 2000 and 2001. The findings of the survey are documented in the report entitled "*Architectural Resources Inventory and Evaluation, Naval Station Roosevelt Roads Ceiba, Vieques and Culebra, Puerto Rico.*" Your office concurred with the report's findings of eligibility in correspondence dated March 3, 2003. Copies of the final report were recently provided to your office. Housing resources were evaluated in the Report entitled "*Family Housing at the U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico*" dated March 6,1998. That report concluded that none of the family housing is NRHP eligible. Your office concurred with the report findings in a letter dated April 13, 1998. To assist with your review, a copy of this report is forwarded as Attachment 3.

APE for Archaeological Sites/Eligible Resources

The APE for archaeological sites is defined by the boundaries of the land to be transferred. Several areas of the base will be retained by the Federal government and are therefore located outside the defined archaeological APE. The areas to be retained by the Federal government are shown on Attachment 4.

The Navy conducted station-wide archaeological surveys in three phases beginning in 1994 and extending through 1996. Over 25% of the Naval Station was surveyed as part of this initiative. The Navy is currently conducting additional site identification surveys on approximately 70 acres of high probability areas as shown on Attachment 5. An additional 300 acres distributed throughout the base were previously identified as having moderate or high archaeological potential but appear to be in low probability areas based on likely prior disturbance. Historic aerial photography and construction drawings are being reviewed to document the extent of prior disturbance in these areas. Visual inspections are also underway and will be

supplemented by placement of shovel tests and splitspoon augers. The 300 acres undergoing inspection are illustrated in Attachment 6. A preliminary report on the findings of the on-going identification investigation will be available in August 2004.

There are no NRHP listed archaeological sites within the APE. Twenty-seven sites were identified within the APE during prior survey efforts. Site locations are shown on Attachment 7. Four sites have been determined not eligible for the NRHP, and five sites have been determined eligible. Data recovery has been conducted at one site, Ceiba 10. The Navy is currently conducting site evaluations on five sites located in areas that may be subjected to future development. The archaeological sites being evaluated are RR-1, RR-2, RR-15, RR-17, and RR-18. The testing will determine NRHP eligibility for the purposes of Section 106 compliance, and refine the site boundaries. In addition, archival research including review of historic aerial photography, and pedestrian field reconnaissance with limited shovel test pits is being conducted at Ceiba 1 to confirm the integrity of this site, and refine the site boundaries. Ceiba 5, 6, 9 and 11 are being inspected to document the current condition and any apparent disturbances. A preliminary report on the findings of the on-going evaluation testing will be available in August 2004. For purposes of the Section 106 consultation, it is the Navy's intent to consider the remaining seven sites previously identified as potentially eligible as NRHP eligible, and they will be treated accordingly. Attachment 8 provides information on the status of the various sites, and includes dates of your office's concurrence with the findings.

Request for APE and Eligibility Concurrence

In accordance with 36 CFR 800.4, we seek your Agency's concurrence on (1) the defined APE; (2) identification of eligible architectural resources located within the APE; (3) identification of archaeological resources eligibility as defined in Attachment 8, and (4) the Navy's position that once the additional site identification and evaluation survey work addressed in this letter is completed, all areas and archaeological sites will have been sufficiently surveyed. We request your concurrence within 30 days. Upon receipt of your comments, we will continue consultation to establish a plan for

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public involvement, to assess effects of the action, and to resolve effects, as required by 36 CFR 800.5 and 800.6. Additionally, we will be forwarding the results of the on-going identification testing and site evaluations to your office in August 2004 for review and concurrence.

We look forward to working with you on this challenging undertaking to achieve a balance between disposal requirements and historic preservation priorities. Please contact Ms. Pam Anderson, Cultural Resources Specialist (757-322-4880) or Mr. Bruce Larson, Staff Archaeologist, (757-322-4885) of the Naval Facilities Engineering Command Atlantic if you have questions.

Sincerely,

P. S. LYNCH
Commander,
Civil Engineer Corps,
United States Navy,
Deputy Regional Engineer
By direction of the Commander

Attachments:
(1) USGS QUAD Maps Showing Area of Potential Effect
(2) Eligible Buildings/Structures Properties within the Area of Potential Effect
(3) Family Housing at the U.S. Naval Station Roosevelt Roads Ceiba, Puerto Rico, An Analysis of its Eligibility for Listing on the National Register of Historic Places, March 6, 1998
(4) Maps Showing Areas to be Retained by Federal Government
(5) Map of 70 Acres Undergoing Intensive Identification Survey
(6) Map of 300 Acres Undergoing Reconnaissance Level Survey
(7) Archaeological Site Locations
(8) Status of Archaeological Sites

STATE HISTORIC PRESERVATION OFFICE
Office of the Governor

Commonwealth of Puerto Rico

August 31, 2004

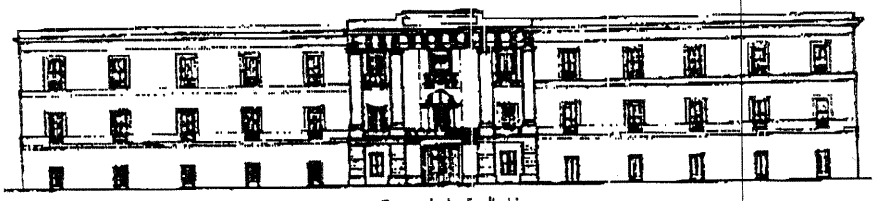
P. S. Lynch
Commander
Civil Engineer Corps
United States Navy
Box 102 Naval Air Station
Jacksonville, Fla 32212-0102

SHPO 07-20-04-02 **Disposal of Former US Naval Station ROOSEVELT ROADS CEIBA, PUERTO RICO**

Dear Commander Lynch:

We acknowledge the receipt of your letter dated July 12, 2004 initiating Section 106 consultation for the above referenced project in accordance with 36 CFR Part 800: *Protection of Historic Properties*. The State Historic Preservation Officer (SHPO) advises and assists in the identification, evaluation and assessment of effects on historic properties of projects, activities or programs carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. The authority for these procedures are contained in Sections 106 and 211 of the National Historic Preservation Act of 1966, as amended in 1992 (Public Law 102-575).

Included with your letter are plans illustrating the Area of Potential Effects (APE) and the lists specifying properties determined eligible and not eligible to the National Register of Historic Places (NRHP). Your letter also indicates there are four (4) sites determined not eligible and five (5) determined eligible, and an additional seven (7) sites "previously identified as potentially eligible" that will be treated as eligible (p. 3). We understand work is still being undertaken at five



Cuartel de Ballajá
PO Box 9066581 San Juan PR 00906-6581 • Phone (787) 721-3737 Fax (787) 722-3622

(5) archaeological sites and that we will soon receive the Cultural Resource Assessment Report produced as part of the archaeological work undertaken within the APE.

In consultation with our office, as per §800.4, the US Navy has determined and documented the undertaking's area of potential effects (APE), identified and evaluated historic properties and their historic significance, applied the National Register of Historic Places (NRHP) criteria for evaluation and determined the properties' eligibility to the NRHP. We agree that the identification and evaluation efforts for above ground architectural historic properties is complete, we also agree that once the additional archaeological site identification and evaluation survey work currently in progress is completed in consultation with our Office, the U. S. Navy will have met the requirements of §800.4(a) through (c). Pending will be the assessment and resolution of effects, as per §800.5 and 6.

If you have any questions or comments regarding this matter, do not hesitate to contact our Office. We appreciate your interest in the rescue and preservation of Puerto Rico's cultural heritage and reiterate our commitment to assist you in this endeavor.

Sincerely,

Elizabeth Solá Oliver
State Historic Preservation Officer

ESO/SG/MB/YRM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

MAR 24 2005

Ms. Marie Gomez
Assistant Secretary
Federal and International Affairs
Puerto Rico Department of Economic
Development and Commerce
PO Box 362350
San Juan, PR 00936-2360

Dear Ms. Gomez:

I am pleased to inform you of the Department of Housing and Urban Development's final determination that the Puerto Rico Department of Economic Development and Commerce Reuse Plan, dated December, 2004 complies with the requirements of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 and its implementing regulations found at 24 CFR Part 586. The Department may move forward with implementing the reuse plan, including the homeless assistance public benefit conveyance of real property for Casa de la Bondad, Inc.

Congratulations on your success in effectively carrying out the military base reuse planning process. I wish you continued success in implementing the Naval Station Roosevelt Roads base reuse plan. HUD stands ready to assist you in your revitalization efforts. If we can provide any further service please contact Mr. Jose R. Rivera, Acting Director, Community Planning and Development Division, in our San Juan (Caribbean) Office, 171 Carlos E. Chardon Ave., Suite 301, San Juan, PR 00918-0903. Mr. Rivera's telephone number is 787-766-5201.

Sincerely,

for Patricia A. Carlile
Deputy Assistant Secretary
for Special Needs

Commonwealth of Puerto Rico
DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

PO Box 362350, San Juan, PR 00936-2350
Phone **787.765.2900**, Fax **787.753.6874**

December 2, 2005

Mr. Edwin Muñiz
U.S.Fish and Wildlife Service
Caribbean Field Office
P.O. Box 491
Boquerón, PR 00622

Dear Mr. Muñiz:

The Department of Economic Development and Commerce (DEDC) is the Local Redevelopment Authority (LRA) for Naval Station Roosevelt Roads. The Portal del Futuro Authority (the Authority), created under Law 508 of September 29, 2004, will soon replace the DEDC as the LRA for Roosevelt Roads. I am the President of the Board of Directors of the Authority.

Since the DEDC began its work on the Reuse Plan for Roosevelt Roads, the protection of the natural resources and threatened and endangered species in this area has always been one of the guiding principles of our work. Accordingly, the DEDC is ready to provide the necessary assurances so that appropriate steps are taken to implement the necessary conservation measures to ensure that there will be no adverse effects to these species and their habitats by virtue of the Navy transferring this property to new public and private owners. The DEDC is working on a Special Zoning Plan for Portal del Futuro, which the Authority will present to the Puerto Rico Planning Board for approval (this will also require approval of a Strategic Environmental Impact Statement by the Puerto Rico Environmental Quality Board). This Special Zoning Plan will incorporate the conservation measures resulting from the ongoing consultation between the Navy and the Service pursuant Section 7 of the Endangered Species Act (Act) . All owners of property within the former Roosevelt Roads will be informed of the conservation measures applicable to their properties and proposed activities, legal consequences of the violation of Section 9 of the Act, and additional permit requirements under Section 10 of the Act, if measures are not followed.

I hope this commitment will facilitate finalizing the Environmental Assessment and Biological Assessment required under the NEPA.

Very truly yours,

Jorge E. Silva Puras
Secretary

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

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Ser N45/2002

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Mr. Angel D. Rodríguez-Quiñonez, President
Commonwealth of Puerto Rico
Puerto Rico Planning Board
P.O. Box 41119
San Juan, Puerto Rico 00940-1119

Attention: Mr. Rodríguez-Quiñonez:

SUBJECT: COASTAL ZONE MANAGEMENT ACT DETERMINATION FOR THE DISPOSAL OF FORMER NAVAL STATION ROOSEVELT ROADS

The Department of Defense Appropriations Act for Fiscal Year 2004 (Public Law 108-87) directed the United States Navy to close Naval Station Roosevelt Roads (NSRR), Puerto Rico, no later than six months after the enactment of the Act. The Act also directed that the closure and subsequent disposal be carried out in accordance with the procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990, commonly referred to as "BRAC." Accordingly, NSRR closed on March 31, 2004, and was re-designated as Naval Activity Puerto Rico (NAPR) to be maintained in a caretaker status during the closure and disposal process.

The Navy has concluded that the disposal of former NSRR will not have an impact on the coastal zone and a consistency determination is not required. Enclosed is the Record of Negative Determination for this action. We respectfully request your concurrence on our determination within 30-days to assist us in meeting on-going contractual agreements.

Thank you for your time and attention to this matter. My point of contact is Mr. José R. Negrón, P.E. who can be reached at the address above, by phone at (904) 542-0552, or by e-mail at Jose.negron1@navy.mil.

Sincerely,

CAMILLE R. DESTAFNEY
Regional Environmental
Program Director
By direction

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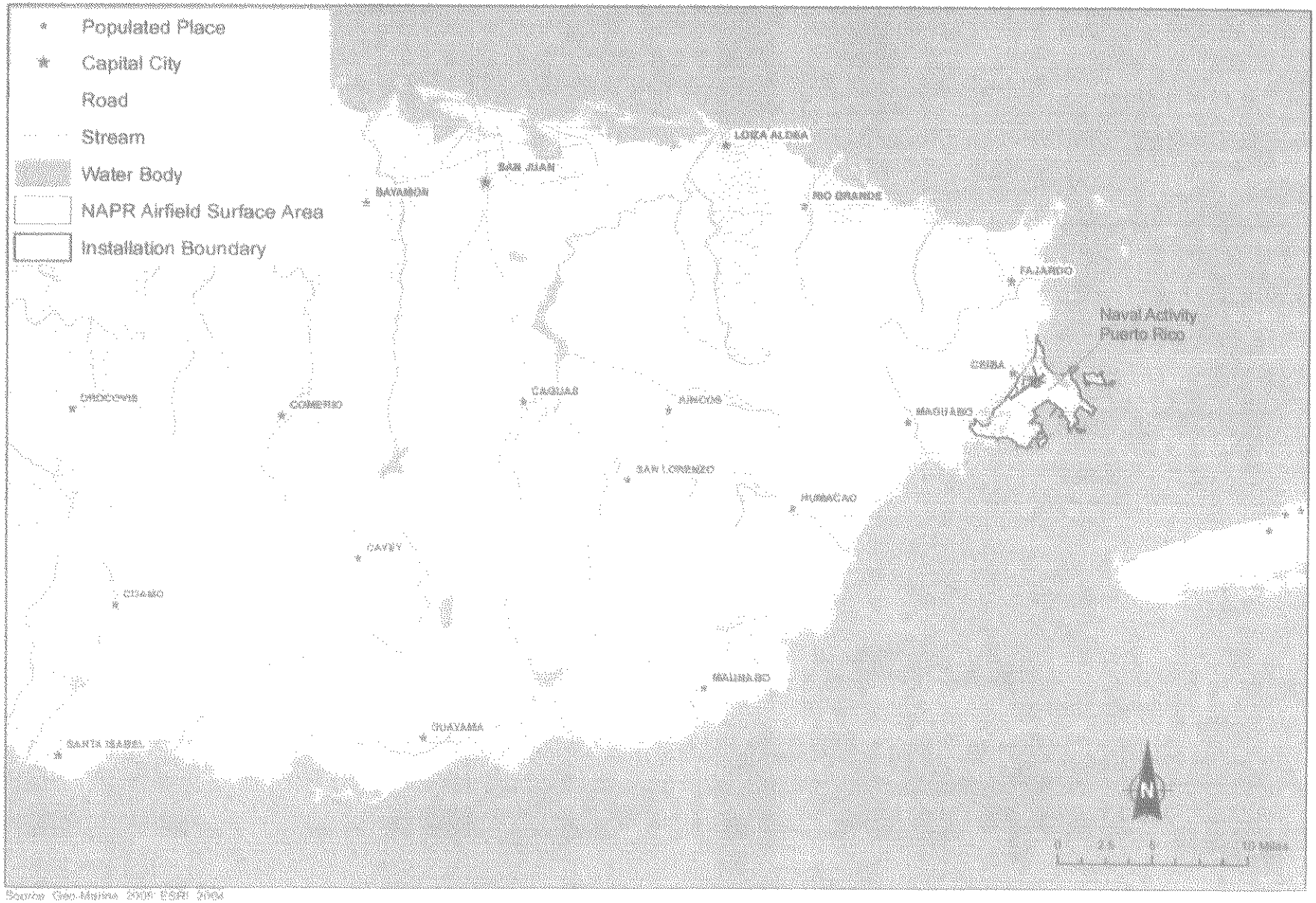
Ser N45/2002
FEB 10 2006

Enclosures: 1. NAPR and Vicinity Map
2. Record of Negative Determination
3. Parcel Index Map
4. DEDC letter of December 2, 2005
5. Conservation Measures



Source: Geo-Metrix, 2006; ESRI, 2004

Naval Activity Puerto Rico and Vicinity

Coastal Zone Management Act
Negative Determination
Disposal of the Former
Naval Station Roosevelt Roads
Ceiba, Puerto Rico

Background

Former Naval Station Roosevelt Roads (NSRR) comprises approximately 8665 acres of land on the eastern coast of Puerto Rico, see attached figure. The most developed areas in the immediate vicinity of NARR are the communities of Ceiba and Naguabo, both located west of NSRR. The city of Fajardo is approximately 5 miles north along Puerto Rico Route 3.

The Department of Defense Appropriations Act for Fiscal Year 2004 (Public Law 108-87) directed the United States Navy to close Naval Station Roosevelt Roads (NSRR), Puerto Rico, no later than six months after the enactment of the Act. The Act also directed that the closure and subsequent disposal be carried out in accordance with the procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990, commonly referred to as "BRAC" (Title XXIX of Public Law 101-510; 10 U.S.C. 2687). Accordingly, NSRR closed on March 31, 2004, and was re-designated as Naval Activity Puerto Rico (NAPR) to be maintained in a caretaker status during the closure and disposal process.

The Commonwealth of Puerto Rico (Commonwealth) created a Local Redevelopment Authority (LRA) to oversee the planning process for future private development of NAPR. To foster future development the LRA developed the *Naval Station Roosevelt Roads Reuse Plan* (Reuse Plan)

Project Description

The proposed action is the disposal of approximately 8,665 acres of the excess Navy property at NAPR. The disposal would be accomplished as a direct transfer of ownership, with the exception of approximately 230 acres that will remain under Federal ownership, but with operational responsibility transferred to other Federal entities. For the property being transferred out of Federal ownership the Navy will no longer retain any ownership or control over the property. To accomplish this NAPR has been subdivided into parcels where some would be going to the Commonwealth of Puerto Rico either as Public Benefit Conveyance (PBC) or Economic Development Conveyance (EDC) and the remaining parcels would be disposed of by means of public sale.

The Navy would conduct, or cause to be conducted, environmental cleanup of the property to a level consistent with its historic use that is protective of human health, and subject to approval from the Environmental Protection Agency. The LRA's Reuse Plan is consistent with the historic use of the property, and would require Commonwealth imposed restrictions on the property aligned with such historic use.

Protection of the Coastal Zone

Coastal Zone Management Act (CZMA) Section 304(1) (16 U.S.C. §1453(1)) excludes from the coastal zone lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government. Accordingly, NAPR as Federal property is excluded from the coastal zone. Upon transfer from Federal control, however, it will become subject to the requirements of the Puerto Rico Coastal Management Plan (PRCMP). The transfer of NAPR to the Commonwealth of Puerto Rico, or to private entities, is not in and of itself reasonably likely to affect any land or water use or natural resource or the costal zone.

The Department of Economic Development and Commerce, in a letter dated December 2, 2005, to U. S. Fish and Wildlife Service (USFWS), indicated that the department, through the LRA, is working on a Special Zoning Plan for Portal del Futuro (the NAPR property). The LRA will present this plan to the Puerto Rico Planning Board (PRPB) for approval. Note, this will also require approval of a Strategic Environmental Impact Statement by the Puerto Rico Environmental Quality Board as addressed in the attached letter from the LRA. It is anticipated that the PRPB would adopt the proposed Special Zoning Plan. Upon its adoption, this plan would serve as the official zoning of the property. Any future development projects proposed on former NAPR property would be reviewed by the PRPB to ensure that such development is consistent with the Special Zoning Plan. Included in the Special Zoning Plan will be special conservation measures for protected species and habitat that have been developed by the Navy during consultations with USFWS. A copy of these recommended conservation measures is attached.

Upon completion of the proposed action, future land-use changes could affect resources of the coastal zone. As the Reuse Plan is at this time still speculative, and projects out over a thirty-year period, its affects on coastal resources, if any, cannot be presently quantified. Under existing laws

and regulations, future landowners/developers would be responsible for complying with establish zoning, applying for required building permits, and other approvals necessary to implement their respective development projects - including the PRCMP.

The LRA's reuse plan calls for the transfer of large portions of NAPR (in excess of 3,000 acres) to the Commonwealth of Puerto Rico to be managed as a conservation zone. For those areas subject to potential development, either by the Commonwealth or private entity, the Special Zoning Plan proposed by the LRA with it's accompanying conservation measures would provide protection for coastal resources. Future development will be subject to all Commonwealth and/or Federal resource agencies rules and regulations including those required by the PRPB with respect to compliance with PRCMP.

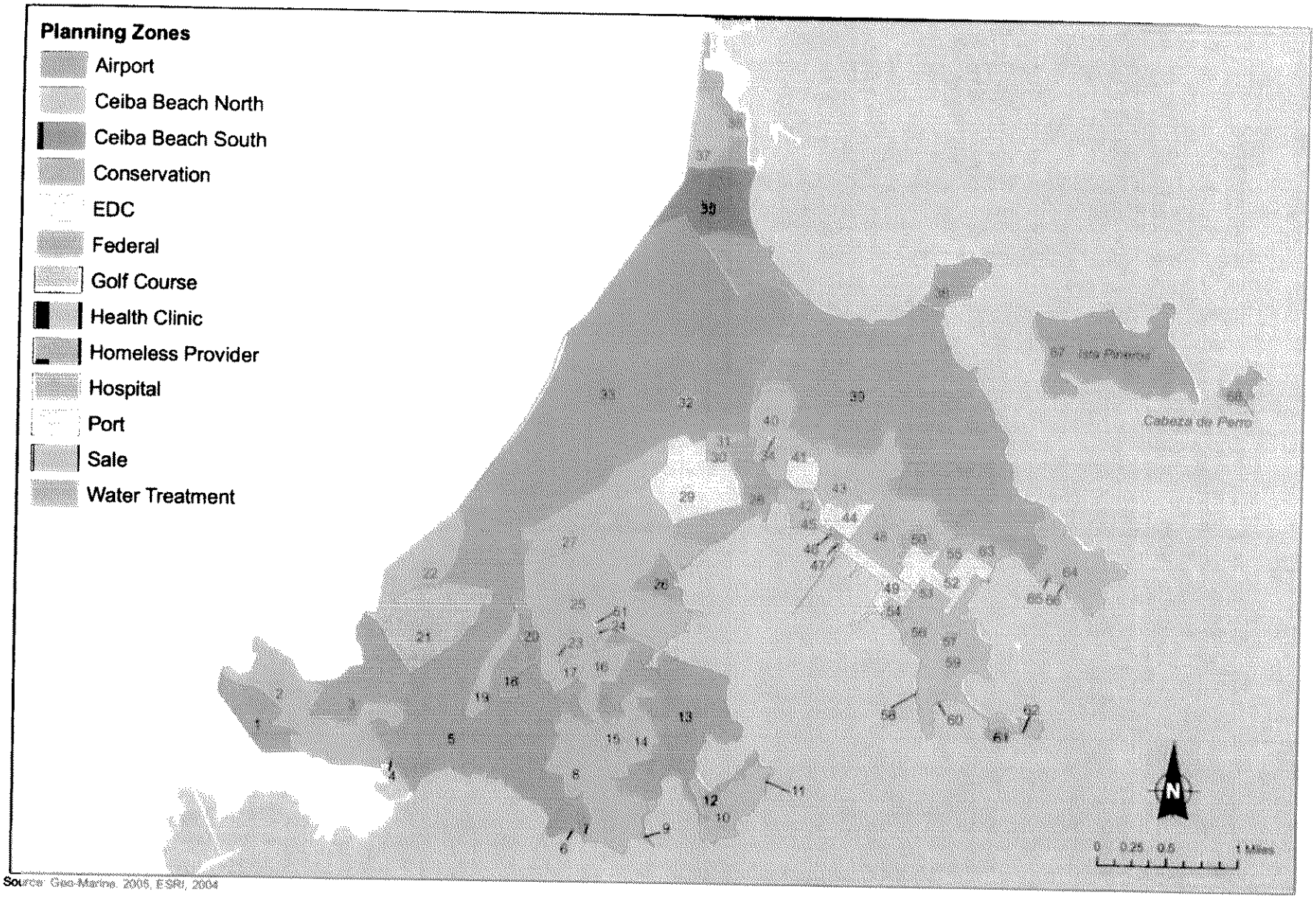
Potential effects from the proposed action to coastal resources are:

- Beach or dunes - no appreciable impact
- Marshes - no appreciable impact
- Coral or reefs - no appreciable impact
- River or estuary - no appreciable impact
- Bird sanctuary - no appreciable impact
- Pond, lake, or lagoon - no appreciable impact
- Agricultural unit - no appreciable impact
- Forest or woods - no appreciable impact
- Cliff or breakwater - no appreciable impact
- Cultural or tourist area - any impact will be coordinated with the Puerto Rico State Historic Preservation Office and appropriate mitigation (e.g., data recovery or recordation) will be undertaken prior to parcel disposal such that any impact would not be significant.

Negative Determination

The proposed action, the real estate actions associated with the disposal of NAPR, will not affect any coastal use or resource. Once the property is disposed of, future landowners/developers will be responsible for applying for any necessary building permits and complying with the applicable requirements of PRCMP prior to any development within the coastal zone. Having future landowners/developers adhere to Federal and Commonwealth laws for future assures future

development will be consistent with PRCMP. Accordingly, the Navy concludes implementing these real estate actions will not affect any coastal use or resource. Accordingly, a consistency determination is not required.



Source: Geo-Marine, 2005, ESRI, 2004

Parcel Index Map
Naval Activity Puerto Rico

Commonwealth of Puerto Rico
DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

PO Box 362350, San Juan, PR 00936-2350
Phone 787.765.2900, Fax 787.753.6874

December 2, 2005

Mr. Edwin Muñiz
U.S.Fish and Wildlife Service
Caribbean Field Office
P.O. Box 491
Boquerón, PR 00622

Dear Mr. Muñiz:

The Department of Economic Development and Commerce (DEDC) is the Local Redevelopment Authority (LRA) for Naval Station Roosevelt Roads. The Portal del Futuro Authority (the Authority), created under Law 508 of September 29, 2004, will soon replace the DEDC as the LRA for Roosevelt Roads. I am the President of the Board of Directors of the Authority.

Since the DEDC began its work on the Reuse Plan for Roosevelt Roads, the protection of the natural resources and threatened and endangered species in this area has always been one of the guiding principles of our work. Accordingly, the DEDC is ready to provide the necessary assurances so that appropriate steps are taken to implement the necessary conservation measures to ensure that there will be no adverse effects to these species and their habitats by virtue of the Navy transferring this property to new public and private owners. The DEDC is working on a Special Zoning Plan for Portal del Futuro, which the Authority will present to the Puerto Rico Planning Board for approval (this will also require approval of a Strategic Environmental Impact Statement by the Puerto Rico Environmental Quality Board). This Special Zoning Plan will incorporate the conservation measures resulting from the ongoing consultation between the Navy and the Service pursuant Section 7 of the Endangered Species Act (Act) . All owners of property within the former Roosevelt Roads will be informed of the conservation measures applicable to their properties and proposed activities, legal consequences of the violation of Section 9 of the Act, and additional permit requirements under Section 10 of the Act, if measures are not followed.

I hope this commitment will facilitate finalizing the Environmental Assessment and Biological Assessment required under the NEPA.

Very truly yours,

Jorge E. Silva Puras
Secretary

Enclosure (4)

CONSERVATION MEASURES TO PROTECT THREATENED AND ENDANGERED SPECIES NAVAL ACTIVITY PURERTO RICO

Yellow-Shouldered Blackbird

Conservation Measures for the Yellow-shouldered Blackbird

During planning and development phases; vegetation removal, land clearing activities, new construction; demolition or remodeling of existing structures; grounds maintenance; building maintenance; and general operations the following conservation measures should be implemented to minimize possible effects to yellow-shouldered blackbirds or their habitat:
* Protect as many existing on site palms and trees as possible in new development plans.
* If forested habitat is proposed for clearing or alteration, consultation with the USFWS should be initiated. *Note*: A minimum of one year maybe required to complete consultation.
* Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 meters of the building) for yellow-shouldered blackbird nests prior to start date if the development activity is scheduled to occur between March 15 and August 30. Surveys should be conducted by qualified and experienced personnel. Consult with the USFWS if a yellow-shouldered blackbird nest is found.
* Consult with the Puerto Rico DNER to identify the need for an endangered species permit to conduct such surveys.
* No trimming or cutting of palms and trees between March 15 and August 30 except in an emergency (i.e., downed trees and palms from storms).
* Survey for yellow-shouldered blackbird nests prior to any outdoor building maintenance activities between March 15 and August 30. Determine identity of any bird nest found. If a yellow-shouldered blackbird nest is found do not disturb, notify and consult with USFWS.
* Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15 to August 30). If a yellow-shouldered blackbird nest is located do not disturb, notify USFWS.

Note: The above noted conservation measures are applicable to all the parcels as noted on the attached figure, except parcel 28. These parcels have been identified for conservation, and no development should be allowed; however, habitat management activities should be closely coordinated with USFWS.

Notice: If you are willing to comply with the general requirements and conservation measures listed above during the development and subsequent use of this parcel, you may proceed with the project. If you have any questions on the conservation measures, please consult with USFWS, Caribbean Field Office in Boquerón, Puerto Rico. Property owners that cannot adhere to the conservation measures must consult with USFWS to seek an Incidental Take Permit (ITP) under Section 10(a)(1)(B). Be aware that the preparation of a Habitat Conservation Plan is required to apply for an ITP. Failure to comply with the identified general requirements and conservation measures may result in the violation of Section 9 of the ESA. The USFWS has the authority to prosecute violations under ESA.

Sea Turtles

Conservation Recommendations for Sea Turtles

During planning and development phases ; vegetation removal, land clearing activities, new construction; demolition or remodeling of existing structures; grounds maintenance; building maintenance; and general operations the following conservation measures should be implemented to minimize possible effects to the sea turtle species and their habitat:
▪ Avoid the removal of vegetation, fence installation, construction activities, and light installation within 50 meters from the high tide.
▪ Designate a buffer zone of additional 20 meters to minimize indirect impacts from the project and plant sea grapes and native trees within the zone.
▪ Prepare and implement a comprehensive lighting plan to avoid detrimental impacts of artificial lighting on sea turtles. The goal of the plan should be that lights not be seen directly, indirectly or cumulatively from the beach. Light management strategies such as shielding, lowering of the lights, locating the lights away from sight view of the beach, using an alternate light source such as Low Pressure Sodium Vapor, and planting of vegetation barriers are some of the available alternatives to reach the plan goal. In already constructed projects, all lights visible from the beach should be eliminated or relocated so as not to be visible. Those remaining lights shall be modified in order to avoid or minimize the possibility of disorientation. The plan goal and the light management strategies should be specified, described and located in the lighting plan. The plan should be submitted to the DNER and the USFWS for review and approval.
▪ Once the plan is fully implemented, a lighting inspection should be conducted to identify and correct any remaining problematic lights.
▪ Enhance coastal vegetation with planting of native species (e.g., sea grapes) within the maritime zone. Protect coastal vegetation and nesting habitat from vehicular traffic in the area.
▪ Consult with the USFWS and Puerto Rico DNER on all beach use plans and permit requirements
▪ Notify the DNER if you observe an injured or dead turtle anywhere on the property.
▪ Pesticide and herbicide applications must follow Commonwealth of Puerto Rico regulations.

Note: The above conservation measures are applicable to the parcels as noted on the attached figure; specifically these are parcels: 5, 6, 7, 8, 9, 10, 11, 12, 13, 25, 26, 28, 35, 38, 39, 42, 44, 45, 46, 47, 49, 56, 58, 59, 60, 61,62,63, 64, 65, 66, 67, and 68.

Notice: If you are willing to comply with the general requirements and conservation measures listed above during the development and subsequent use of this parcel, you may proceed with the project. If you have any questions on the conservation measures, please consult with the USFWS, Caribbean Field Office in Boquerón, Puerto Rico. Property owners that cannot adhere to the conservation measures must consult with the USFWS to seek an Incidental Take Permit (ITP) under Section 10(a)(1)(B). Be aware that the preparation of a Habitat Conservation Plan is required to apply for an ITP. Failure to comply with the identified general requirements and conservation measures may result in the violation of Section 9 of the ESA. The USFWS has the authority to prosecute violations under ESA.

Puerto Rican and Virgin Islands Tree Boa

Conservation Measures for the Boa

During planning and development phases ; vegetation removal, land clearing activities, new construction; demolition or remodeling of existing structures; grounds maintenance; building maintenance; and general operations the following conservation measures should be implemented to minimize possible effects to the boa or its habitat:
▪ When planning new developments in areas that contain boa habitat strive to save as many existing trees as possible.
▪ If boa habitat is present and proposed for clearing, consult with the 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 boas. If boas are presence contact the USFWS.
▪ Notify the USFWS if a boa is found during maintenance activities, inside a building/structure or on the grounds.

Note: The above-noted conservation measures are applicable to parcels as noted on the attached figure, specifically parcels: 1, 2, 3, 4, 5, 6, 8,9,10,11,12,13,14 18, 19, 20, 22, 25, 27, 28, 29, 30, 31, 38, 39, 40, 43, 44, 48, 56,58, 59,60, 61,62,63,64,65,66,67, and 64.

Notice: If you are willing to comply with the general requirements and conservation measures listed above during the development and subsequent use of this parcel, you may proceed with the project. If you have any questions on the conservation measures, please consult with USFWS, Caribbean Field Office in Boquerón, Puerto Rico. Property owners that cannot adhere to the conservation measures must consult with USFWS to seek an Incidental Take Permit (ITP) under Section 10(a)(1)(B). Be aware that the preparation of a Habitat Conservation Plan is required to apply for an ITP. Failure to comply with the identified general requirements and conservation measures may result in the violation of Section 9 of the ESA. The USFWS has the authority to prosecute violations under ESA.

West Indian Manatee

Disposal and reuse of NAPR would not directly affect manatees. However, indirect impacts on manatees could result from increases in boat traffic (and hence manatee/boat collisions). In the event operational tempo increases for any of the USACE permitted facilities (e.g., marina, boat ramps, cargo terminal, fuel facilities) a new permit would be required. During Section 7 consultation required by the permitting process, possible adverse effects would be identified and minimized by site-specific conservation measures and become part of the permit requirements.

Brown Pelican

The transfer of NAPR lands to civilian ownership may result in increased public access to brown pelican near-shore and on-shore roosting areas. Construction of marine facilities will require a permit from U.S. Army Corps of Engineers (USACE). This federal permit process would require a Section 7 consultation between the USACE and the U.S. Fish and Wildlife Service (USFWS). During Section 7 consultation, possible adverse effects would be identified and minimized by site-specific conservation measures. However, the Navy believes that the establishment and management of the coastal conservation parcels may reduce possible effects to brown pelicans. Additionally brown pelicans occur in low numbers at NAPR and do not use the property for nesting.

Piping Plover

The occurrence of piping plover at NAPR is expected to be limited to vagrants; a vagrant species occurs less than once every 10 years. Therefore, redevelopment at NAPR is not likely to adversely affect the piping plover.

Roseate Tern

The occurrence of roseate tern at NAPR is expected to be limited to accidental because the species could be pushed into nearby coastal waters or inshore during intense storms, but is otherwise not expected to be present at NAPR. Therefore, redevelopment at NAPR is not likely to adversely affect the roseate tern.

Cobana Negra

A single individual of this species was found in a coastal scrub forest area classified as undevelopable in the Reuse Plan. This is an area identified as a conservation parcel. Cobana negra is most likely to be found in salt flats and mangrove edges in brackish, seasonally flooded wetlands. These areas are included in the conservation area in Zone 9. The only known individual is located in an area that will be conserved, and additional suitable habitat for this species is within the proposed conservation zone. Accordingly, implementing the proposed disposal action for NAPR and potential subsequent redevelopment of NAPR is not likely to adversely affect cobana negra.

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD

Minillas Governmental Center, North Bldg.
De Diego Ave, Stop 22
P. O. Box 41119, San Juan, P. R. 00940 - 1119

March 21, 2006

Ms. Camille R. Destafney
Regional Environmental
Program Director
Department of the Navy
Commander Navy Region Southeast
Box 102, Naval Station
Jacksonville, Florida 32212-0102

Coastal Zone Management Act Determination
CZ-2006-0301-071
Disposal of Former Naval Station Roosevelt Roads
Ceiba, Puerto Rico

Dear Ms. Destafney:

We have received your letter regarding the matter at reference. According to the submitted information, the Navy will dispose of approximately 8,665 acres of the excess Navy property. The disposal will be accomplished as direct transfer of ownership, with the exception of approximately 230 acres that will remain under federal ownership, but with operational responsibility transferred to other federal entities. The property has been subdivided into parcels where some will be going to the Commonwealth of Puerto Rico as Public Benefit Conveyance or Economic Development. The remaining parcels would be disposed of by means of public sale.

After the evaluation of the submitted information, the Puerto Rico Planning Board determined that the proposed land ownership transfer does not require a Federal Consistency Determination with the Puerto Rico Coastal Zone Management Program. Notwithstanding, the reuse plan and individual projects shall comply with all applicable state laws and land use policies.

We appreciate your cooperation and effort in the conservation and adequate management of the valuable coastal resources that are present in the Naval Activity Puerto Rico (NAPR) area.

If you need additional information about this matter do not hesitate to contact Ms. Rose A. Ortiz at (787)-723-6200 ext. 2020 or (787)726-0289.

Cordially,

Ángel D. Rodríguez
Chairman

c: Ernesto Díaz, DRNA

NAR/MML/RAO

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Boqueron Field Office
Carr. 301, KM 5.1, Bo. Corozo
P.O. Box 491
Boqueron, PR 00622

APR 7 2006

Ms. Camille R. Destafney
Regional Environmental Program Director
Department of the Navy
Commander Navy Region Southeast
Box 102, Naval Air Station
Jacksonville, Florida 32212-0102

Re: Disposal of Naval Station Roosevelt Roads / Naval Activity Puerto Rico, Ceiba, Puerto Rico

Dear Ms. Destafney:

Thank you for your letter of March 20, 2006, received in our office on March 27, 2006, requesting our concurrence with your determination that the proposed disposal action is not likely to adversely affect federally-listed species in the project area. Our comments are provided under the Endangered Species Act (87 Stat. 884, as amended; 16 United States Code 1531 et seq.).

The Navy has developed a Biological Assessment (BA) to assess possible effects of the proposed activities on federally-listed species and designated critical habitat within the former base. The Service has participated in the review of draft documents since June 2005. The Final BA was completed in January 2006, and received in our office on February 23, 2006. The BA describes eight re-development zones and a conservation zone (Zone 9). The conservation zone encompasses 3,333 acres (1,345 ha) of protected land consisting of mangroves forests, wetlands, adjacent upland forest areas, beaches and upland habitats. These conservation areas support habitat for the endangered yellow-shouldered blackbird (*Agelaius xanthomus*), the VI boa (*Epicrates monensis grantii*), Puerto Rican boa (*Epicrates inornatus*), piping plover (*Charadrius melodus*), roseate tern (Sterna dougalli dougalli), brown pelican (*Pelecanus occidentalis occidentalis*), the plant Stahlia monosperma (cóbana negra), and three threatened and endangered sea turtle species (*Dermochelys coriacea, Eretmochelys imbricata,* and *Chelonia mydas*). Additionally, the Navy has developed specific conservation measures, addressed in detail in the BA, to protect listed species and their habitats within the re-development zones. The BA also included information regarding the proposed Special Zoning Plan (Plan) which the Department of Economic Development and Commerce (DEDC) will present to the Puerto Rico Planning Board for approval. The Plan will include the conservation measures for the species and their

habitats. The Service received on December 2, 2005 a letter from the Secretary of the DEDC with a commitment to implement the Plan.

Based on the information provided, we concur with your determination that the proposed disposal of Naval Station Roosevelt Roads is not likely to adversely affect federally-listed species and would not result in adverse modification of designated critical habitat within the project area. Should additional information on listed species become available, this determination may be reconsidered.

If you have any questions, please call Marelisa Rivera at 787-851-7297 extension 231.

Sincerely yours,

Edwin E. Muñiz
Field Supervisor
Caribbean Field Office

mtr

Preserving America's Heritage

June 6, 2006

Brian D. Lee
Environmental Business Coordinator
Naval Facilities Engineering Command Atlantic
6506 Hampton Blvd
Norfolk, VA 23508-1278

Ref: Disposal of Former U.S. Naval Station, Roosevelt Roads, Ceiba, Puerto Rico

Dear Mr. Lee:

We are in receipt of your notification of adverse effect dated May 11, 2006, and supporting documentation regarding the proposed disposal of former U.S. Naval Station, Roosevelt Roads, in Ceiba, Puerto Rico. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases,* of our regulations, Protection of Historic Properties (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us.

That said, however, we would recommend that you insert language in the agreement similar to the following concerning dispute resolution.

> "Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Navy shall consult with such party to resolve the objection. If the Navy determines that such objection cannot be resolved, the Navy will:
>
> A. Forward all documentation relevant to the dispute, including the Navy's proposed resolution, to the ACHP. The ACHP shall provide the Navy with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Navy shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Navy will then proceed according to its final decision.
> B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Navy may make a final decision on the dispute and proceed accordingly. Prior to making such a final decision, the Navy shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

C. The Navy's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged."

Thank you for providing us with this notification and opportunity to participate in consultation. If you have any questions or require the further assistance of the ACHP, please contact Kelly Yasaitis at 202-606-8583, or by EMAIL at kyasaitis@achp.gov.

Sincerely,

Reid Nelson
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs

July 3, 2006

shpo

Mr. Brian D. Lee
Environmental Business Coordinator
Naval Facilities Engineering Command Atlantic
6506 Hampton Blvd
Norfolk, VA 23508-1278

SHPO 07-20-04-02 DRAFT MOA FOR DISPOSAL OF FORMER US NAVAL STATION ROOSEVELT ROADS, CEIBA, PUERTO RICO

Dear mister Lee:

We have reviewed the draft (April 18, 2006) Memorandum of Agreement (MOA) prepared for the future disposal of the former US Naval Station Roosevelt Roads. We have the following recommendations.

The title of the MOA should include all the signatories to the agreement as discussed below.

WHEREAS Section

A clause should be added inviting the Commonwealth Local Redevelopment Authority to be a signatory to this MOA. As the entity created by the Commonwealth of Puerto Rico to oversee the planning process for future private development of Naval Activity we believe this is appropriate.

Suggested language:

> **WHEREAS**, the Commonwealth Local Redevelopment Authority, led by the Puerto Rico Department of Economic Development and Commerce, is responsible for overseeing the planning process for future private development of the Property and has been invited to be a signatory to this MOA.

Another clause should be added inviting the Puerto Rico Department of Natural and Environmental Resources (DNER) to be a signatory to this MOA. DNER will be the Commonwealth agency responsible for the management of those areas designated as conservation zones scheduled for transfer to the Commonwealth of Puerto Rico. The majority of those archaeological sites within the former Naval Station

determined eligible for inclusion into the National Register of Historic Places are located within these designated zones.

Suggested language:

> **WHEREAS**, the Puerto Rico Department of Natural and Environmental Resources will be the Commonwealth agency responsible for the management of the 3,386.9 acres designated as Conservation Areas (Zone 9) to be transferred to the Commonwealth of Puerto Rico and has been invited to be a signatory to this MOA.

The third WHEREAS on page 2 should be changed to, instead, reference written communication (to be included as an appendix) by DNER of their commitment to protect those archaeological sites within the Conservation Zones.

The NOW, THEREFORE paragraph on page 3 should include all the signatories.

STIPULATIONS Section

The last sentence of Stipulation 1 should be revised (see bold) to read as follows:

> Transfer of the parcels containing Sites Ceiba 3, Ceiba 9, and RR014 will not occur until **the final reports of** the Data Recovery Findings are complete.

The last sentence of Stipulation 2 should be revised (see bold) to read as follows:

> Transfer of the parcels containing NRHP eligible sites will not occur until **the final reports of** the Data Recovery Findings are complete.

A stipulation should be added that the U.S. Navy will provide the DNER with copies of the reports and other pertinent data on the archaeological sites located within the Conservation Areas for their appropriate management. Also, an artifact curation clause should be added, pursuant to 36 CFR Part 79: Curation of Federally-owned and Administered Archeological Collections.

Under Amendments and Termination (page 4), the first clause should read as follows:

> Pursuant to 36 C.F.R. § 800.6(c)(7) any party to this MOA may request that it be amended, whereupon the

> parties shall consult ~~in accordance with 36 C.F.R. § 800.13~~ to consider such an amendment.

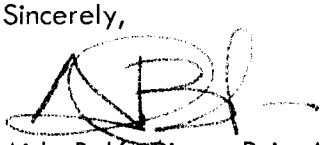
The fifth clause should read as follows:

> Should such consultation fail and the MOA is terminated, the U.S. Navy shall comply with 36 C.F.R. § 800.6(c)(8) ~~with regards to individual undertakings covered by this MOA~~ by either executing another memorandum of agreement with the signatories under 36 C.F.R. § 800.6(c)(1) or request the comments of the ACHP under 36 C.F.R. § 800.7(a).

You should include dispute resolution language as recommended by the Advisory Council on Historic Preservation in their letter dated June 6, 2006. Finally, the list of signatories should be expanded as discussed above. A revised Draft MOA complete with exhibits should be submitted to our Office for our review or signature.

If you have any questions concerning our comments, please contact Miguel Bonini at 787-721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,



Aida Belén Rivera Ruiz, Archaeologist
State Historic Preservation Officer

ABR/MB

c. DNER

PRIDCO