



Vieques Investigation and Cleanup NAVFAC Atlantic

Restoration Advisory Board (RAB)

Meeting #22

Wednesday, November 4, 2009

Vieques Lighthouse

Welcome and Introductions

Kevin Cloe/NAVFAC. Welcomed RAB members. He said the agenda had changed in response to a conference call with the RAB members requesting information on the Eastern Conservation Area (ECA).

1. FWS Update – Eastern Conservation Area Vegetation Removal.

Matt Connolly/Vieques Refuge Manager – On February 8, 2008, representatives from the Fish and Wildlife Service (FWS) and the Navy went to the ECA to discuss vegetation removal in turtle nesting areas. Matt said the group noticed extensive removal of vegetation. FWS sent a letter to the Navy indicating not to repeat the same process in the dry forest. The Navy agreed to hold off working in the dry forest area until the aerial magnetometry survey was completed. In December 2008, munitions removal began in the dry forest area. Matt showed photos of the area and stated that there was poor communication between the Navy and FWS during the vegetation removal process. FWS was not aware the ECA vegetation removal work plan followed the same guidelines as the Live Impact Area (LIA), and FWS did not inspect the site until months later. This was FWS's mistake.

The vegetation, with exception of the palm trees, is beginning to re-grow because stumps were left during the vegetation removal process.

In the future, there will be better coordination between the Navy and FWS. FWS will provide more oversight and better protocols have been established to prevent similar problems.

Discussion points

- Jorge Fernández Porto, RAB member – Was an assessment done to check the species present in the area prior to cutting? Matt Connolly – yes, the Navy completed a plant inventory in the area.
- Jorge Fernández Porto -How about a herpetological assessment? Matt Connolly – The inventory was part of a complete ecological assessment, which included all species.

- Jorge Fernández Porto -Was this study done before destroying the vegetation? If so, it is possible that the issue was not a result of a miscommunication, but a lack of education for workers removing the vegetation. Matt Connolly – to avoid this issue in the future FWS, is exploring the idea of assigning a biologist to the project who will work more closely with the Navy and provide additional oversight.
- Jorge Fernández Porto expressed his amazement that the cutting of the dry forest is being described as an “oops.” I don’t understand why the Navy was allowed to cut and destroy the vegetation in this area; the palms did not need to be cut low. This is an unforgivable mistake and the explanation of poor communication is not a good enough answer.
- Lirio Márquez, RAB member – Why was the community not informed about the plans for the vegetation removal in the ECA? I am confused as to why the Navy went and cut the vegetation in this area when in 1978, the operational Navy determined that the ECA was a unique ecosystem and put this area off limits for training? Why does the Navy go now and destroy the vegetation in this area? It was a unique dwarf forest; it will take years to re-grow.
- How could FWS and the other regulatory agencies let this happen? This area wasn’t destroyed in ½ a day. The agencies should have been there doing oversight. It seems from the photos that the entire forest is gone. We want to know why.
- Each meeting the RAB discusses issues related to the clean up, but this issue in the ECA it seems was kept a “secret” for an entire year. The regulatory agencies knew about it and did not say or do anything? Matt Connolly – The issue is more complicated than I explained. I have the same feelings about the destruction of the forest. FWS just learned about the forest when we went to a site visit to check the turtle nesting beaches. We should have visited the area earlier.
- Matt Connolly – What I understand now from the recent discussions with the Navy and other agencies, is that when this issue was brought up for regulatory discussion neither the Department of Interior (DOI), nor any other agency would accept the liability of leaving munitions behind in the dry forest area. It was necessary to cut the vegetation to fully address the potential explosive risk of the munitions that could be under the vegetation.
- The Navy’s main objective in this area is to remove the explosive risk posed by munitions on the site. The vegetation removal was done following the work plan that the U.S. Environmental Protection Agency (EPA) and Puerto Rico Environmental Quality Board (EQB) approved. The work plan was briefly discussed with the RAB in previous meetings, and the RAB was notified when

the ECA vegetation removal was completed. What the Navy learned from this issue is that the agencies need to improve communication in the future to avoid this kind of situation.

- Rich Henry/FWS – I understand that the vegetation removal in the ECA is an emotional issue for all parties involved. I will try to explain the situation from the DOI's perspective. DOI – FWS, EPA and EQB are part of a Federal Facilities Agreement for the Vieques Restoration Program.

The same protocols outlined in the site specific work plan and the master work plan for this work were followed since the surface of munitions of especial concern (MEC) removal began in the LIA in 2005. The procedures outlined in those work plans are effective for vegetation removal and to keep the workers safe. When the work extended into the ECA, the same work plans was used [amended and approved by all the regulatory agencies]. The LIA and ECA have some differences. The LIA had large quantities of munitions while the ECA had a lesser amount, but contained ecologically sensitive areas.

When it comes to vegetation removal, the problem is how much do you need to remove to keep the workers safe and address the explosive risk? When the vegetation removal in the dry forest was discussed among the agencies, FWS spoke with DOI attorneys. The attorney's response was that the area had to be cleaned up, and that we [FWS] cannot accept the liability of leaving munitions in place.

Was the vegetation removal a bad thing? Was it necessary? Was it done with malice? Yes, it was necessary; no, it was not done with malice. The vegetation was removed to clean up the site and to reduce the explosive risk. I am also an ecologist and understand your passion about this unique forest. I also know that the vegetation was not completely cut. Stumps were left during the removal. During a site visit to the ECA, we observed that stumps were sprouting back. We know that the area will not re-grow easily, but there is hope with time.

If we [all parties involved] could go back, we may have done things a bit differently. The priority at the time was to eliminate the immediate threat to human health and the environment that the munitions pose. We [Navy, FWS, EPA, EQB and all the other parties] should have been more diligent with the communications and oversight.

- Jorge Fernández Porto and other RAB members – We still want to know what decision process was in place the allowed the devastation of the ECA. Why the RAB was not informed? Why have you [Rich Henry] not been at the RAB meetings before, and you come to us today to tell us that you are involved in the decision making processes? Rich Henry – I will promise that I will try to

attend RAB meetings in the future. I believe FWS needs to communicate better with members of the public on issues related to the Vieques clean up and the refuge.

- RAB members – The vegetation removal on ECA is inexcusable. Whoever gave the approval for the methods used needs to give us a good explanation.
- Danny Rodriguez/EPA – The ECA vegetation removal is a sensitive matter and touches our heart. Rich Henry has been involved with the project since 2001 and participated in the clean up process before the land transfer.

The decision to cut the vegetation to address the surface munitions removal was done under the Time Critical Removal Action (TCRA). The Navy amended the TCRA work plan to include the ECA, and no one (including the parties involved in reviewing and approving the amended work plan) realized the extent of the vegetation removal proposed for the ECA. The Navy followed the procedures that were outlined in the work plan, which the EPA approved.

When we visited the site with FWS representative we saw that a lot of the vegetation was cut “short”. The Navy did not depart from the work plan with the exception of cutting some of the palms, which did not follow exactly what was stipulated in the work plan we approved and that was discussed with the RAB.

- Susan Silander/FWS – We [FWS] agree that the palms did not present an obstacle to the ground surface clearing, so we don’t fully understand why some of them were cut. As a botanist it pains me to see what happened with this area, although there are other areas on Vieques that have a similar dry forest. We [all parties] have to take advantage of this unfortunate experience and make sure it doesn’t happen again.
- Member of Public/FWS Volunteer – I have seen the area we are talking about, and I felt a lot of emotions. What’s done is done. My question is about mitigation funds assigned to restore the area. Are there funds? Can they be used for the restoration? Chris Penny/NAVFAC responded that there are no funds allocated specifically for plant restoration. There will be money set aside for restoration after many more phases of the munitions removal work are completed and we reach the final remedy for the entire site.
- Member of Public/Range Worker – I was born and raised in Vieques. I attend all of the RAB meetings, even more meetings than some of the RAB members. I work on the site and some times it is not easy to be a viequense and work in some of the areas. On the ECA, the “damage” hurts, but we had not many other choices, the vegetation needed to be cut, it will heal. The photos shown do not tell the whole story; not all of the palms were cut. As a

worker, we go there blindly due to the dense vegetation, we want to come out the site every day with all our limbs and alive. The risk we are exposed to is something that you cannot understand unless you are there [working].

- Jorge Fernández Porto– Just because I am not working there doesn't mean I cannot comment on the issues. You [local workers] are only working on the range because of us [the community that fought for it]. We will not accept blackmail.

We want to know how many bombs were found in the dry forest. No one told the RAB that communication issues existed between the agencies. We all should have discussed this issue prior to taking any action in the ECA [agencies and RAB]. When it is convenient for you [the agencies], you inform us of the facts. What happened with the level of trust we achieved with the Navy? Is this how you want to continue to work with the community?

Today, I am withdrawing my membership from the RAB. I feel that with this lack of respect I can no longer support the Navy. I have listened to different sides of the arguments in other sensitive issues, and I have been sometimes persuaded and have accepted and defended some of the Navy's actions with the rest of the Vieques community. I feel that the ECA deforestation was kept "hidden" and kept a secret. After 8 years working with the RAB and the Navy, I resign.

- Lirio Márquez –We [the RAB] thought we had the respect of the agencies and were treated as equals. The community should be involved in the decision making process because we are the final beneficiaries of the work. The RAB sticks their necks out on the ECA issue. This has nothing to do with, or against, the local workers.

I still want to know how the decision was made to allow the destruction of the ECA. We know the area, we are ecologists, we know the plant species, we camped there for a whole year and did not realize how dangerous this area can be. Did you really have to cut all the vegetation? How many bombs did you find? I, too, feel disrespected and will revisit my future involvement with the RAB.

2. Munitions Response Program Update

Tim Garretson/CH2M HILL reviews the Munitions Response Program (MRP) update presentation.

Status of the TCRA, NTCRA and Subsurface removal. The objective is to remove munitions and explosives of concern visible or partially visible on the surface. Hand held magnetometers are used to aid in locating metallic items.

Time Critical Removal Action for Surface Removal. The Vegetation must be removed prior to conducting a surface removal. The ECA is complete: 136 acres.

The LIA is complete in all available areas: 859 acres. The vegetation cannot be safely removed in the remaining areas because of the presence of sub munitions

Non Time Critical Removal Action for Surface Removal. Began in February 2009 in the Surface Impact Area (SIA) - 364 acres completed to date.

Sub-Surface Removal. The objective is to investigate and remove sub-surface anomalies (metallic objects that were identified by digital geophysical mapping) that might be MEC. The surface removal and digital geophysical mapping needs to be completed before the sub-surface removal can start: 2 feet below the surface on roads and 4 feet below the surface on turtle nesting beaches. Sub-surface removal is a labor intensive and time consuming process.

Solid Waste Management Unit 4 (SWMU 4). The vegetation is being cleared along roads at SWMU4 to prepare for sub-surface removal of MEC. The sub-surface removal on beaches at SWMU 4 is expected to begin early next year.

Summary of Removal Actions:

- Surface removal has been completed on 1,359 acres
- 3,359 sub-surface anomalies have been investigated to date
- 19,754 MEC items have been recovered and destroyed
- 7,501 tons of metal debris have been recovered from removal areas
- 5,051 tons of that metal debris have been processed and shipped to recyclers

Remote Vegetation Removal. The Navy continues to test equipment for remote vegetation removal under a joint effort between NAVFAC Atlantic and the U.S. Army Humanitarian Demining Group. The Remote Vegetation Removal Tests are to determine if this equipment can effectively remove vegetation in areas that cannot be safely cleared by normal methods. The tests are expected to continue for about 5 more months. Some of the challenges for Remote Vegetation Removal include: unplanned detonations when equipment disturbs munitions; the equipment can roll over on uneven terrain; the cut vegetation in some areas forms a dense mat that makes the surface removal unsafe.

Discussion Points

- Member of the public – What is the status of the work in the ECA? Tim Garretson - the surface removal is complete. There is a work plan in effect to do a subsurface investigation of some selected roads. As for other investigations, the final remedy is unknown.
- Member of the public – What about SMWU 4? Tim Garretson— the subsurface work along the roads is being conducted now. After the turtle nesting season is over, we will start the work on the beaches and turtle nesting buffers (as an interim action).

- Member of the public – What has been found at SWMU 4? Tim Garretson – we found unserviceable munitions items that were put in a pit or in a hole and were detonated. Sometimes there are remains of detonations “kick out” items. Most of the items found thus far are 20mm projectiles and fuzes. There are small items, but small items can kill someone.
- Member of the public – What was the area used for? Tim Garretson– SWMU4 was used to destroy items from approximately the 1950’s until it was closed.
- Member of the public /FWS Volunteer – Is it possible to place silk screen along the roads to avoid soil running to the beach where there are turtle nests? A few nests were lost because of wash outs. Tim Garretson – erosion control is being considered in our field operations (stacking cut brush, or mulching the vegetation), we are trying to find the best method to control erosion.
- Dan Hood/NAVFAC – FWS brought up erosion control issue to our attention a few weeks ago. At SWMU 4, the Navy will spread the cut vegetation or mulch on the exposed soil, helping with the erosion control. In the SIA, we are placing cut vegetation down slope and in the middle of the slope up from the beaches to keep the silt from passing as erosion control.

3. Environmental Program Update

Kevin Cloe/NAVFAC presented the environmental program update. No questions or comments were received.

Area of Concern (AOC) C E and AOC I. We are preparing to perform a pilot study to treat groundwater contamination using an in-situ process to adjust aquifer conditions to promote contaminant remediation. We are addressing regulatory agency comments on Draft Work Plan. The Draft Final Work Plan will be available for RAB review in late calendar year 2009. We expect to begin implementing pilot study in early calendar year 2010. To implement pilot study and evaluate performance the pilot study will continue for approximately 2 to 3-years.

AOC R. The interim removal action of debris piles and contaminated soil were completed in June 2009 and the Supplemental RI groundwater sampling was completed in September 2009. We expect the Draft RI Report will be submitted for regulatory review in early calendar year 2010

SWMU 4. The Navy submitted the Draft RI Report in August 2009. We are in the process of addressing the regulatory agency comments on Draft RI Report. We expect the Draft Final RI Report will be available for RAB review in early calendar year 2010.

AOC J, SWMU 6, SWMU 7. The interim removal action of debris piles and contaminated soil were completed in June 2009. The post-removal confirmatory data is being evaluated to determine the current site conditions and the appropriate path

forward. Based on the post-removal confirmatory data evaluation, we will determine which of the following is warranted: No further action, further action, or additional investigation.

East Vieques – 26 SI/ESI Sites. The Site Inspection/Expanded Site Inspection fieldwork was completed in June 2009. The Navy submitted the Draft SI/ESI Report for regulatory review in October 2009. After regulatory comments are resolved, the Navy will prepare Draft Final SI/ESI Report which we estimate will be available for RAB review in early calendar year 2010

4. Meeting Closing (Susana Struve/CH2M HILL)

We expect the next meeting to be held in Vieques in early 2010.

Please remember there is a photo exhibit on November 11, 2009 at the Multiple Use Center. I hope you can attend.

- Adalina Cruz, RAB member – I attend these meetings and never speak, but, this time I will. I am looking out for the people of Vieques and will continue to attend the meetings as a RAB member. Additionally, to avoid other problems like in the ECA, I recommend that the workers be trained on natural resources, plant species identification, and endangered species so the deforestation of a dry forest does not happen again. I also recommend more supervision from the regulatory agencies.
- Dan Hood/NAVFAC – To strengthen the oversight from FWS, staff from the refuge are making regular visits to the site to inspect the work. They are stepping up the oversight. The Navy wants to do the right thing, and want to work together with the other agencies, especially the land managers. We need to make sure that all the agencies, their representatives and their consultants understand that from now we can only move forward and do better in the future. We will ensure everyone is clear on the objectives and the proposed processes in each work plan, and we will enhance our communication exchange.
- Susana Struve/CH2M HILL – All the agencies have learned lessons and are committed to strengthening the decision-making process and to keeping the community informed. The RAB will continue to be an important tool to ensure effective communication with the community.

Addendum to RAB Meeting Minutes

Representatives of the Navy and the Fish and Wildlife Service have asked that the following communication be included in the minutes as follow-up to the November 4, 2009 RAB meeting:

Please accept our apologies for the poor communication and insufficient inter-agency coordination related to the unique dry tropical forest in the Eastern Conservation Area (ECA).

As we have stated many times in the past, our highest priority on Vieques is protecting public health and the environment. With that in mind, we have worked together to develop an approach to remediate environmental and munitions sites, including the ECA. Collectively we developed and followed the work plan for the ECA, and removed more than 1,300 dangerous munitions and munitions-related items from this area.

In retrospect, we should have recognized the forest's significance before work began, and communicated with each other more effectively. We could potentially have been more selective in the removal of vegetation. However, in the absence of this recognition and the lack of formal or informal communications between the regulatory agencies about the forest, the Navy followed the approved work plan for the munitions removal in the ECA.

In the future, we will pay extra attention to address vegetation and sensitive habitats in other areas of the Vieques Wildlife Refuge that could warrant special consideration. We also will strive to improve communications among agencies and the residents of Vieques.

Our goal is to make sure this never happens again. The Vieques RAB will be key to helping the Vieques Team improve communications and explore options to remove dangerous munitions while protecting ecologically sensitive communities. You have provided valuable input as members of the RAB, and we thank you for your participation. Despite the hard feelings caused by the munitions removal process in the ECA, we hope we can count on your continued involvement.

Again, our sincere thanks to all of you, for helping to improve the decision-making process for the Vieques restoration work through your participation in the RAB. We look forward to continuing our work together.