

FINDING OF SUITABILITY TO LEASE

CARVE-OUTS WITHIN SALE PARCEL I - BUNDY

**NAVAL ACTIVITY PUERTO RICO
CEIBA, PUERTO RICO**



Prepared by:

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February 2008

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1.0 PURPOSE

This Finding of Suitability to Lease (FOSL) summarizes how the requirements and notifications for hazardous substances, petroleum products and other regulated material on the property have been satisfied, and documents my determination, as the responsible Department of Defense (DoD) component official, that certain real property and associated improvements known as Carve-outs Within Sale Parcel I - Bundy (Subject Property) at Naval Activity Puerto Rico (NAPR), Ceiba, Puerto Rico are environmentally suitable for lease subject to the conditions, notifications and restrictions set forth in this document. This decision is based primarily on my review of information contained in two of the documents listed in Exhibit A (References) – CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico (the CERFA Report; Navy, 2006b) and Phase I/II Environmental Condition of Property Report, Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico (the ECP Report; Navy, 2005). Factors leading to this decision and other pertinent information related to property lease requirements are stated below.

The Subject Property is comprised of 198.918 acres in ten non-contiguous areas carved out of the 1,509.394-acre Sale Parcel I located in the southwest section of the installation. The carve-out areas were removed from Sale Parcel I because they are Resource Conservation and Recovery Act (RCRA) Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) with work remaining to be completed under the Administrative Order on Consent (Consent Order) that sets out the Navy's corrective action obligations under RCRA. Furthermore, the SWMUs cannot be included in the transfer of Sale Parcel I because all necessary remedial actions have not been taken prior to transfer as required by Section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Navy and the winning bidder in the public auction of Sale Parcel I will execute a lease in furtherance of conveyance for the carve-out areas. Upon successful completion of all necessary remedial actions by the Navy, the leased property will be transferred to the new owner of Sale Parcel I. A vicinity map showing Sale Parcel I and the carve-out (lease) areas is included in Exhibit B.

2.0 DESCRIPTION OF PROPERTY

NAPR was formerly known as Naval Station Roosevelt Roads (NSRR) until it ceased operation as an active Naval Station on March 31, 2004, at which point it was designated Naval Activity

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Puerto Rico. NAPR is located on the east coast of Puerto Rico adjacent to the municipality of Ceiba.

The ten carve-outs that comprise the Subject Property are as follows:

- **SWMU 1, Former Army Cremator Disposal Site** – 121.642 acres in Sub-parcel 25 (not including approximately 22 ocean acres). Abandoned, unlined landfill on the edge of mangrove swamps along the shoreline of Ensenada Honda Bay. It was the primary disposal site for NSRR solid waste from the early 1940s to the early 1960s. There are no numbered facilities or buildings on SWMU 1.
- **SWMU 2, Langley Drive Disposal Area** – 27.671 acres in Sub-parcel 25 (not including approximately 8 ocean acres). Abandoned, unlined landfill on the edge of mangrove swamps along the shoreline of Ensenada Honda Bay. Operational from 1939 to 1959. There are no numbered facilities or buildings on SWMU 2.
- **SWMU 54, Former NEX Repair/Maintenance Shop, Building 1914** – 1.743 acres in Sub-parcel 2. Building 1914 is a 648-square foot, concrete-block building constructed in 1978 and used for vehicle maintenance.
- **SWMU 61, Former Bundy Area Maintenance Facilities** – 5.305 acres in Sub-parcel 2. Formerly a large, open storage/maintenance area that is now mostly wooded. It was used for facility and vehicle maintenance activities from the 1940s to 1960s. There are no numbered facilities or buildings on SWMU 61.
- **SWMU 62, Former Bundy Disposal Area** – 14.590 acres in Sub-parcel 2. Formerly a disposal or fill area with multi-toned, mounded materials observed on a 1958-1961 era aerial photograph that is now mostly wooded. There are no numbered facilities or buildings on SWMU 62.
- **SWMU 71, Quarry Disposal Site** – 22.874 acres in Sub-parcel 25. Former quarry operation located at the current location of the Commissary parking lot and the open, grassy field adjacent to the parking lot. Open storage and disposal of drums occurred in this area. The Commissary (Building 2394), a 62,671-square foot building constructed in 1995, is located within the boundaries of this SWMU.
- **AOC F, Sites of Former Underground Storage Tanks (USTs) at Buildings 520, 731, 734 and 735** – 5.093 acres combined in Sub-parcels 2 and 3. After the removal of the former petroleum USTs at these four sites, and the subsequent investigations, the sites were recommended for remedial action by monitored natural attenuation with separate protocols for each site.

The carve-out areas are shown on the sub-parcel maps (Exhibit C) from the *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico* (GMI, 2005). The areas shown on these maps as having “Cleanup Remaining” correlate to AOC F and SWMUs 1, 2, 54, 61 (shown as ECP 7), 62 (shown as ECP 8) and 71 (shown as ECP 17). The boundaries of the SWMUs and AOCs shown on these maps are approximate and have changed since the draft parcel map report was

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produced, thus they do not match the current boundaries shown on the vicinity map (Exhibit B). The survey maps in Exhibit D provide the final boundaries for the Subject Property.

3.0 PAST USE AND PROPOSED REUSE

The former NSRR, including the Subject Property, has been used as a military installation since its acquisition and development by the Navy in the 1940s. The ECP Report states that most of the arable land on what is now NAPR was previously used for sugar cane cultivation and cattle grazing. No significant industrial facilities or environmental concerns were identified with respect to activities conducted on the former NSRR prior to Navy ownership. The Navy established NAPR to serve as the caretaker of the real property associated with NSRR and to assist in the transfer of the property. Since the establishment of NAPR, all industrial and commercial operations on the former NSRR with a significant potential for environmental contamination have ceased.

The six carve-out areas that are SWMUs were undeveloped prior to the uses described in Section 2 that resulted in their being designated RCRA SWMUs. The facility associated with SWMU 54 remained active until base closure, the Commissary and a parking lot were constructed on part of the former quarry at SWMU 71, and no activities or construction occurred on the remaining sites after SWMU-related activities ceased. The four carve-out areas that are petroleum UST sites were associated with former Building 520 (Gas Station), Bachelor Enlisted Quarters (Buildings 731 and 734), and a building used by Special Operations Command South, the Antilles Consolidated School System and the base library (Building 735).

The Naval Station Roosevelt Roads Reuse Plan (CBRE et al, 2004) developed by the Puerto Rico Department of Economic Development and Commerce (acting as the Local Redevelopment Authority [LRA]) anticipates the following types of land uses for Sale Parcel I: Moderate Lodging, Residential, Learning and Training Center, Public Golf Course, Mixed Use (commercial), University Campus and Public School. The Subject Property will be leased in furtherance of conveyance to the highest qualified bidder that purchases Sale Parcel I at public auction. The Lessee will be allowed use of the property subject to the land and groundwater use restrictions described in Section 5.D. of this FOSL. The lease will contain these land use controls as well as requirements for Navy approval of any alterations to the property or uses of the property that result in a change in land use.

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4.0 ENVIRONMENTAL FINDINGS

All available information concerning the past storage, release, or disposal of hazardous substances and/or petroleum products on NAPR, as collected through record searches, aerial photographs, personnel interviews, and on-site visual inspections, is contained in the ECP Report. The following summarizes the findings as they relate to the Subject Property and the corresponding Condition of Property Classification assigned to the real property to be leased and eventually transferred.

A. Hazardous Substance Contamination

The Subject Property includes six RCRA SWMUs with work remaining to be completed (SWMUs 1, 2, 54, 61, 62 and 71). Detailed descriptions of the SWMUs are provided in the ECP Report. Summary descriptions and their current status are provided in Table 1 (Exhibit E).

B. Petroleum Contamination

There were no underground storage tanks (USTs) or oil/water separators on the Subject Property at the time of the ECP inspection in March 2005. The ECP Report and field verification documented four operational aboveground storage tanks (ASTs) on the Subject Property, as listed in Table 2. Visual inspection of these ASTs and the surrounding area during the ECP inspection did not identify any spills, releases or stains.

The ECP Report listed nine known former USTs removed between 1993 and 1999 – USTs 520A-D, 731, 734 and 735 associated with AOC F and USTs 510 and 515 which are part of SWMU 54. Table 2 lists the known former USTs on the Subject Property along with their location, capacity, material stored and year removed. Groundwater contamination potentially associated with USTs 510 and 515 is being addressed as part of the SWMU 54 investigation.

The Navy is conducting a monitored natural attenuation (MNA) study of the eight UST and AST sites that comprise AOC F. These MNA sites include USTs 520A-D where groundwater contamination exceeds cleanup standards for benzene, toluene, ethylbenzene, xylenes and total petroleum hydrocarbons (TPH), and USTs 731, 734 and 735 where soil and/or groundwater contamination exceeds TPH cleanup standards. During the time NSRR was an active installation, the study was conducted in accordance with monitoring protocols developed by the Underground Storage Tank Management Division of the Puerto Rico Environmental Quality Board (EQB). Given the closure and pending transfer of the former NSRR, the Navy must now

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document the MNA process to the satisfaction of the U.S. Environmental Protection Agency (EPA) or prepare a work plan in accordance with EPA MNA standards.

C. Condition of Property Classification

The ECP Report divided all property at NAPR into parcels, and classified them into one of the three following categories:

- **Category 1** – Areas where no known or documented releases, or disposal of hazardous substances or petroleum products or their derivatives has occurred, including no migration of these substances from adjacent areas.
- **Category 2** – Areas where the release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but at concentrations that do not require a removal or remedial action, or all remedial actions necessary to protect human health and the environment have been taken.
- **Category 3** – Areas where a confirmed or suspected release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but required investigation and/or response actions have not yet been initiated or are ongoing.

These categories are derived from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Community Environmental Response Facilitation Act (CERFA) and the American Society for Testing and Materials (ASTM) Standard Practice for Conducting Environmental Baseline Surveys (ASTM Standard D 6008-96), which further incorporates ASTM D 5746-98 (2002) Standard Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities.

CERFA stipulates that the federal government must identify “uncontaminated property” scheduled for transfer, and defines this as “...real property on which no hazardous substances and no petroleum products or their derivatives were known to have been released, or disposed of” [(Section 9620(h)(4)(A)]. In accordance with the property condition classification guidelines discussed above, the Navy classified the Subject Property as Category 3. Following its review of the CERFA Report, the Puerto Rico Environmental Quality Board (EQB) concurred with this classification and provided a concurrence statement (Exhibit D) in the Final CERFA Report on 11 August 2006. The Category 3 SWMUs may not be transferred until all required remedial actions have been taken to address residual contamination in accordance with the requirements of

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CERCLA Section 120(h)(3)(A)(ii)(I), and the Category 3 petroleum sites (AOC F) may not be transferred until the work remaining to be completed under the Consent Order is completed.

D. Other Environmental Aspects

1. Munitions and Explosives of Concern

According to the ECP Report, there are no heavy (crew-served) weapon ranges, unexploded ordnance/impact areas, explosive ordnance disposal areas or open burning/open detonation activities on the Subject Property.

2. Asbestos-Containing Materials

According to the June 2005 Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico (Baker, 2005), asbestos-containing material (ACM) was not identified in Buildings 1914 and 2394. Detailed information about the materials identified and sampled during the asbestos inspection, including summary tables, location drawings, photographs and laboratory reports, is included in the report.

The possibility remains for the presence of undiscovered ACM associated with underground utilities and miscellaneous building materials at NAPR. While this potential ACM does not pose a hazard to site users, future demolition and/or subsurface work performed by the lessee could result in FAD ACM hazards. Thus, the lessee will be required to use best management practices during any future renovation/demolition activities or underground utility work, and to comply with all applicable laws relating to ACM management in order to ensure future protection of human health and the environment.

3. Lead-Based Paint

Building 1914 was constructed in 1978, the year in which lead-based paint (LBP) was banned for consumer use. Building 2394 was constructed in 1995. While it is not likely that LBP was used at these buildings, it is possible that LBP purchased before 1978 and still in stock could have been used at Building 1914. A Lead-Based Paint Hazards Advisory Statement, Exhibit G to this FOSL, will be provided to the lessee for execution at the time of lease.

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4. Polychlorinated Biphenyls

Only one polychlorinated biphenyl (PCB) containing-transformer remains at NAPR. The transformer, located in Building 386, is not on the Subject Property. All other PCB-contaminated transformers and equipment were removed from the former NSRR prior to 1998. Due to the age of the majority of facilities and the size of the station, it is possible that PCB-contaminated fluorescent light ballasts and other minor PCB sources may be present on NAPR. There are no other records of PCBs having been stored, released or disposed of on the Subject Property.

5. Radon

According to the U.S. Geological Survey Open-File Report 93-292-K, *Preliminary Geologic Radon Potential Assessment of Puerto Rico* (USGS, 1993), the Commonwealth of Puerto Rico exhibits generally low indoor radon levels, and a survey of radon concentrations of offices, housing units, schools and other buildings was conducted by the DoD between 1989 and 1992 on federal military reservations in Puerto Rico, including the former NSRR. Indoor radon levels ranged from 0.0 to 1.9 picoCuries/Liter (pCi/L), well below the current EPA residential indoor radon screening action level of 4 pCi/L. The majority of the reservations, including NAPR, are situated on coastal plains, so the low indoor radon levels were not unexpected.

6. Threatened and Endangered Species

As shown on the individual parcel maps in Exhibit C, breeding habitat for the endangered yellow-shouldered blackbird has been identified on the Subject Property. The Commonwealth of Puerto Rico has indicated that it intends to zone the property in a manner that will implement the planning, development, maintenance, mitigation and use requirements described on the parcel maps.

In accordance with the Endangered Species Act, the Navy developed a Biological Assessment (BA) for the former NSRR in 2006 to assess the potential impact on any federally protected species from the disposal of NSRR. Given the protection measures addressed in detail in the *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report* (Navy, 2006a), the Navy has determined that the disposal of the former NSRR and transfer of the property to future owners is not likely to adversely affect federally-listed species and would not result in

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adverse modification of designated critical habitat within the project area. The U.S. Fish and Wildlife Service concurred with this determination in a letter dated April 7, 2006.

5.0 REQUIREMENTS APPLICABLE TO PROPERTY LEASE

A. NEPA Compliance

In accordance with National Environmental Policy Act (NEPA) requirements, an Environmental Assessment and Finding of No Significant Impact (FONSI) have been prepared and executed in connection with the planned disposal and reuse of NAPR. The FONSI was signed on April 10, 2007.

B. Hazardous Substance Notice

Past activities within the Subject Property included the use and storage of hazardous substances and petroleum products. The ECP Report provides details on hazardous materials use/storage, hazardous waste generation/management, and the nature and extent of hazardous substance and petroleum product releases to the environment. In accordance with Section 120(h)(1) of CERCLA, the lease shall provide notice as to those hazardous substances which it is known, based on a complete search of agency files, were stored for 1 year or more, released or disposed on the Subject Property in excess of those reportable quantities specified under Title 40 of the Code of Federal Regulations (CFR) Part 373 (Hazardous Substances Reporting Requirements for Selling or Transferring Federal Real Property), and all response actions taken to date to address any such releases or disposals. The hazardous substances notice and response action summary for the Subject Property is attached to this FOSL as Exhibit H.

C. Access Clause

The lease for the Subject Property shall contain a clause reserving to the United States, its officers, agents, employees, contractors, and subcontractors the right to enter upon the leased property to complete its RCRA corrective action obligations, including any remedial or corrective action found to be necessary after the date of lease. The right to enter to be set forth shall include the right to conduct annual physical inspections, tests, investigations, long term monitoring, 5-year reviews, and surveys, including, where necessary, drilling, test pitting, boring, and other similar activities. Such right shall also include the right to construct, operate, maintain, or undertake any other response or remedial action as required or necessary, including, but not

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limited to, monitoring wells, pumping wells, and treatment facilities. The United States retains the authority to enter to conduct investigations on adjacent parcels as well as the parcel subject to the lease. These access rights are in addition to those granted to Federal, state, and local authorities under applicable environmental laws and regulations.

D. Land and Groundwater Restrictions

To prevent unacceptable risks to human health and the environment, the Navy will ensure the lease includes the following land use controls on the Subject Property:

- A restriction on land use to non-residential uses only. (SWMUs 1, 2, 54, 61, 62 and 71)
- A restriction on access and/or certain invasive activities in areas where surface soil, subsurface soil and or sediments are contaminated. (AOC F – Buildings 731 and SWMUs 1, 2, 61, 62 and 71)
- A restriction on use of groundwater and installation of new wells in or near areas of known groundwater contamination. (All AOC F sites and SWMUs 1, 2, 54 and 71)
- A requirement to protect the integrity of any existing and all future groundwater monitoring or extraction wells, remedial action equipment and associated utilities. (All AOC F sites and SWMUs 1, 2, 54, 61, 62 and 71)
- A requirement that all ongoing and future environmental investigations and remedial activities at or adjacent to the Subject Property not be disrupted. (All AOC F sites and SWMUs 1, 2, 54, 61, 62 and 71)

E. Environmental Compliance Agreements / Permits / Orders

On January 29, 2007, the Navy and EPA voluntarily entered into a Consent Order that sets out the Navy's corrective action obligations under RCRA and replaces the 1994 RCRA permit as the document memorializing these obligations concerning NAPR. On the Subject Property, AOC F and SWMUs 1, 2, 54, 61, 62 and 71 have investigation and/or cleanup work remaining to be completed under the terms of the Consent Order. Detailed descriptions of AOC F and the SWMUs on the Subject Property are provided in the ECP Report, while summary descriptions and their current status are provided in Table 1 (Exhibit E).

F. Notification to Regulatory Agencies / Public

In accordance with DoD guidance, the U.S. EPA Region 2 and the Puerto Rico EQB have been advised of the proposed lease of the Subject Property, and copies of the ECP Report, CERFA Report, and Draft FOSL were provided to those agencies for review and comment. No comments

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were received on the draft version of this FOSL. In accordance with CERCLA Section 120(h)(3)(B), Navy has consulted with EPA Region 2 on the FOSL and EPA provided its concurrence in a letter dated February 20, 2008 (Exhibit I). The ECP Report was made available for public review upon finalization. Copies of all lease documentation will be made available to EPA and EQB representatives upon request after execution of the same.

6.0 SUITABILITY DETERMINATION

NOW THEREFORE, based on my review of the information contained in this FOSL and the notices and restrictions discussed herein that will be contained in the lease, the Subject Property is suitable for lease.

2/28/08
Date

James E. Anderson
JAMES E. ANDERSON
Director
BRAC Program Management Office Southeast
North Charleston, South Carolina

Exhibit A

References

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REFERENCES

- Baker, 2005a. (Michael Baker Jr., Inc.) *Final Asbestos Inspection Report for Military Family Housing, Naval Activity Puerto Rico, Ceiba, Puerto Rico*. Moon Township, Pennsylvania. June 2005.
- Baker, 2005b. (Michael Baker Jr., Inc.) *Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico*. Moon Township, Pennsylvania. June 2005.
- Baker, 2005c. (Michael Baker Jr., Inc.) *Final Lead-Base Paint Inspection/Risk Assessment Report for Military Family Housing, Naval Activity Puerto Rico, Ceiba, Puerto Rico*. Moon Township, Pennsylvania. June 2005.
- CBRE et al, 2004. (CB Richard Ellis Consulting, Cooper Robertson & Partners, Moffatt & Nichol, Puerto Rico Management & Economic Consultants, Inc.) *Naval Station Roosevelt Roads Reuse Plan*. December 2004.
- EPA, 2007. (U.S. Environmental Protection Agency) *RCRA § 7003 Administrative Order on Consent, In the Matter of United States, The Department of the Navy, Naval Activity Puerto Rico, formerly Naval Station Roosevelt Roads, Puerto Rico, EPA Docket No. RCRA-02-2007-7301*. January 2007.
- GMI, 2005. (Geo-Marine, Inc.) *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico*. Hampton, Virginia. September 2005.
- Navy, 2005. (Naval Facilities Engineering Command Atlantic) *Phase I/II Environmental Condition of Property Report, Former U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico*. Norfolk, Virginia. July 15, 2005.
- Navy, 2006a. (Naval Facilities Engineering Command Atlantic). *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report*. Norfolk, Virginia. January 2006.
- Navy, 2006b. (Department of the Navy, Base Realignment and Closure Program Management Office Southeast) *CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico*. North Charleston, South Carolina, April 27, 2006.
- USGS, 1993. (U.S. Geological Survey) *Open File Report 93-292-K, Preliminary Geologic Radon Potential Assessment of Puerto Rico*. 1993.

Exhibit B
Vicinity Map

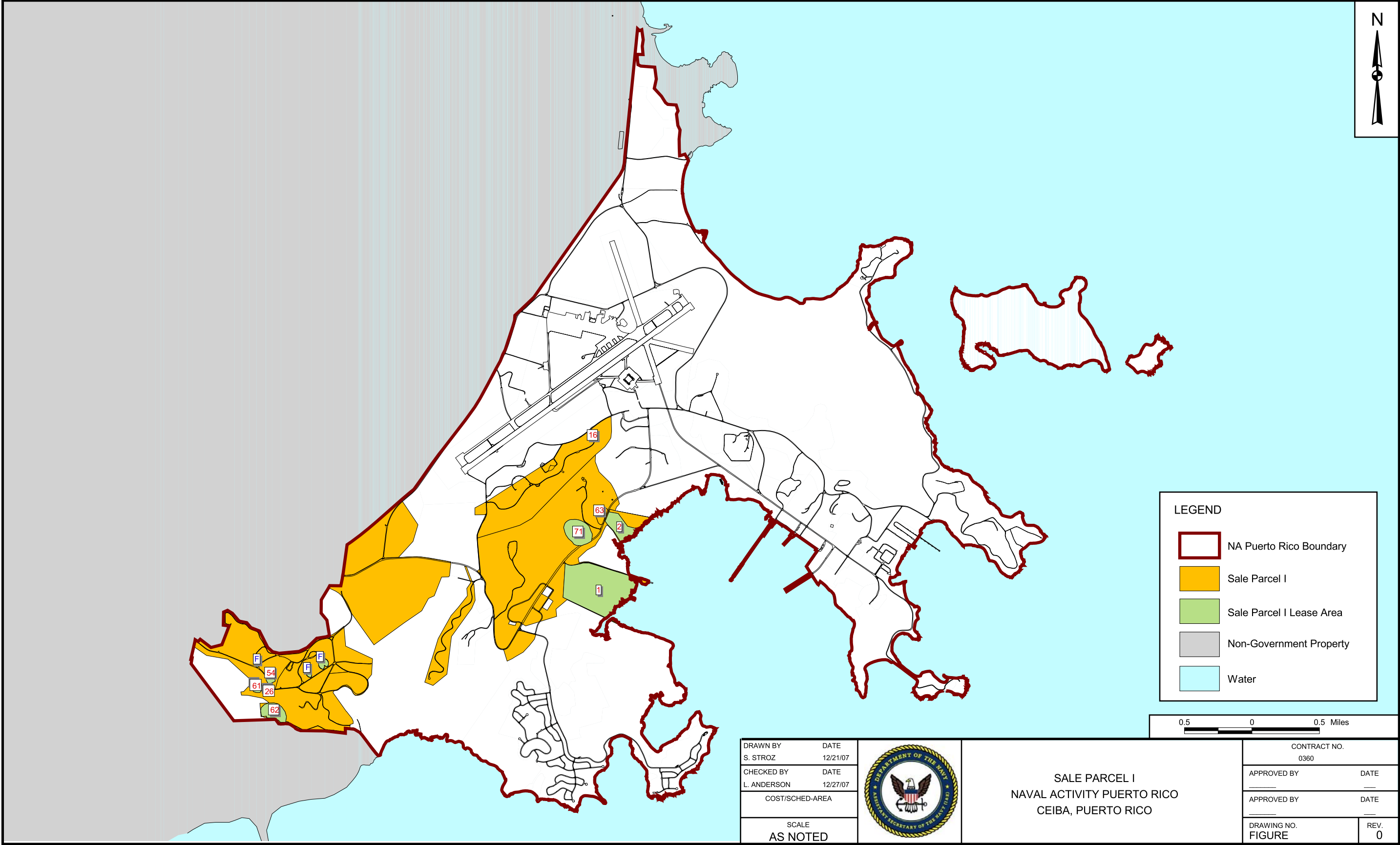


Exhibit C

Parcel Maps

NOTE: The parcel maps in this exhibit are from the *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico* (GMI, 2005).

The areas shown on these maps as having “Cleanup Remaining” correlate to Area of Concern (AOC) F and Solid Waste Management Units (SWMUs) 1, 2, 54, 61 (shown as ECP 7), 62 (shown as ECP 8) and 71 (shown as ECP 17).

ECP 9 in Parcel 25 is now known as SWMU 63. The boundaries of the ECP, SWMU and AOC areas shown on these maps are approximate and have changed since the draft parcel map report was produced, thus they do not match the boundaries shown on the vicinity map (Exhibit B), which are also approximate. The survey maps in Exhibit D provide the final boundaries for the Subject Property.

THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 2

Common Name—Sale

Conveyance—Sale

Neighboring Parcel(s)—1, 3, 4, 5

Yellow-shouldered Blackbird

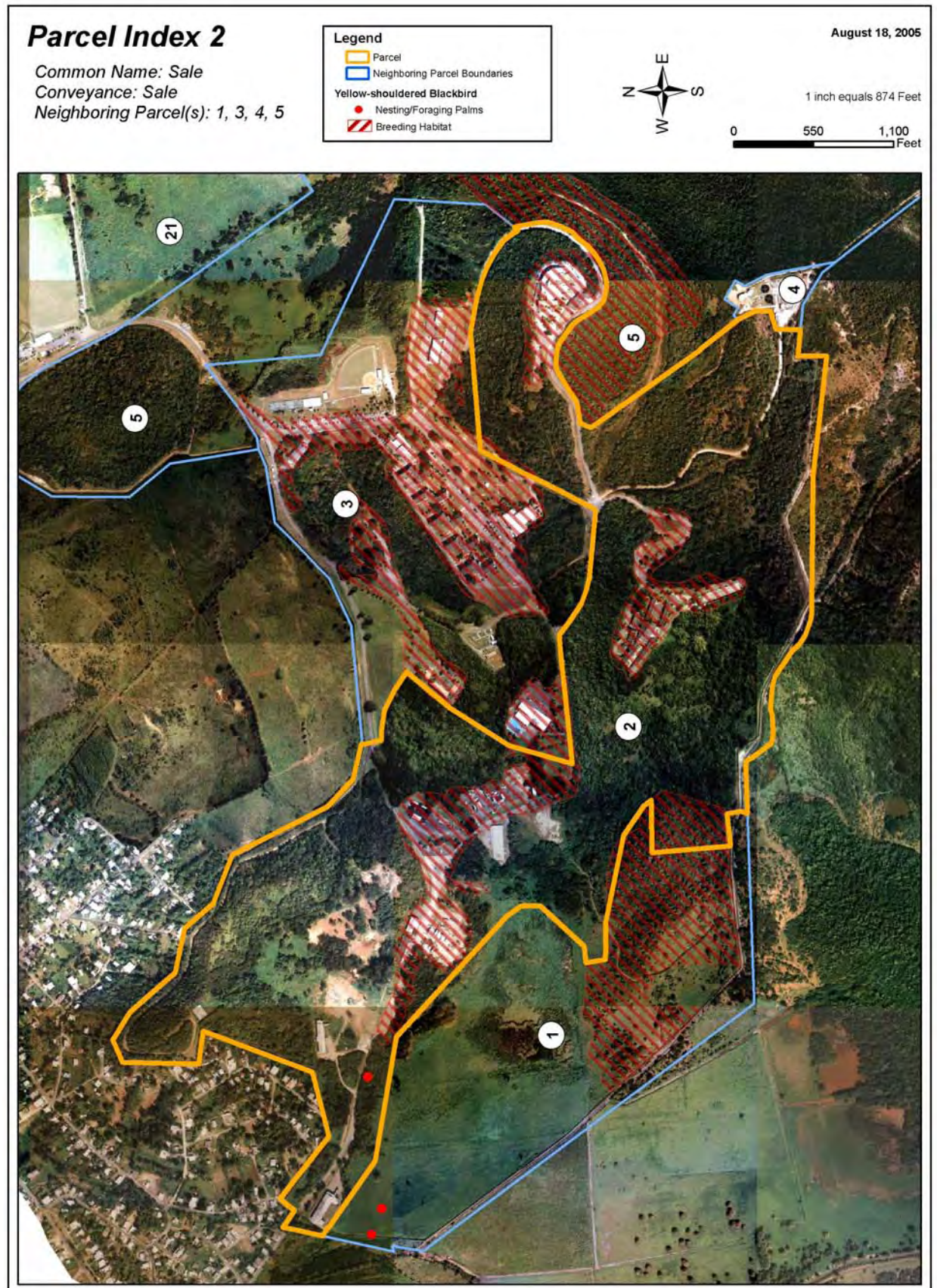
GENERAL REQUIREMENTS

- No development is allowed in Parcel 1 and 5 (Conservation).
- All development related activities (new construction, ground clearing, demolition/remodeling) adjacent to conservation parcels (1, 5) should occur between September 1 and March 15 (non-breeding season) or be restricted to an area 50 m from the parcel boundary from March 15-August 30 (breeding season).
- Notify the U.S. Fish and Wildlife Service (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 USFWS a minimum of one year prior to planned project initiation.
Demolition/Remodeling	Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 m 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. Consult with USFWS if a yellow-shouldered blackbird nest is found.
Grounds Maintenance	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).
Building Maintenance	Check 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. Notify and consult with USFWS if a yellow-shouldered blackbird nest is found.
General Operations	Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15-August 30). Notify USFWS if a yellow-shouldered blackbird nest is located.
Property Sale/Lease	Notify buyer/lessee of all mitigation requirements (see above) and include mitigation with all legal documents.

NOTICE:

Consult with the U.S. Fish and Wildlife Service if you have any questions on the conservation measures. Property owners that cannot adhere to the conservation measures must consult with the U.S. Fish and Wildlife Service to seek a Section 10.0 permit for authorization to modify the identified critical habitat. Failure to comply with the identified conservation measures violates Section 9.0 and/or Section 10.0 of the Endangered Species Act. The U.S. Fish and Wildlife Service has the authority to prosecute violations under the Endangered Species Act.

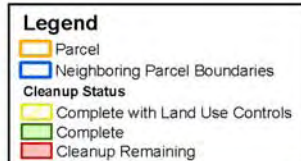


Parcel Index 2

Common Name: Sale

Conveyance: Sale

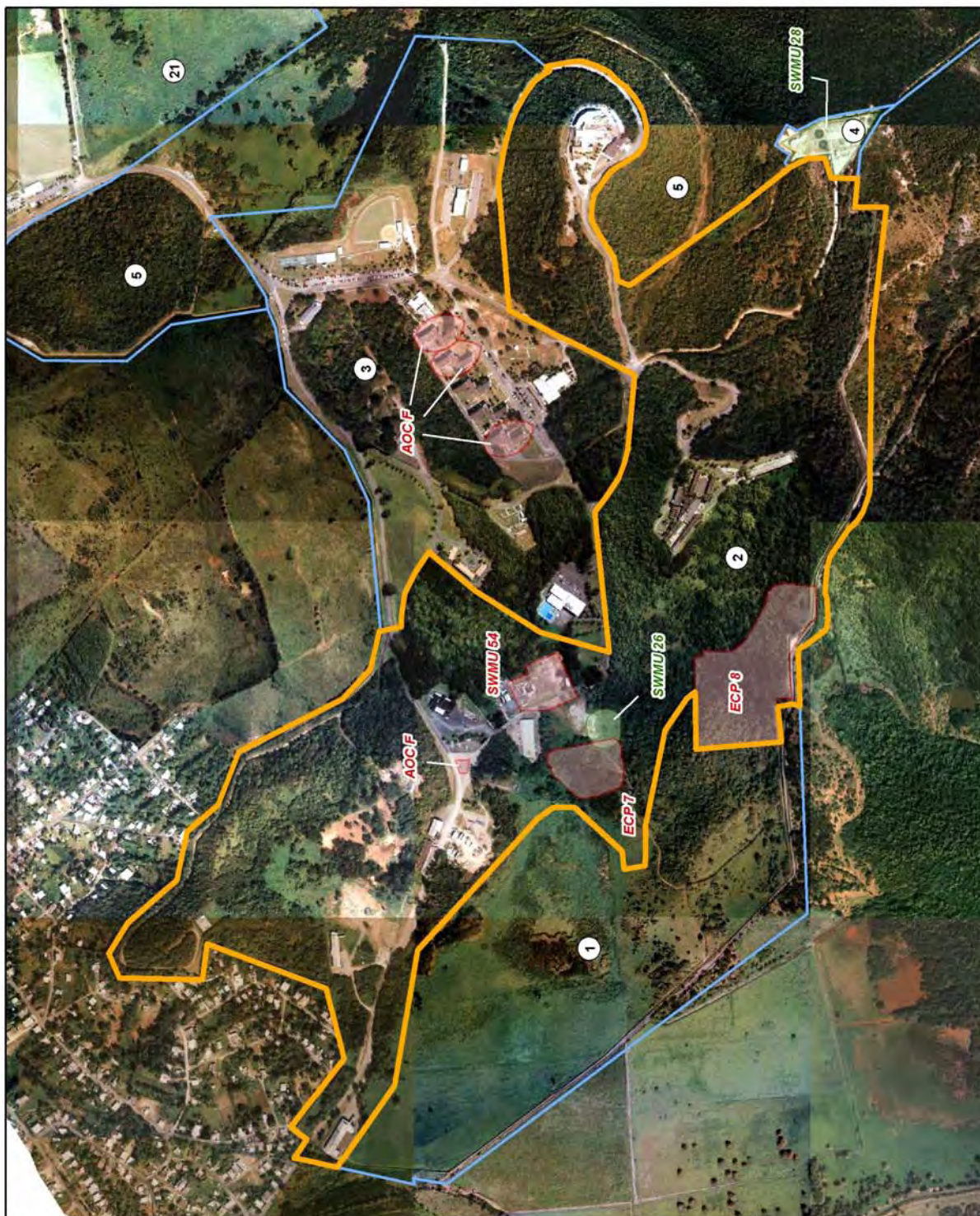
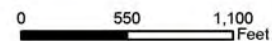
Neighboring Parcel(s): 1, 3, 4, 5



August 18, 2005



1 inch equals 874 Feet



THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 3

**Common Name—Federal
Conveyance—Fed
Neighboring Parcel(s)—2,6**

Yellow-shouldered Blackbird

GENERAL REQUIREMENTS

- All applicable federal laws (e.g., Endangered Species Act, National Environmental Policy Act, and Clean Water Act) remain in effect.
- Consult with the U.S. Fish and Wildlife Service regarding any development plans.
- 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 USFWS a minimum of one year prior to planned project initiation.
Demolition/Remodeling	Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 m 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. Consult with USFWS if a yellow-shouldered blackbird nest is found.
Grounds Maintenance	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).
Building Maintenance	Check 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. Notify and consult with USFWS if a yellow-shouldered blackbird nest is found.
General Operations	Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15-August 30). Notify USFWS if a yellow-shouldered blackbird nest is located.

NOTICE:

Consult with the U.S. Fish and Wildlife Service if you have any questions on the conservation measures. Property owners that cannot adhere to the conservation measures must consult with the U.S. Fish and Wildlife Service to seek a Section 10.0 permit for authorization to modify the identified critical habitat. Failure to comply with the identified conservation measures violates Section 9.0 and/or Section 10.0 of the Endangered Species Act. The U.S. Fish and Wildlife Service has the authority to prosecute violations under the Endangered Species Act.





THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 25

Common Name—Sale

Conveyance—Sale

Neighboring Parcel(s)—5, 13, 6-18, 20, 26-29

Yellow-shouldered Blackbird

GENERAL REQUIREMENTS

- No development is allowed in Parcel 5, 13, 16, and 28 (Conservation).
- All development related activities (new construction, ground clearing, demolition/remodeling) adjacent to conservation parcels (5, 13, 16, 28) should occur between September 1 and March 15 (non-breeding season) or be restricted to an area 50 m from the 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.
Demolition/Remodeling	Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 m 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. Consult with USFWS if a yellow-shouldered blackbird nest is found.
Grounds Maintenance	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).
Building Maintenance	Check 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. Notify and consult with USFWS if a yellow-shouldered blackbird nest is found.
General Operations	Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15-August 30). Notify USFWS if a yellow-shouldered blackbird nest is located.
Property Sale/Lease	Notify buyer/lessee of all mitigation requirements (see above) and include mitigation with all legal documents.

NOTICE:

Consult with the U.S. Fish and Wildlife Service if you have any questions on the conservation measures. Property owners that cannot adhere to the conservation measures must consult with the U.S. Fish and Wildlife Service to seek a Section 10.0 permit for authorization to modify the identified critical habitat. Failure to comply with the identified conservation measures violates Section 9.0 and/or Section 10.0 of the Endangered Species Act. The U.S. Fish and Wildlife Service has the authority to prosecute violations under the Endangered Species Act.


Parcel Index 25

Common Name: Sale

Conveyance: Sale

Neighboring Parcel(s): 5, 13, 16-18,
20, 26-29

Legend

-  Parcel
-  Neighboring Parcel Boundaries
-  Yellow-shouldered Blackbird
-  Nesting/Foraging Palms
-  Breeding Habitat

August 18, 2005



1 inch equals 1,078 Feet

0 750 1,500 Feet



Parcel Index 25

Common Name: Sale

Conveyance: Sale

Neighboring Parcel(s): 5, 13, 16-18,
20, 26-29

Legend

- Parcel
- Neighboring Parcel Boundaries
- Cleanup Status
 - Complete with Land Use Controls
 - Complete
 - Cleanup Remaining

August 18, 2005



1 inch equals 1,078 Feet

0 750 1,500 Feet



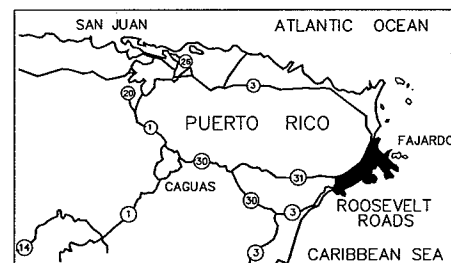
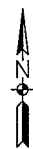
Exhibit D

Survey Maps

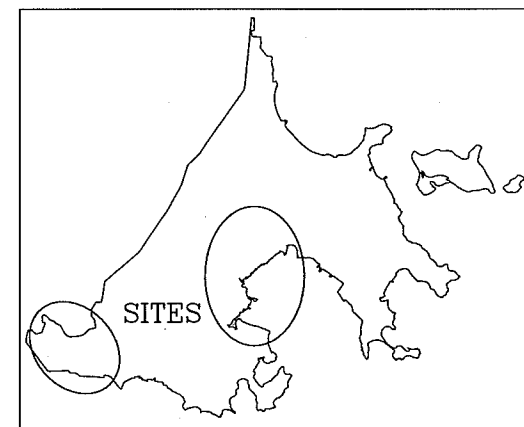
NOTE: While SWMUs 26 and 28 are included in these survey maps, they have not been carved out of Sale Parcel I and are not included in the lease area.

SURVEY NOTES:

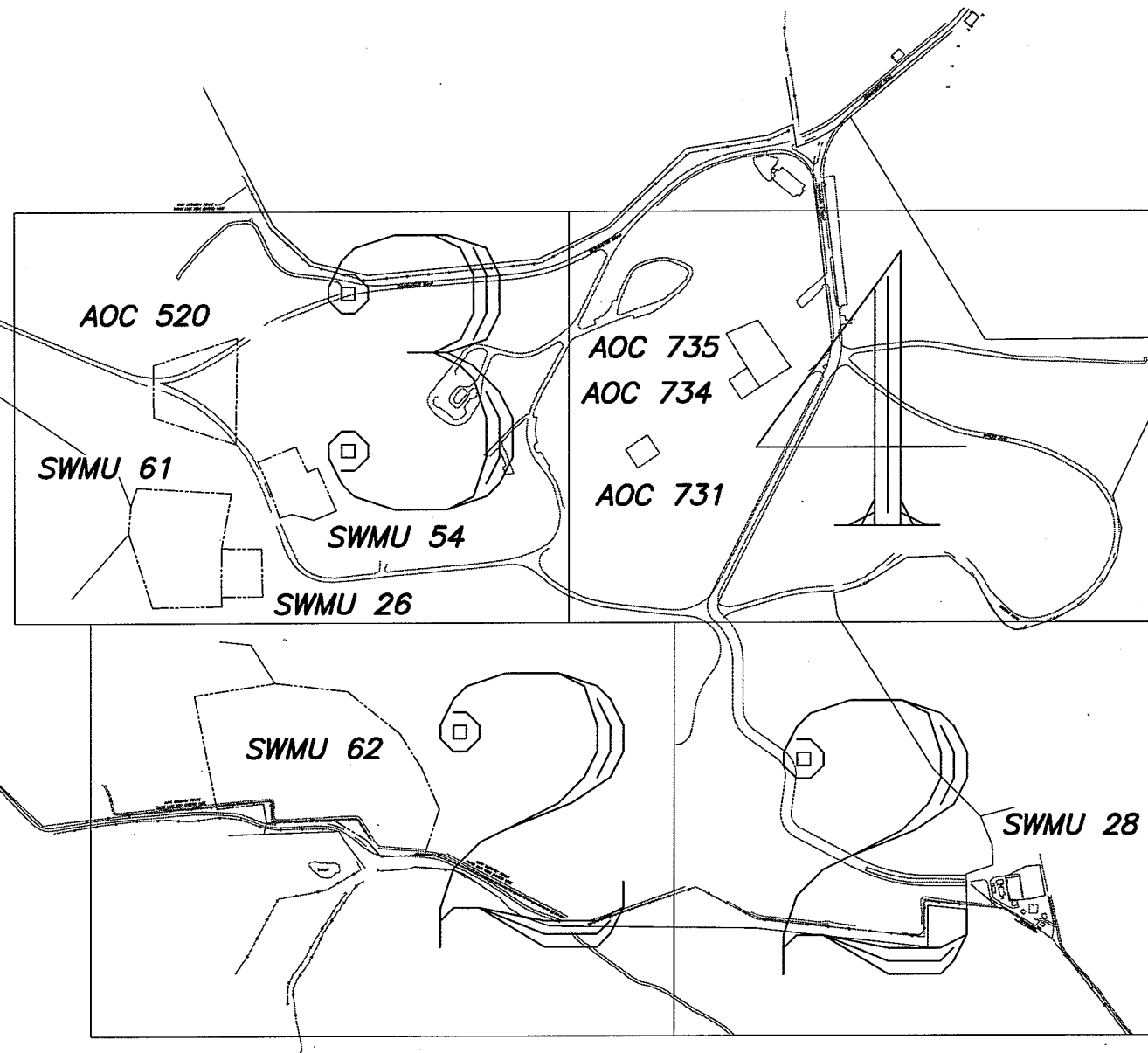
- BOUNDARY SURVEY PREPARED BY TRANSYSTEMS CORPORATION FROM FIELD DATA COLLECTED IN 2006 AND 2007. FIELD PROCEDURES, CALCULATIONS AND FINAL PLAT HAVE BEEN REVIEWED FOR CONTENT BY LUIS BERRIOS MONTES & ASSOCIATES OF VEGA BAJA, PUERTO RICO.
- HORIZONTAL COORDINATES SHOWN HEREON ARE IN FEET AND REFER TO THE PUERTO RICO/VIRGIN ISLAND STATE PLANE COORDINATE SYSTEM, NAD 83 (1997 ADJUSTMENT). HORIZONTAL COORDINATES WERE DERIVED USING DUAL FREQUENCY GPS RECEIVERS AND ARE REFERENCED TO NATIONAL GEODETIC SURVEY MONUMENTS ANGEL (PID AD9997), FAJARDO (PID AB9834), HUMACAO 2 (PID AB9846) AND MT BRITTON (PID AB9835).
- THE FOLLOWING PLATS AND DEEDS WERE USED TO ESTABLISH THE BOUNDARY LINES AS SHOWN ON THIS PLAT:
 - PLAT TITLED "UNITES STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS BOUNDARY REESTABLISHMENT SURVEY" PREPARED BY TRANSYSTEMS CORPORATION AND LUIS BERRIOS MONTES. NAVFAC DRAWING No. 4522929; DATED FEBRUARY 15, 2005.
- PLANIMETRIC DATA AND SHORELINE PROVIDED BY HOGGARD EURE ASSOCIATES PORTSMOUTH, VA. AERIAL SURVEY PERFORMED BY: AERO-DYNAMICS CORPORATION CHARLOTTE N.C. SURVEY FLOWN FEBRUARY 1998.
- NOTE: THIS PLAT SHOWS EASEMENTS OF RECORD FOUND IN THE NAVY REAL ESTATE OFFICE. THIS PLAT MAY NOT SHOW ALL GRANTS OR EASEMENTS THAT COULD AFFECT SUBJECT PROPERTY.



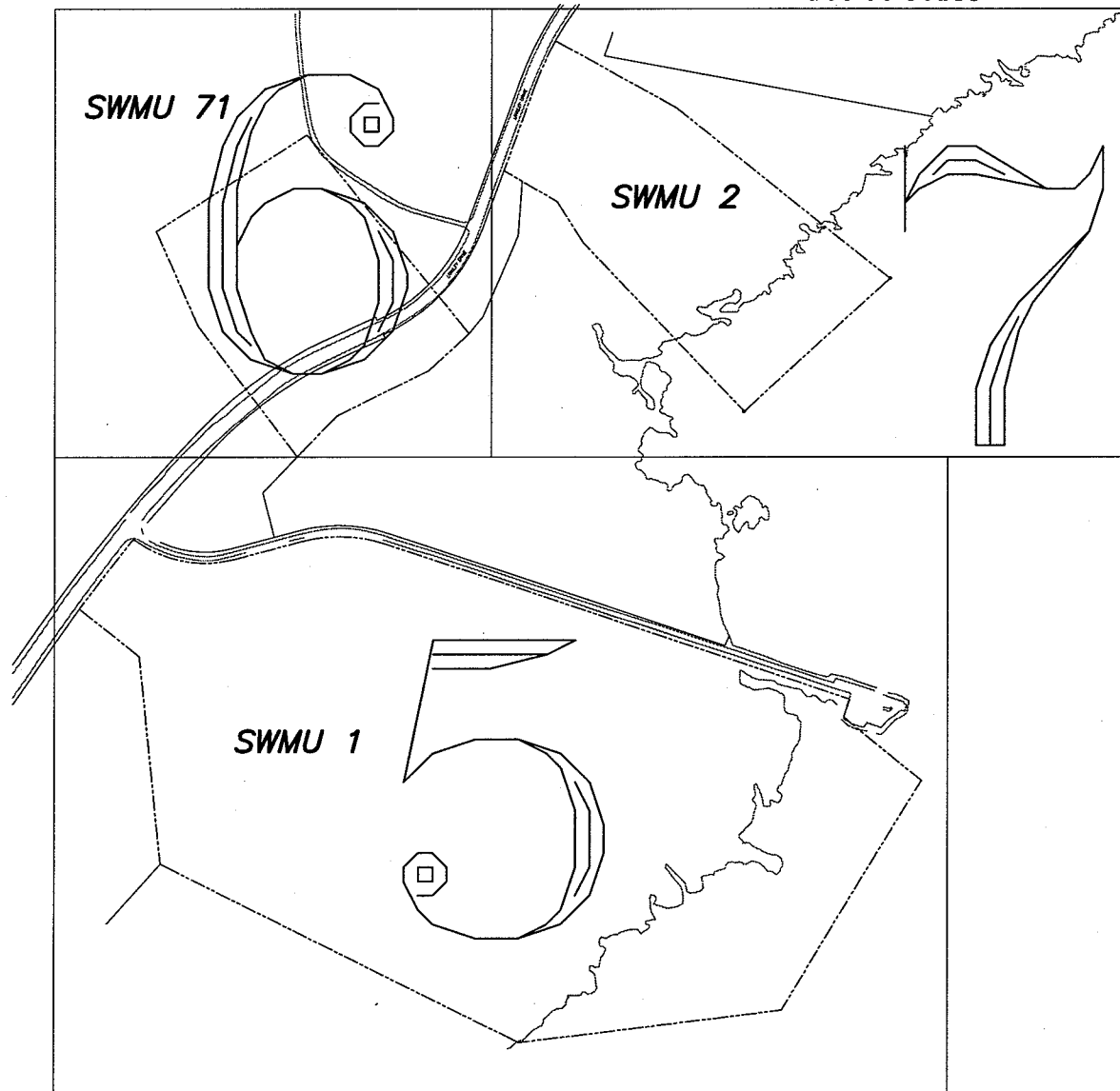
LOCATION MAP
NOT TO SCALE



NAVAL ACTIVITY PUERTO RICO
NOT TO SCALE



- LEGEND**
- CONCRETE MONUMENT FOUND
 - IRON ROD SET
 - PROPERTY LINE
 - FENCE LINE



CERTIFICATION

I, LUIS BERRIOS MONTES, CERTIFY THAT THE INFORMATION THAT FOLLOWS REPRESENTS FAITHFULLY WHAT I FOUND PHYSICALLY ON THE GROUND AND/OR BY THE INVESTIGATIONS THAT HAD BEEN MADE BY ME.

Date : _____
LUIS BERRIOS MONTES
Surveyor License No. 8689

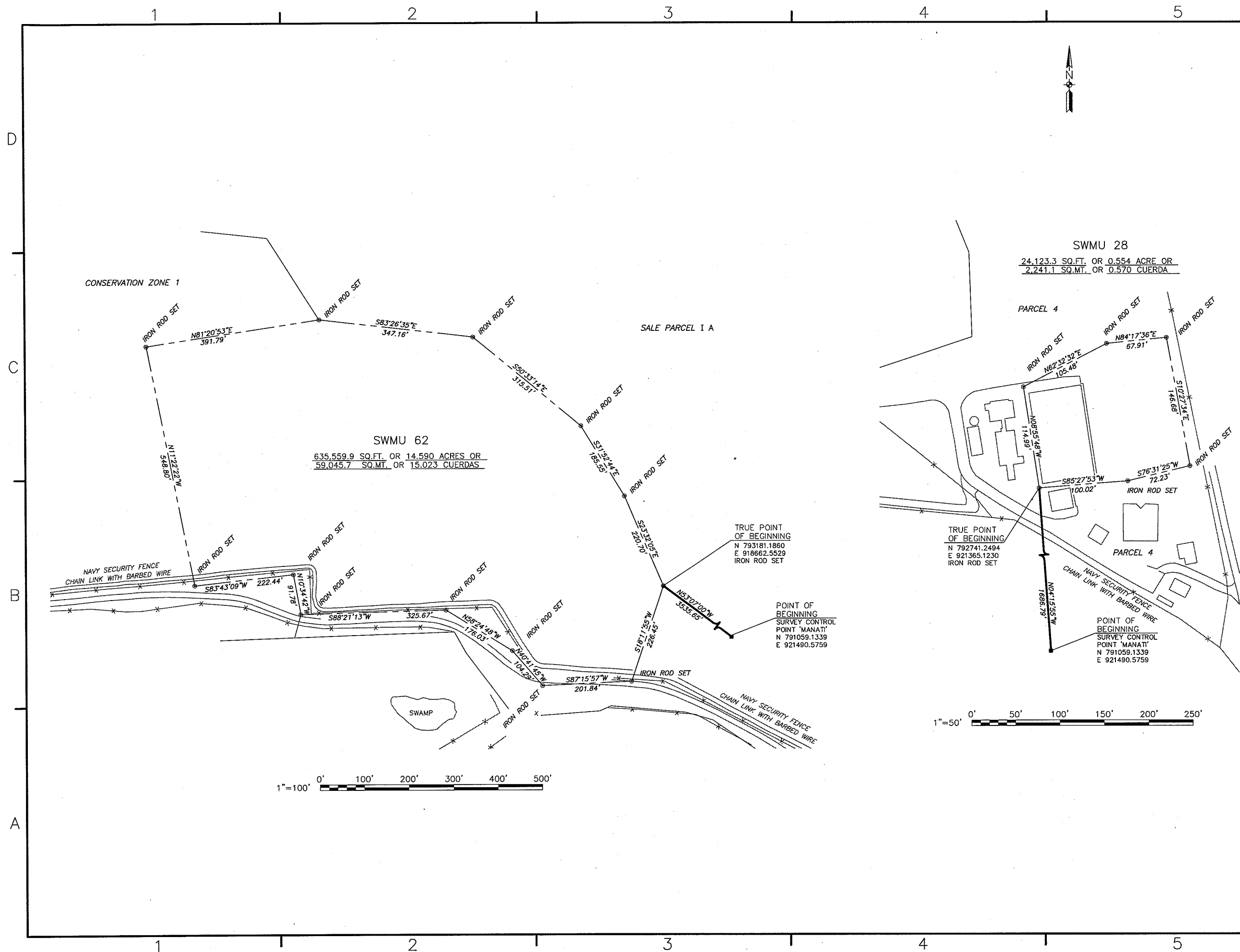
LUIS BERRIOS MONTES
Agricultural Lic. Num. 8689
Beeper Num. 759-1556 United 218-8995
Tel. Oficina (787) 785-9342
P. O. Box 4497 Vega Baja, P. R.

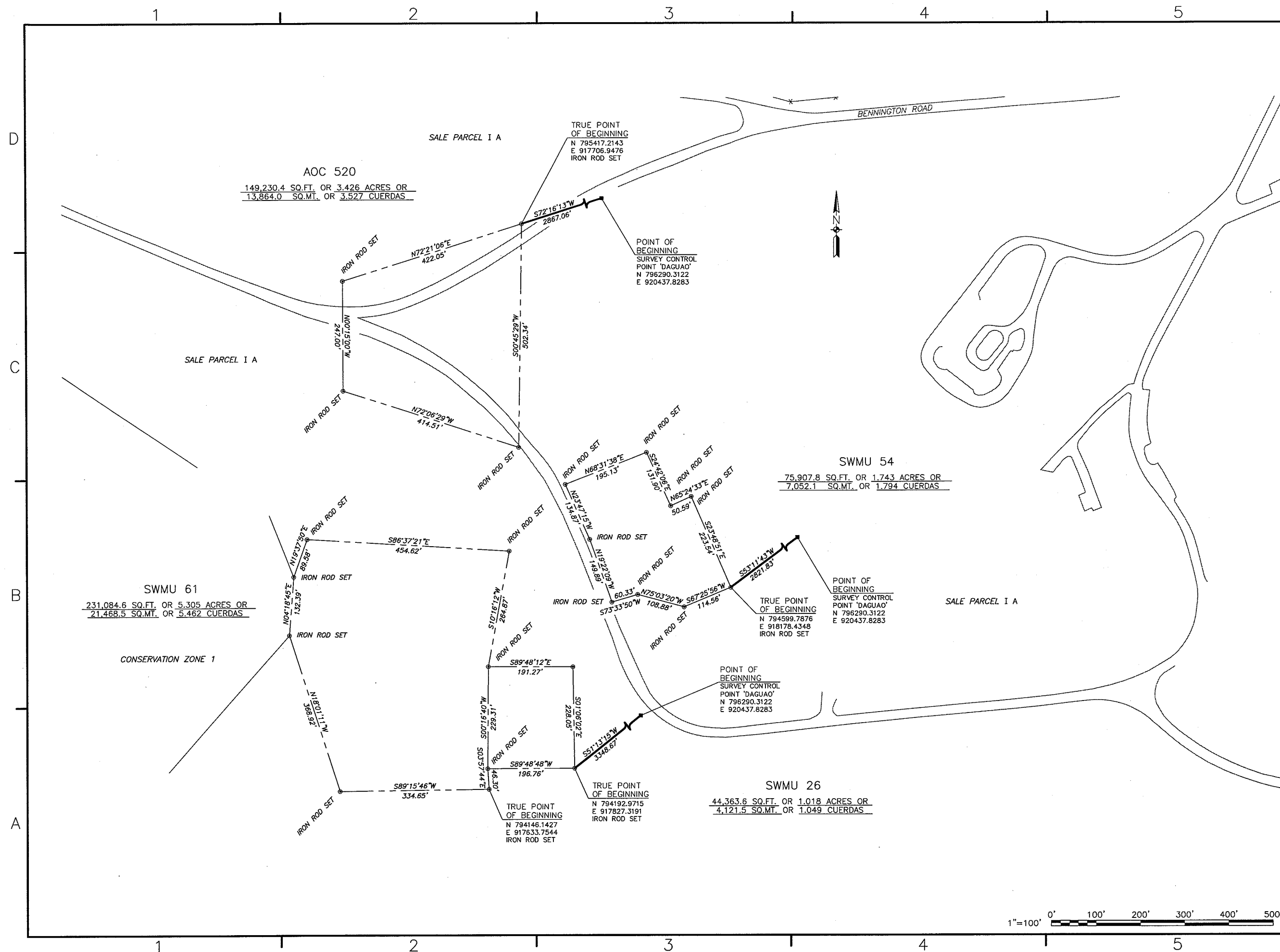
TranSystems
Town Point Center, 1000
150 Bush Street, Suite 1000
Norfolk, VA 23510-1638
Phone 757-827-1112 Fax 757-827-1113
www.transystems.com

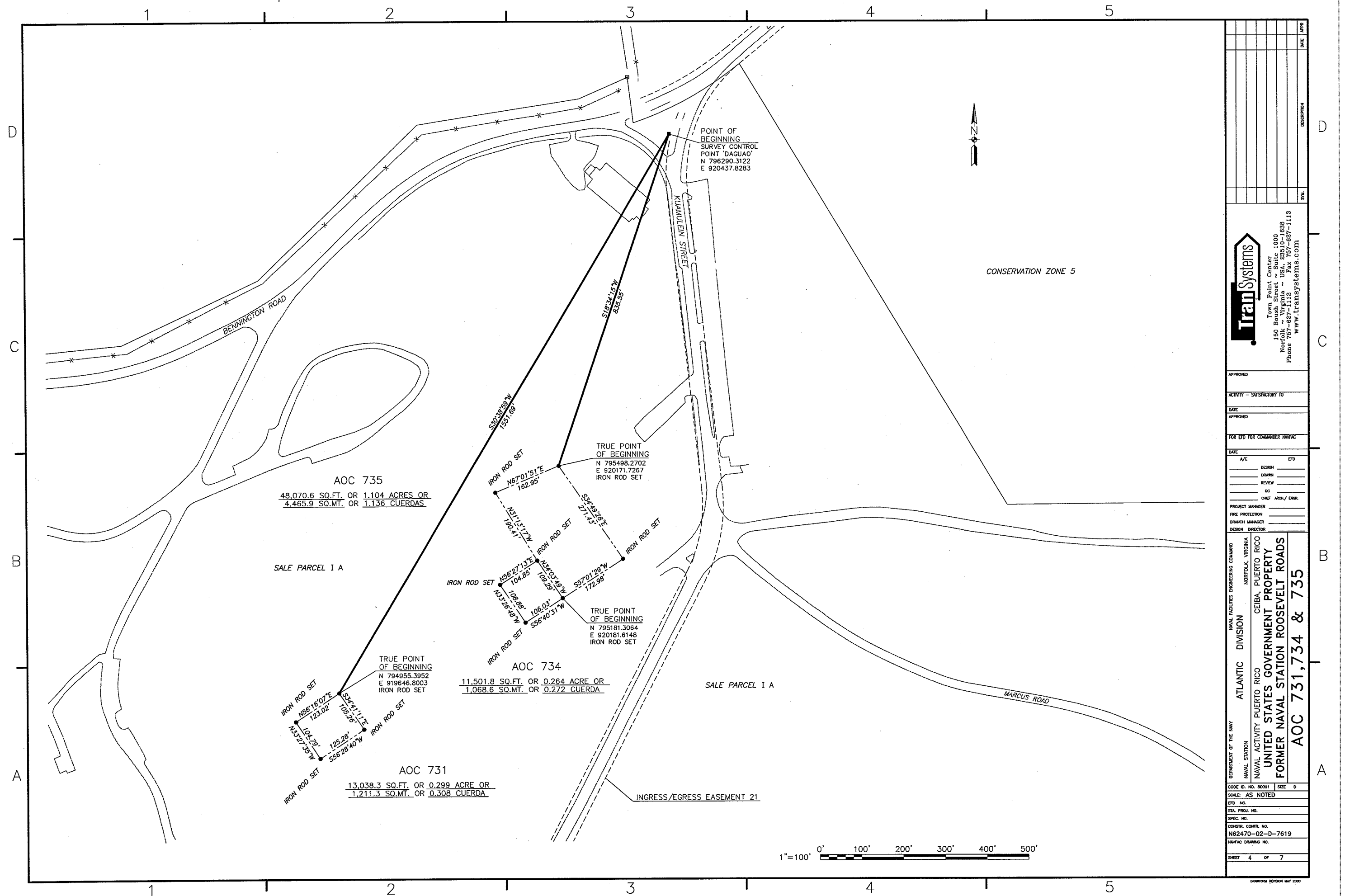
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ACTIVITY - SATISFACTORY TO _____
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APPROVED _____
FOR ETD FOR COMMANDER NAVFAC _____
DATE _____
A/E _____ ETD _____
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REVIEW _____
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CHECK ARCH/ ENGR _____
PROJECT MANAGER _____
FIRE PROTECTION _____
BRANCH MANAGER _____
DESIGN DIRECTOR _____

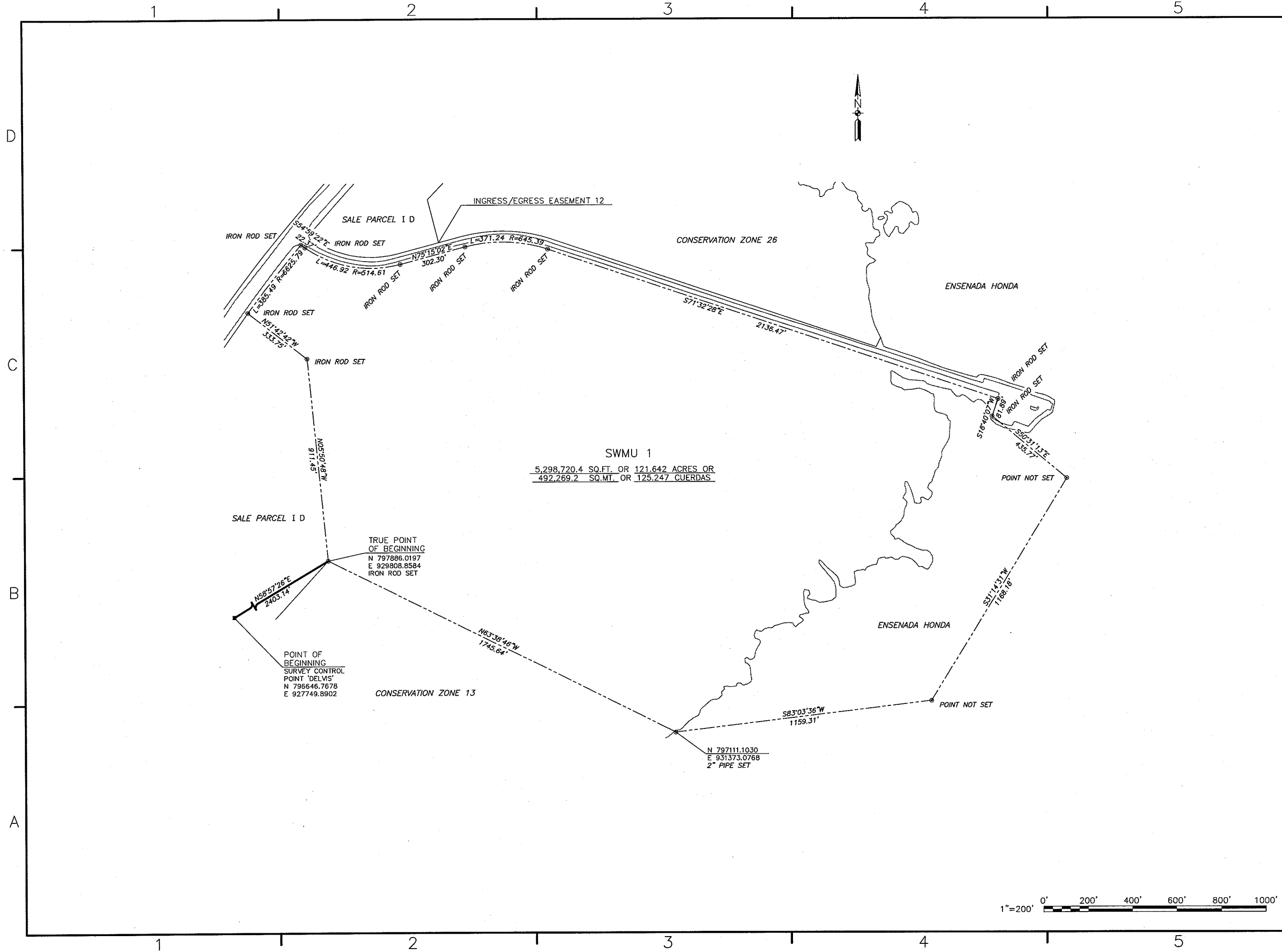
NAVY FACILITIES ENGINEERING COMMAND
NAVY DIVISION
ATLANTIC DIVISION
NAVAL ACTIVITY PUERTO RICO
CEIBA, PUERTO RICO
UNITED STATES GOVERNMENT PROPERTY
FORMER NAVAL STATION ROOSEVELT ROADS
SWMU/AOC SITES

CODE ID. NO. 80091 SIZE D
SCALE: AS NOTED
ETD NO. _____
STA. PROJ. NO. _____
SPEC. NO. _____
CONSTR. CONTR. NO. _____
NAVFAC DRAWING NO. _____
SHEET 1 OF 7

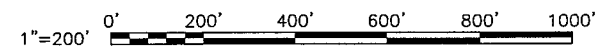
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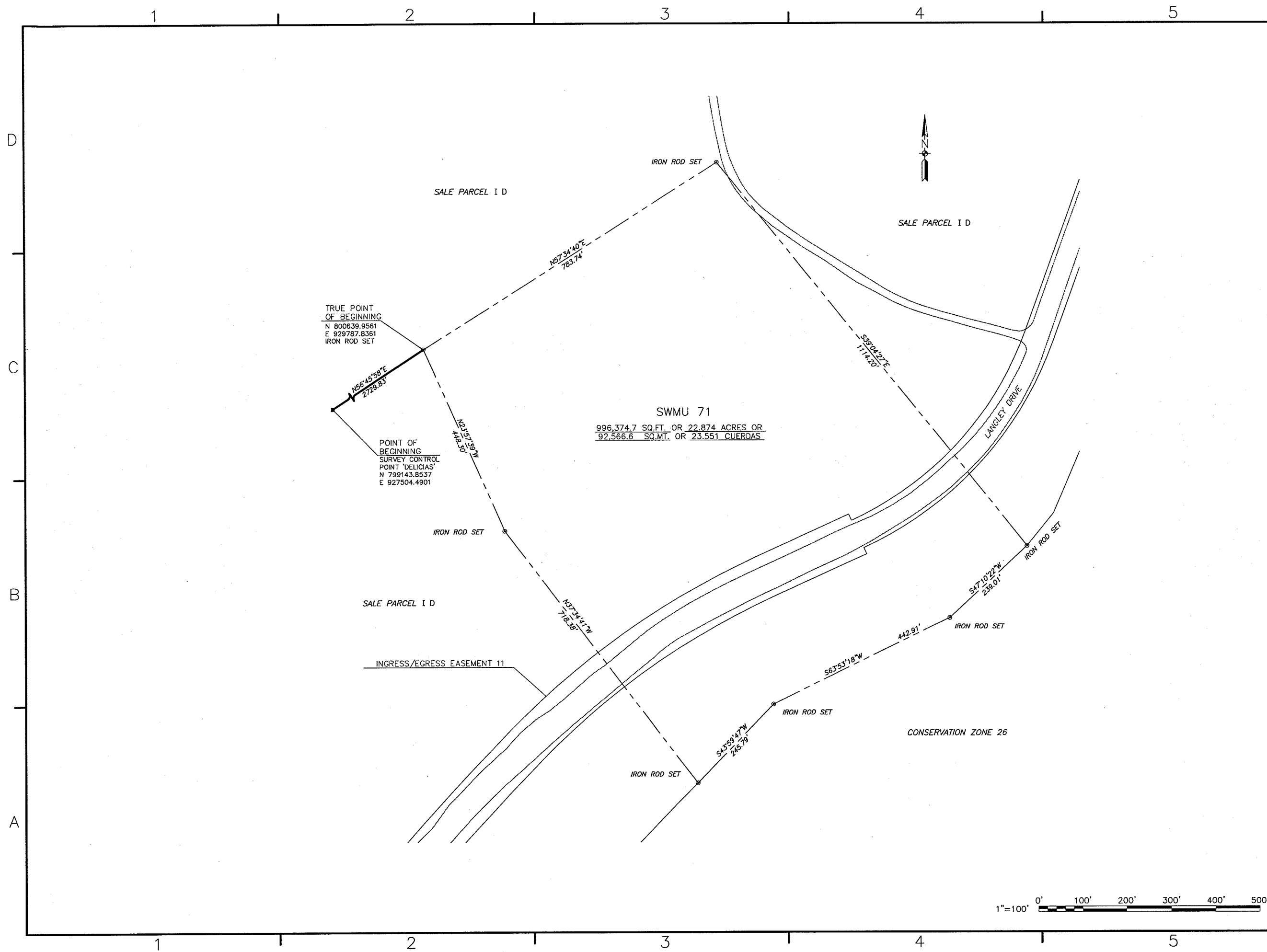
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DATE		APPROVED	
SYN		DESCRIPTION	
Point Center 1500 150 Bush Street Norfolk, VA 23510-1638 Phone 757-827-1112 Fax 757-827-1113 www.transystems.com			
APPROVED			
ACTIVITY - SATISFACTORY TO			
DATE			
APPROVED			
FOR ETD FOR COMMANDER NAVFAC			
DATE			
A/E		ETD	
DESIGN			
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REVIEW			
QC			
CHIEF ARCH/ENGR			
PROJECT MANAGER			
FIRE PROTECTION			
BRANCH MANAGER			
DESIGN DIRECTOR			
NAVAL FACILITIES ENGINEERING COMMAND NORFOLK, VIRGINIA ATLANTIC DIVISION NAVAL ACTIVITY PUERTO RICO CEIBA, PUERTO RICO UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 1			
CODE ID. NO. 80091 SIZE D			
SCALE: AS NOTED			
ETD NO.			
STA. PROJ. NO.			
SPEC. NO.			
CONSTR. CONTR. NO.			
NAVFAC DRAWING NO.			
SHEET 5 OF 7			



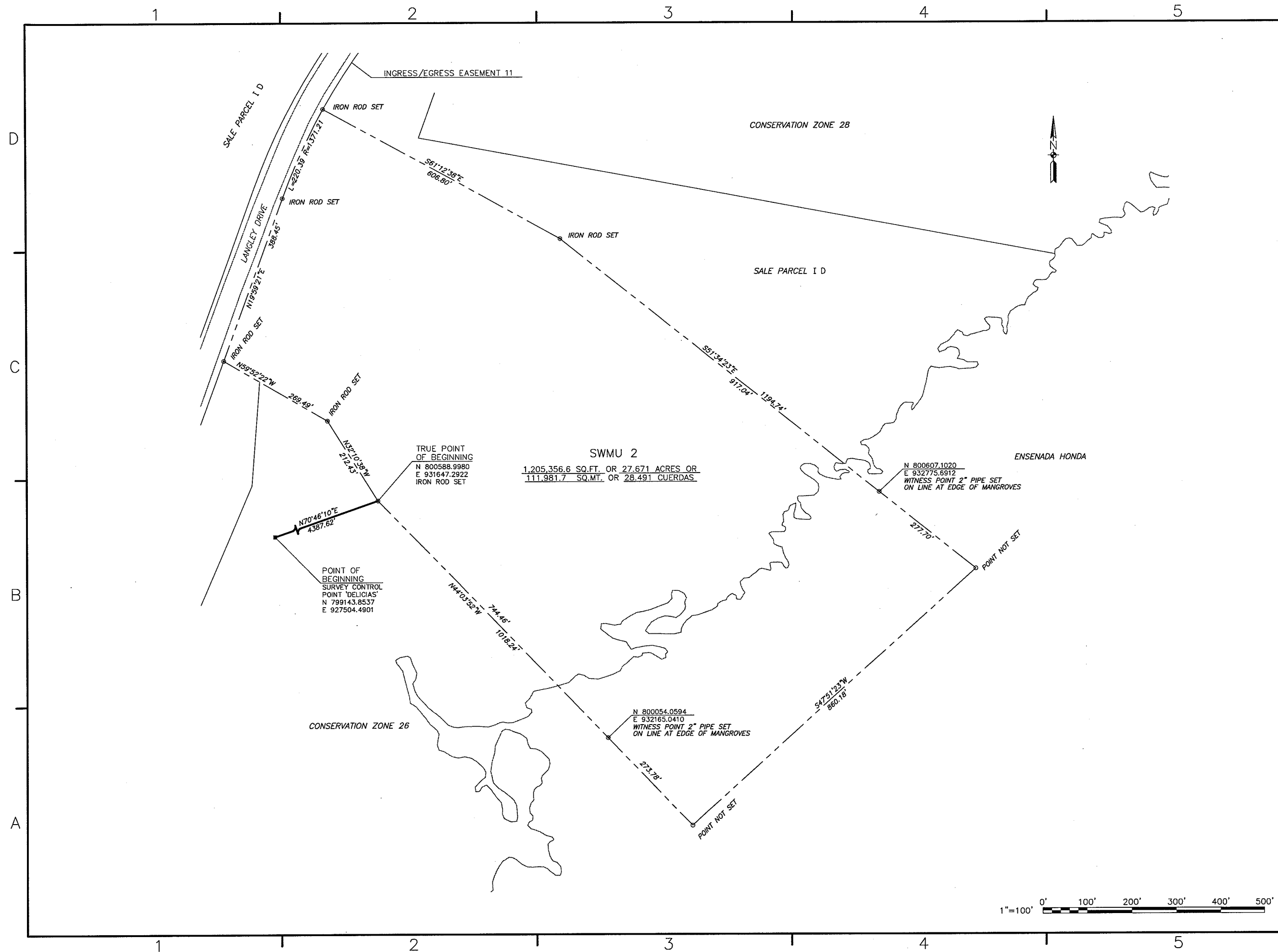



TRUE POINT
OF BEGINNING
N 800639.9561
E 929787.8361
IRON ROD SET

POINT OF
BEGINNING
SURVEY CONTROL
POINT 'DELICIAS'
N 799143.8537
E 927504.4901

SWMU 71
996,374.7 SQ.FT. OR 22.874 ACRES OR
92,566.6 SQ.MI. OR 23.551 CUERDAS

DATE		APPR
SYN		DESCRIPTION
TranSystems Town Point Center 1000 150 Bush Street Suite 1000 Norfolk, VA 23510-1698 Phone 757-627-1112 Fax 757-627-1113 www.transystems.com		
APPROVED		
ACTIVITY - SATISFACTORY TO		
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FOR EFD FOR COMMANDER NAVFAC		
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DESIGN		
DRAWN		
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QC		
CHIEF ARCH/ENGR		
PROJECT MANAGER		
FIRE PROTECTION		
BRANCH MANAGER		
DESIGN DIRECTOR		
DEPARTMENT OF THE NAVY NAVAL STATION NAVAL FACILITIES ENGINEERING COMMAND ATLANTIC DIVISION NORFOLK, VIRGINIA CEIBA, PUERTO RICO UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 71		
CODE ID. NO. 80091 SIZE D		
SCALE: AS NOTED		
EFD NO.		
STA. PROJ. NO.		
SPEC. NO.		
CONSTR. CONTR. NO. N62470-02-D-7619		
NAVFAC DRAWING NO.		
SHEET 6 OF 7		



		Town Point Center 150 Boush Street ~ Suite 1000 Norfolk ~ Virginia ~ USA, 23510-1688 Phone 757-687-1112 Fax 757-687-1113 www.transystems.com	
APPROVED			
ACTIVITY - SATISFACTORY TO			
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APPROVED			
FOR EFO FOR COMMANDER NAVFAC			
DATE			
A/E		EFO	
DESIGN			
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REVIEW			
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CHIEF		ARCH/ ENGR	
PROJECT MANAGER			
FIRE PROTECTION			
BRANCH MANAGER			
DESIGN DIRECTOR			
NAVAL FACILITIES ENGINEERING COMMAND DIVISION ATLANTIC		NORFOLK, VIRGINIA CEIBA, PUERTO RICO NAVAL ACTIVITY PUERTO RICO UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 2	
DEPARTMENT OF THE NAVY		NAVAL STATION	
CODE ID. NO. 80691		SIZE D	
SCALE: AS NOTED			
EFO NO.			
STA. PROJ. NO.			
SPEC. NO.			
CONSTR. CONTR. NO.			
N52470-02-D-7619			
NAVFAC DRAWING NO.			
SHEET 7		OF 7	

LEGAL DESCRIPTION FOR SWMU 1

Beginning at a survey control point in the Ward of Guayacan, said point being a brass disk set in concrete. Said point also known as 'DELVIS' and having a northing of 796646.7678 and an easting of 927749.8902 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 1". Thence N58°57'26"E 2403.14' to an iron rod set, the True Point of Beginning, having a northing of 797866.0197 and an easting of 929808.8584:

Thence N05°50'48"W 911.45' to an iron rod set;

Thence N51°42'42"W 333.75' to an iron rod set;

Thence following a curve to an iron rod set with a long chord of 385.43', chord bearing of N37°46'56"E

Radius=6625.79'

Arc=385.49'

Thence S54°59'22"E 22.37' to an iron rod set;

Thence following a curve to an iron rod set with a long chord of 433.01', chord bearing of S79°52'10"E

Radius=514.61'

Arc=446.92'

Thence N75°15'02"E 302.30' to an iron rod set;

Thence following a curve to an iron rod set with a long chord of 366.14', chord bearing of S88°16'44"E

Radius=645.39'

Arc=371.24'

Thence S71°32'28"E 2136.47' to an iron rod set;

Thence S18°40'07"W 81.89' to an iron rod set;

Thence S50°31'13"E 435.77' to a point not set;

Thence S31°14'31"W 1168.18' to a point not set;

Thence S83°03'36"W 1159.31' to a 2" pipe set;

Thence N63°38'46"W 1745.64' to an iron rod set, the True Point of Beginning.

Said parcel containing 5,298,720.4 square feet or 121.642 acres, which equates to 492,269.2 square meters or 125.247 cuerdas.

LEGAL DESCRIPTION FOR SWMU 2

Beginning at a survey control point in the Ward of Quebrada Seca, said point being a brass disk set in concrete. Said point also known as 'DELICIAS' and having a northing of 799143.8537 and an easting of 927504.4901 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 2". Thence N70°46'10"E 4387.62' to an iron rod set, the True Point of Beginning, having a northing of 800588.9980 and an easting of 931647.2922:

Thence N32°10'38"W 212.43' to an iron rod set;

Thence N59°52'22"W 269.49' to an iron rod set;

Thence N19°59'21"E 388.45' to an iron rod set;

Thence following a curve to an iron rod set with a long chord of 220.15', chord bearing of N24°35'36"E

Radius=1371.21'

Arc=220.39'

Thence S61°12'38"E 606.80' to an iron rod set;

Thence S51°34'23"E 917.04' to a 2" pipe set on line at the edge of the mangroves;

Thence S51°34'23"E 277.70' to a point not set;

Thence S47°51'23"W 860.18' to a point not set;

Thence N44°03'52"W 273.78' to a 2" pipe with a northing of 800054.0594 and an easting of 932165.0410 set at the edge of mangroves;

Thence N44°03'52"W 744.46' to an iron rod set the True Point of Beginning.

Said parcel containing 1,205,356.6 square feet or 27.671 acres, which equates to 111,981.7 square meters or 28.491 cuerdas.

LEGAL DESCRIPTION FOR SWMU 54

Beginning at a survey control point in the Ward of Dagua, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 26,54,61 & AOC 520". Thence S53°11'43"W 2821.83' to an iron rod set, the True Point of Beginning, having a northing of 794599.7876 and an easting of 918178.4348:

Thence S67°25'56"W 114.56' to an iron rod set;
Thence N75°03'20"W 108.88' to an iron rod set;
Thence S73°33'50"W 60.33' to an iron rod set;
Thence N19°22'09"W 149.89' to an iron rod set;
Thence N23°47'15"W 134.87' to an iron rod set;
Thence N68°31'38"E 195.13' to an iron rod set;
Thence S24°42'06"E 131.90' to an iron rod set;
Thence N65°24'33"E 50.59' to an iron rod set
Thence S23°48'51"E 223.54' to an iron rod set, the True Point of Beginning.

Said parcel containing 75,907.8 square feet or 1.743 acres, which equates to 7,052.1 square meters or 1.794 cuerdas.

LEGAL DESCRIPTION FOR SWMU 61

Beginning at a survey control point in the Ward of Daguaao, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 26,54,61 & AOC 520". Thence S51°13'15"W 3348.67' to an iron rod set. Thence S89°48'48"W 196.76' to an iron rod set. Thence S03°57'44"E 46.30' to an iron rod set, the True Point of Beginning, having a northing of 794146.1427 and an easting of 917633.7544:

Thence S89°15'46"W 334.65' to an iron rod set;
Thence N18°01'11"W 368.92' to an iron rod set;
Thence N04°18'45"E 132.39' to an iron rod set;
Thence N19°37'50"E 89.58' to an iron rod set;
Thence S86°37'21"E 454.62' to an iron rod set;
Thence S10°16'12"W 264.87' to an iron rod set;
Thence S00°16'40"W 229.31' to an iron rod set;
Thence S03°57'44"E 46.30' to an iron rod set, the True Point of Beginning.

Said parcel containing 231,084.6 square feet or 5.305 acres, which equates to 21,468.5 square meters or 5.462 cuerdas.

LEGAL DESCRIPTION FOR SWMU 62

Beginning at a survey control point in the Ward of Daguao, said point being a brass disk set in concrete. Said point also known as 'MANATI' and having a northing of 791059.1339 and an easting of 921490.5759 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 28 & 62". Thence N53°07'00"W 3535.65' to an iron rod set, the True Point of Beginning, having a northing of 793181.1860 and an easting of 918662.5529:

Thence S18°11'55"W 226.45' to an iron rod set;
Thence S87°15'57"W 201.84' to an iron rod set;
Thence N40°41'45"W 104.29' to an iron rod set;
Thence N58°24'48"W 176.03' to an iron rod set;
Thence S88°21'13"W 325.67' to an iron rod set;
Thence N10°34'42"W 91.78' to an iron rod set;
Thence S83°43'09"W 222.44' to an iron rod set;
Thence N11°22'22"W 548.80' to an iron rod set;
Thence N81°20'53"E 391.79' to an iron rod set;
Thence S83°26'35"E 347.16' to an iron rod set;
Thence S50°33'14"E 315.51' to an iron rod set;
Thence S31°52'44"E 185.55' to an iron rod set;
Thence S23°32'05"E 220.70' to an iron rod set, the True Point of Beginning.

Said parcel containing 635,559.9 square feet or 14.590 acres, which equates to 59,045.7 square meters or 15.023 cuerdas.

LEGAL DESCRIPTION FOR SWMU 71

Beginning at a survey control point in the Ward of Quebrada Seca, said point being a brass disk set in concrete. Said point also known as 'DELICIAS' and having a northing of 799143.8537 and an easting of 927504.4901 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 71". Thence N56°45'58"E 2729.83' to an iron rod set, the True Point of Beginning, having a northing of 800639.9561 and an easting of 929787.8361:

Thence N57°34'40"E 783.74' to an iron rod set;
Thence S39°04'27"E 1114.20' to an iron rod set;
Thence S47°10'22"W 239.01' to an iron rod set;
Thence S63°53'18"W 442.91' to an iron rod set;
Thence S43°59'47"W 245.79' to an iron rod set;
Thence N37°34'41"W 718.38' to an iron rod set;
Thence N23°57'39"W 448.30' to an iron rod set the True Point of Beginning.

Said parcel containing 996,374.7 square feet or 22.874 acres, which equates to 92,566.6 square meters or 23.551 cuerdas.

LEGAL DESCRIPTION FOR AOC 520

Beginning at a survey control point in the Ward of Daguaao, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS SWMU 26,54,61 & AOC 520". Thence $S72^{\circ}16'13''W$ 2876.06' to an iron rod set, the True Point of Beginning, having a northing of 795417.2143 and an easting of 917706.9476:

Thence $S00^{\circ}45'29''W$ 502.34' to an iron rod set;

Thence $N72^{\circ}06'29''W$ 414.51' to an iron rod set;

Thence $N00^{\circ}15'00''W$ 247.00' to an iron rod set;

Thence $N72^{\circ}21'06''E$ 422.05' to an iron rod set, the True Point of Beginning.

Said parcel containing 149,230.4 square feet or 3.426 acres, which equates to 13,864.0 square meters or 3.527 cuerdas.

LEGAL DESCRIPTION FOR AOC 731

Beginning at a survey control point in the Ward of Dagua, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS AOC 731,734 & 735". Thence S30°38'59"W 1551.69' to an iron rod set, the True Point of Beginning, having a northing of 794955.3952 and an easting of 919646.8003:

Thence S34°41'11"E 105.26' to an iron rod set;

Thence S56°28'40"W 125.28' to an iron rod set;

Thence N33°27'35"W 104.79' to an iron rod set;

Thence N56°16'07"E 123.02' to an iron rod set, the True Point of Beginning.

Said parcel containing 13,038.3 square feet or 0.299 of an acre, which equates to 1,211.3 square meters or 0.308 of a cuerda.

LEGAL DESCRIPTION FOR AOC 734

Beginning at a survey control point in the Ward of Dagua, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS AOC 731,734 & 735". Thence $S18^{\circ}34'15''W$ 835.55' to an iron rod set. Thence $S34^{\circ}49'28''E$ 271.43' to an iron rod set. Thence $S57^{\circ}01'29''W$ 172.98' to an iron rod set, the True Point of Beginning, having a northing of 795181.3064 and an easting of 920181.6148:

Thence $S56^{\circ}40'31''W$ 106.03' to an iron rod set;

Thence $N33^{\circ}26'48''W$ 108.88' to an iron rod set;

Thence $N56^{\circ}27'13''E$ 104.85' to an iron rod set;

Thence $S34^{\circ}03'49''E$ 109.29' to an iron rod set, the True Point of Beginning.

Said parcel containing 11,501.8 square feet or 0.264 of an acre, which equates to 1,068.6 square meters or 0.272 of a cuerda.

LEGAL DESCRIPTION FOR AOC 735

Beginning at a survey control point in the Ward of Daguaao, said point being a brass disk set in concrete. Said point also known as 'DAGUAO' and having a northing of 796290.3122 and an easting of 920437.8283 noted as the Point of Beginning on the plat labeled "UNITED STATES GOVERNMENT PROPERTY FORMER NAVAL STATION ROOSEVELT ROADS AOC 731,734 & 735". Thence S18°34'15"W 835.55' to an iron rod set, the True Point of Beginning, having a northing of 795498.2702 and an easting of 920171.7267:

Thence S34°49'28"E 271.43' to an iron rod set;

Thence S57°01'29"W 172.98' to an iron rod set;

Thence N34°03'49"W 109.29' to an iron rod set;

Thence N31°13'17"W 190.41' to an iron rod set;

Thence N67°01'51"E 162.95' to an iron rod set, the True Point of Beginning.

Said parcel containing 48,070.6 square feet or 1.104 acres, which equates to 4,465.9 square meters or 1.136 cuerdas.

Exhibit E

Tables

Table 1
Naval Activity Puerto Rico
Sale Parcel I FOSL
Solid Waste Management Units Summary and Status

Parcel	SWMU No.	Description	CERFA ^a	RCRA Status	Investigation and Remedial Action Summary and Status	Media Affected / Key Contaminants	Site Specific Land Use Controls	Current RCRA Phase	Remaining Work Required
1	1	Former Army Cremator Disposal Site An approximately 36-acre abandoned, unlined landfill on the edges of the mangrove swamps along the shoreline of the Ensenada Honda Bay. The landfill stretches into the mangrove swamps. It was the primary disposal site for the Station's solid waste from the early 1940s to the early 1960s. An estimated 100,000 tons of waste including scrap metal, inert ordnance, batteries, tires, appliances, cars, cables, dry cleaning solvent cans, paint cans, gas cylinders, construction debris, dead animals, and residential waste were disposed of at this unit	3	CMS	During the Installation Restoration Program (IRP) Round 1 (1986) and Round 2 (1987) investigations, surface water, sediment, and groundwater samples revealed metals (arsenic, chromium, thallium, and selenium), low-level pesticides, and low-level organics in the surface water, sediments, and groundwater at this SWMU. A RCRA Facility Investigation (RFI) of soil, sediments, surface water, and groundwater was required in the RCRA permit. The RFI found that SWMU 1 was minimally impacted by former landfilling operations and recommended implementation of land use restrictions to be developed via the Corrective Measures Study (CMS), and that an ecological risk assessment (ERA) be performed as part of the CMS. The RCRA 7003 Administrative Order on Consent (Consent Order) requires implementation of the CMS. The Draft CMS Final Report is due within 60 days of completion of all work under the CMS Work Plan. Submitted Final Steps 3b/4 of Baseline ERA 1/10/07, and completed Baseline ERA field investigation. Baseline ERA is under development.	GW, Surface and Subsurface Soil, Sediment - dioxins, metals, pesticides, SVOCs, VOCs	1, 2, 4	Baseline ERA (BERA) Steps 7/8	CMS/Statement of Basis (SoB)/CMI
1	2	Langley Drive Disposal Area An approximately 28-acre abandoned, unlined landfill that was operational from 1939 to 1959. It is believed to have been used for the disposal of hazardous and nonhazardous wastes.	3	CMS	During the IRP Round 1 (1986) and 2 (1987) investigations, soil, surface water, and sediment samples revealed metals (lead and selenium) in the soil, surface water, and groundwater at this SWMU. An RFI of soil, surface water and sediments, and groundwater was required by the permit. The RFI found that SWMU 2 was minimally impacted by former landfilling operations and recommended implementation of land use restrictions to be developed via the CMS, and that an ERA be performed as part of the CMS. The Consent Order requires implementation of the CMS. The Draft CMS Final Report is due within 60 days of completion of all work under the CMS Work Plan. Submitted Final Steps 3b/4 of Baseline ERA 1/10/07, and completed Baseline ERA field investigation. Baseline ERA is under development.	GW, Surface and Subsurface Soil, Sediment - metals, pesticides, VOCs, SVOCs	1, 2, 4	BERA Steps 7/8	CMS/SoB/CMI
1	54	Former NEX Repair/Maintenance Shop (Bldg. 1914) Built in 1979. Small concrete block building with a center office area and open bays on either side used to perform maintenance on vehicles including oil changes, lubrication, etc.	3	CMS	A site characterization and follow-up RFI identified trichloroethene (TCE) and petroleum constituents in groundwater. CMS has been approved; complete CMS implementation to address TCE in groundwater.	GW - SVOCs, VOCs	1, 4	CMS	CMI Work Plan and implementation of CMI in accordance with the CMS.
1	61	Former Bundy Area Maintenance Facilities Used for facility and vehicle maintenance activities from the 1940s to the 1960s. Two areas of disturbed ground, two horizontal storage tanks, drums, and staining in what appears to be a large open storage/maintenance area were observed on a 1958 aerial photograph. A majority of this site is located in a wooded area.	3	CMS	Detections of fuel and chlorinated compounds and exceedance of criteria for selected SVOCs, indicate the soil at this site has been impacted by previous activities consistent with those performed at a maintenance facility. Navy submitted CMS Work Plan to complete Site Characterization and CMS needs to be developed.	Soil - PAHs	1, 2	CMS Work Plan	CMS/SoB/CMI
1	62	Former Bundy Disposal Area A disposal or fill area with multi-toned, mounded materials was observed on a 1958-1961 era aerial photograph. Interviews did not confirm or repudiate the area as a disposal area. Numerous piles of mounded gravel and charcoal, metal and building debris, and two empty 55-gallon drums were observed during development of the ECP. There were no signs of any stressed vegetation observed during the Phase II ECP investigation.	3	RFI	Based on the occurrence of barium in the soil in excess of background and exceedance of criteria, it has been tentatively concluded that site contamination has occurred from previous activities. Barium is associated with ignition equipment and acid batteries, and is a component of gray and ductile irons. These items could have been disposed of at the site as indicated by the past use of the site shown on the 1958 aerial photograph. Navy Final RFI work plan was submitted to the EPA December 20, 2007.	Soil -barium	1, 2	RFI Work Plan	Implement RFI and follow on work

Table 1
Naval Activity Puerto Rico
Sale Parcel I FOSL

Solid Waste Management Units Summary and Status

Parcel	SWMU No.	Description	CERFA ^a	RCRA Status	Investigation and Remedial Action Summary and Status	Media Affected / Key Contaminants	Site Specific Land Use Controls	Current RCRA Phase	Remaining Work Required
1	71	Quarry Disposal Site This site is located at the Commissary parking lot where a quarry once operated and in an open grassy field adjacent to the parking lot. Observations from 1976-1983 aerial photographs included numerous drums in open storage on the south side of the former quarry/rock crusher site and at least 25 drums located near the rock crusher, with staining on the ground adjacent to them. The ECP records review identified the area as a former quarry site, but there were no records pertaining to drum storage or disposal. The physical site inspection observed remnants of the quarry area, but saw no signs of disposal, stains, or stressed vegetation. Interviews confirmed both storage and disposal of drums containing a tar-like substance in the area, which were uncovered during construction of the Commissary parking lot. The full extent of the disposal area is unknown.	3	RFI	The ECP Phase II investigation results indicate it is likely that past activities at this site have impacted the environment. PAHs were identified above the residential RBC, but below the industrial RBC in subsurface soil. Groundwater contained naphthalene and vanadium in excess of their Residential RBCs. Phase 1 RFI work plan required. Navy Final RFI work plan was submitted to the EPA December 20, 2007.	Soil - vanadium, dibenzo(a,h)anthracene, benzo(a)pyrene, vanadium; GW - naphthalene, vanadium	1, 2, 4	RFI Work Plan	Implement RFI and follow on work
1	AOC F (MNA 520)	Site of 4 former USTs (Bldg. 520) One of seven former UST sites and one current AST site that comprise the AOC F MNA sites at NAPR. After the removal of the USTs and the subsequent investigations and reports, the sites were recommended for remedial action by MNA with separate protocols for each site, including soil sampling and/or groundwater sampling on a quarterly or annual basis depending upon the site.	3	MNA	Submitted MNA Work Plan to EPA June 13, 2007. Implement MNA work upon EPA approval of MNA Work Plan. Groundwater sampling will be performed.	GW - Benzene, BTEX, TPH	4	MNA monitoring	Continuation of MNA monitoring program in accordance with MNA Work Plan
1	AOC F (MNA 731)	Site of 1 former UST (Bldg 731) One of seven former UST sites and one current AST site that comprise the AOC F MNA sites at NAPR. After the removal of the USTs and the subsequent investigations and reports, the sites were recommended for remedial action by MNA with separate protocols for each site, including soil sampling and/or groundwater sampling on a quarterly or annual basis depending upon the site.	3	MNA	Submitted MNA Work Plan to EPA June 13, 2007. Implement MNA work upon EPA approval of MNA Work Plan. Subsurface soil sampling deeper than 5 feet below ground surface and groundwater sampling will be performed.	Soil - TPH	2, 4	MNA monitoring	Continuation of MNA monitoring program in accordance with MNA Work Plan
1	AOC F (MNA 734)	Site of 1 former UST (Bldg 734) One of seven former UST sites and one current AST site that comprise the AOC F MNA sites at NAPR. After the removal of the USTs and the subsequent investigations and reports, the sites were recommended for remedial action by MNA with separate protocols for each site, including soil sampling and/or groundwater sampling on a quarterly or annual basis depending upon the site.	3	MNA	Submitted MNA Work Plan to EPA June 13, 2007. Implement MNA work upon EPA approval of MNA Work Plan. Subsurface soil sampling deeper than 5 feet below ground surface and groundwater sampling will be performed.	Soil - TPH GW - TPH	4	MNA monitoring	Continuation of MNA monitoring program in accordance with MNA Work Plan

Table 1
Naval Activity Puerto Rico
Sale Parcel I FOSL

Solid Waste Management Units Summary and Status

Parcel	SWMU No.	Description	CERFA ^a	RCRA Status	Investigation and Remedial Action Summary and Status	Media Affected / Key Contaminants	Site Specific Land Use Controls	Current RCRA Phase	Remaining Work Required
1	AOC F (MNA 735)	Site of 1 former UST (Bldg 735) One of seven former UST sites and one current AST site that comprise the AOC F MNA sites at NAPR. After the removal of the USTs and the subsequent investigations and reports, the sites were recommended for remedial action by MNA with separate protocols for each site, including soil sampling and/or groundwater sampling on a quarterly or annual basis depending upon the site.	3	MNA	Submitted MNA Work Plan to EPA June 13, 2007. Implement MNA work upon EPA approval of MNA Work Plan. Groundwater sampling will be performed.	GW - TPH	4	MNA monitoring	Continuation of MNA monitoring program in accordance with MNA Work Plan

^a CERFA categories:

- 1 - **CERFA Clean** - areas where no release or disposal of hazardous substances or petroleum products or their derivatives has occurred,
2 - **All Actions Complete** - areas where the release, disposal, or migration, or some combination thereof, of hazardous substances, or
3 - **Additional Action Required** - Areas where a confirmed or suspected release, disposal, migration, or some combination thereof, of

Land Use Controls

- 1 - Non-Residential Use Only
2 - Soil and/or Sediment: Access and/or Invasive Activity Restriction
3 - Surface Water: Access and/or Use Restriction
4 - Groundwater: Use and Well Installation Restriction

Acronyms and Abbreviations

ACM	Asbestos Containing Material	LUC	Land Use Control
AIMD	Aircraft Intermediate Maintenance Department	MCL	Maximum Contaminant Level
AKA	Also Known As	MNA	Monitored Natural Attenuation
AOC	Area of Concern	NA	Not Applicable
AST	Aboveground Storage Tank	NAPR	Naval Activity Puerto Rico
BEQ	Bachelor Enlisted Quarters	NFA	No Further Action
BERA	Baseline Ecological Risk Assessment	NEX	Navy Exchange
BTEX	Benzene, Toluene, Ethylbenzene, Xylenes	NPDES	National Pollutant Discharge Elimination System
CAC	Corrective Action Complete determination	OB/OD	Open Burning/Open Detonation
CMI	Corrective Measures Implementation	PCB	Polychlorinated Biphenyl
CMS	Corrective Measures Study	POL	Petroleum, Oils and Lubricants
COC	Chemical of Concern	RBC	Risk-Based Concentration
COPC	Chemical of Potential Concern	RCRA	Resource Conservation and Recovery Act
DFM	Diesel Fuel Marine	RFI	RCRA Facility Investigation
DRMO	Defense Reutilization Marketing Office	SoB	Statement of Basis
ECP	Environmental Condition of Property	SWOB	Ship Waste Offloading Barge
EPA	Environmental Protection Agency	SVOC	Semi-Volatile Organic Compound
ERA	Ecological Risk Assessment	SWMU	Solid Waste Management Unit
HHRA	Human Health Risk Assessment	TCE	Trichloroethene
IAS	Initial Assessment Study	TPH	Total Petroleum Hydrocarbons
ICM	Interim Corrective Measure	TWFF	Tow Way Fuel Farm
IM	Interim Measure	UST	Underground Storage Tank
IRP	Installation Restoration Program	VOC	Volatile Organic Compound
JP-5	Jet Propulsion Fuel	VSI	Visual Site Inspection
GW	Groundwater	WWTP	Wastewater Treatment Plant
LRA	Local Redevelopment Authority		

Table 2
Naval Activity Puerto Rico
Sale Parcel I FOSL
AST and UST List

Number	Type	Location or User	Capacity	Material Stored	Year Installed	Year Removed
731	AST	PWD	1000	Diesel	-	NA
734	AST	PWD	1000	Diesel	-	NA
2394 A	AST	PWD	200	Diesel	-	NA
2394 B	AST	PWD	2000	Diesel	-	NA
510	Former UST	NEX Repair/Maintenance Shop (SWMU 54)	4000	Unknown	-	1993
515	Former UST	NEX Repair/Maintenance Shop (SWMU 54)	550	Waste Oil	-	1996
520A	Former UST	Building 520 (AOC F)	550	Waste Oil	-	1996
520B	Former UST	Building 520 (AOC F)	12000	Mogas	-	1996
520C	Former UST	Building 520 (AOC F)	12000	Mogas	-	1996
520D	Former UST	Building 520 (AOC F)	10000	Diesel	-	1996
731	Former UST	Building 731 (AOC F)	1000	Diesel	-	1996
734	Former UST	Building 734 (AOC F)	1000	Diesel	-	1996
735	Former UST	Building 735 (AOC F)	1000	Diesel	-	1993

AOC Area of Concern
AST Aboveground Storage Tank
NA Not Applicable
NEX Navy Exchange
PWD Public Works Department
SWMU Solid Waste Management Unit
UST Underground Storage Tank
- Information not available or unknown

Exhibit F

CERFA Concurrence

**CERFA Identification of Uncontaminated Property
Former Naval Station Roosevelt Roads, Puerto Rico**

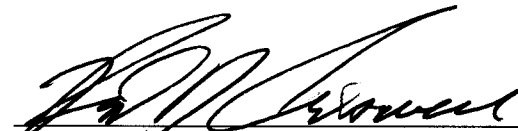
Accordingly, this CERFA Uncontaminated Property Report reflects final site categorizations that may differ from those presented in the Final ECP report.

In summary, all NAPR property not otherwise identified as sites belonging to Categories 2 or 3 are classified as "CERFA Clean" (i.e. uncontaminated) as defined in CERFA [§9620 (h)(4)(A)]. The bulk of the NAPR acreage is classified as such. Of the approximately 8,400 acres of NSRR property, about 7,000 acres have been identified as "CERFA Clean" (i.e., Category 1). Figure 1 depicts the results of this classification.

Included in the CERFA Clean classification are a total of 14 SWMUs. Ten of these SWMUs were identified by EPA in the 1994 RCRA Part B permit, and an additional four sites were identified by the ECP. All 14 of these sites were originally identified based on a suspected release or disposal activity, but subsequent investigations determined that no release or disposal activity occurred. EPA has indicated their concurrence with this determination in the draft §7003 Order on Consent by designating each of these sites as having achieved "corrective action complete without controls" designation. The SWMUs and ECP sites designated as CERFA Clean are SWMUs 5, 15, 20, 21, 22, 47, 48, 49, 50, 52, 63 (ECP 9), 64 (ECP 10), 65 (ECP 11), and 66 (ECP 12). These sites are presented in Table 1.

The remaining property has been classified as Category 2 or 3 and as such is not qualified for designation as CERFA Clean.

Submitted

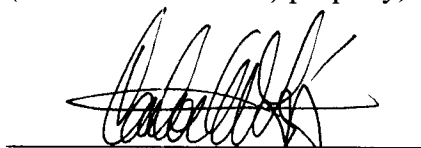


R. DAVID CRISWELL, P. E.
BRAC Environmental Coordinator

4/27/06
Date

Concurrence

Concurrence with CERFA Identification of Uncontaminated Property is indicated by signature below. This concurrence applies only to the identification of "CERFA Clean" (i.e. uncontaminated) property, identified in this document as ECP Category 1.



Carlos Lopez Freytes, President
Environmental Quality Board
Commonwealth of Puerto Rico

8/11/06
Date

Exhibit G

Lead-Based Paint Hazard Advisory

**LEAD-BASED PAINT HAZARD
DISCLOSURE AND ACKNOWLEDGEMENT FORM**

LEAD WARNING STATEMENT

YOU ARE ADVISED THAT STRUCTURES CONSTRUCTED PRIOR TO 1978 MAY PRESENT EXPOSURE TO LEAD FROM LEAD-BASED PAINT THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING IN YOUNG CHILDREN MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE. YOU ARE FURTHER ADVISED THAT LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. WORKERS MAY ALSO SUFFER ADVERSE HEALTH EFFECTS FROM LEAD DUST AND FUME EXPOSURE

ACKNOWLEDGEMENT

I acknowledge that:

1. I have read and understand the above stated Lead Warning Statement;
2. I have received from the Federal Government the following document(s): *Phase I/II Environmental Condition of Property Report, Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico* and *Finding of Suitability to Lease, Carve-Outs Within Sale Parcel I - Bundy, Naval Activity Puerto Rico, Ceiba, Puerto Rico* representing the best information available to the Government as to the presence of Lead-Based Paint and Lead-Based Paint hazards for the non-family housing buildings covered by this Transfer. I have also received the *Final Lead-Based Paint Inspection/Risk Assessment Report for Military Family Housing, Naval Activity Puerto Rico, Ceiba, Puerto Rico* representing the best information available to the Government as to the presence of Lead-Based Paint and Lead-Based Paint hazards for the family housing buildings covered by this Transfer;
3. I understand that my failure to inspect, or to become fully informed as to the condition of all or any portion of the property offered will not constitute grounds for any claim or demand for adjustment or withdrawal of any bid or offer made after its opening or tender; and
4. I understand that upon execution of this Transfer, I shall assume full responsibility for preventing future lead exposure by properly managing and maintaining or, as required by applicable Federal, state, or local laws or regulations, for abating any lead-based paint hazard that may pose a risk to human health.

Transferee (or duly authorized agent)

Date

Exhibit H

CERCLA Hazardous Substance Notice and Response Action Summary

**Naval Activity Puerto Rico
Carve-Outs Within Sale Parcel I - Bundy
CERCLA Hazardous Substance Notice/Response Action Summary**

The table below identifies those hazardous substances that it is known, based upon a complete search of agency files, were stored for one year or more in quantities greater than or equal to 1,000 kg (or greater than or equal to 1 kg if designated an acutely hazardous waste under 40 CFR Part 261.30) and/or were released or disposed of on the property to be transferred in quantities greater than or equal to their respective reportable quantities under 40 CFR 302.4. **The information in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund"), 42 U.S.C. Section 9620(h).**

Bldg or Facility ID	Description	Substance Name	CAS Registry Number	40 CFR 302.4 Regulatory Synonyms	RCRA HW No.	Quantity Stored	Date of Storage	Quantity Released	Date of Release	Response Actions Taken
1914	Fomer NEX Repair/Maintenance Shop	See SWMU 54	---	---	---	---	---	---	---	---
SWMU 1	Former Army Cremator Disposal Site	VOCs, SVOCs, dioxins, metals, herbicides	---	---	---	Unknown	1940s-1960s	Unknown	1940s-Present	---
SWMU 2	Langley Drive Disposal Area	VOCs, SVOCs, dioxins, metals,	---	---	---	Unknown	1939-1959	Unknown	1939-Present	---
SWMU 54	Former NEX Repair/Maintenance Shop	Trichloroethylene	79016	Trichloroethene Ethene, trichloro	F001, F002, U228	Unknown	1979 - ?	Unknown	Unknown	---
		Benzene	71432	---	U109	Unknown	1979 - ?	Unknown	Unknown	---
		Toluene	108883	Benzene, methyl	F005, U220	Unknown	1979 - ?	Unknown	Unknown	---
SWMU 61	Former Bundy Area Maintenance Facility	POL and hazardous materials	---	---	---	Unknown	1940s - 1960s	Unknown	1940s - 1960s	---
SWMU 62	Former Bundy Disposal Area	Possible hazardous wastes	---	---	---	Unknown	1958-1961	Unknown	1958-Present	---
SWMU 71	Quarry Disposal Site	Possible POLs and hazardous wastes	---	---	---	Unknown	1976-1983	Unknown	1976-1983	---

Exhibit I

EPA FOSL Concurrence Letter



REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 20 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeffrey G. Meyers, P.E., CHMM
BRAC Environmental Coordinator
US Navy
BRAC PMO SE
4130 Faber Place Drive
Suite 202
North Charleston, SC 29405

Re: Naval Activity Puerto Rico (NAPR), formerly Naval Station Roosevelt Roads,
EPA I.D. Number PRD2170027203,

Draft Finding of Suitability to Lease (FOSL) Carve-Outs within Sale Parcel I -- Bundy

Dear Mr. Meyers:

The United States Environmental Protection Agency (EPA) Region 2 has received the January 2008 Draft Finding of Suitability to Lease (FOSL) Carve-Outs within Sale Parcel I -- Bundy, transmitted to Mr. Timothy Gordon of EPA and to Ms. Josefina A. Gonzalez of the Puerto Rico Environmental Quality Board (PREQB), with your letter of January 14, 2008.

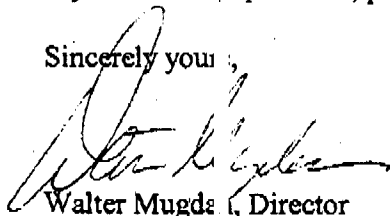
The FOSL covers approximately 170 acres in ten non-contiguous areas to be carved out of the 1,421-acre Sale Parcel I, located in the southwestern portion of the former facility. The carve-out areas were removed from Sale Parcel I because they contain solid waste management units (SWMUs) and Areas of Concern (AOCs) with corrective action work remaining to be completed under the January 2007 RCRA Administrative Order. The SWMUs and AOCs cannot be included in Sale Parcel I because all necessary remedial actions have not been completed prior to transfer as required under Section 120(h)(3)(A)(ii)(I) of CERCLA, nor has the Governor of Puerto Rico approved a Covenant Deferral Request (CDR) for their transfer prior to completing the necessary remedial actions.

The Navy has indicated that upon completion of the public auction of Sale Parcel I, it and the winning bidder of Sale Parcel I will execute a lease in furtherance of conveyance for the carve-out areas. Upon successful completion of all necessary remedial actions by the Navy, they have indicated that the leased property will then to be transferred to the new owner of Sale Parcel I. The necessary remedial actions are to be implemented pursuant to the January 2007 RCRA Administrative Order.

EPA Region 2 has completed its review of the January 2008 Draft Finding of Suitability to Lease (FOSL) Carve Outs within Sale Parcel I – Bundy, and has no comments on that Draft FOSL.

If you have any questions, please telephone Mr. Tim Gordon of my staff at (212) 637- 4167.

Sincerely yours,



Walter Mugda, Director

Division of Environmental Planning and Protection

cc: Ms. Josefina Gonzalez, P.R. Environmental Quality Board.
Mr. David Criswell, US Navy, BRAC PMO
Mr. Felix Lopez, USF&WS