

MEMORANDUM OF UNDERSTANDING  
REGARDING THE ISLAND OF VIEQUES

WHEREAS, the mission of the Department of the Navy is to conduct prompt and sustained operations at sea in support of national policy; and

WHEREAS, the Department of the Navy maintains that world events and most recently the events in the Caribbean and Central American region underscore the importance of the readiness of the Atlantic Fleet to the National Defense and Security; and

WHEREAS, the Government of Puerto Rico recognizes the Department of the Navy's concerns as result of its understanding of world events and recent events in the Caribbean and Central American region, and its asseveration of its needs for the island of Vieques and the great importance which is attached to the readiness of the Atlantic Fleet for National Defense and Security purposes; and

WHEREAS, the Department of the Navy recognizes that the Navy activities on the Island of Vieques may have a potential deleterious impact on the social and economic development of the Island; and

WHEREAS, the Governor of the Commonwealth of Puerto Rico is dedicated to the welfare of the people of the Island of Vieques and the preservation of its ecology; and the Department of the Navy hereby manifests its concern and dedication to the welfare of the people of the island of Vieques and the preservation of its ecology.

WHEREAS, the Government of the Commonwealth of Puerto Rico and the Department of the Navy are desirous of resolving past differences, establishing a framework for the beneficial use of Vieques by its residents, terminating pending litigation and, if other means of solving differences are available, avoiding future law suits regarding training activities.

Now, therefore, the Government of the Commonwealth of Puerto Rico and the Department of the Navy agree as follows:

I COMMUNITY ASSISTANCE

The Navy recognizes its obligation to be a good neighbor to the people of Vieques and will continue to strive to improve the welfare of the island's people. Past actions in this regard have consisted of providing medical and dental equipment and supplies to the local hospital, making Navy facilities available for public recreation, assisting in the construction and improvement of civilian ballfields and roadways, conducting no cost training programs, transporting oversized vehicles and materials on Navy ferries, authorizing the Port Authority the no-cost use of NAF pier facilities and encouraging the location of civilian industry on the island. Similar Navy efforts to assist the people of Vieques are continuing.

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Primary among them is an ongoing effort to seek out and encourage civilian industry to locate their operations on the Island.

The Navy will work with Commonwealth agencies and groups to seek grants, start up funds and financial assistance from other federal departments for use on Vieques and make every meaningful effort within its power to obtain full employment on the Island.

The close working relationship begun during the negotiation of this memorandum of understanding will be continued through a stronger liaison program:

The existing Sea Cadet program will continue to receive Navy sponsorship and support and the Navy will encourage the development of cultural activities which will take advantage of the rich Puerto Rican heritage.

Over the next several years the Navy will continue to evaluate and improve its assistance to the community and, in particular, will study the feasibility of permitting civilian aircraft to utilize its runway at Camp Garcia. It is anticipated that the Management Advisory Committee herein created will serve as a focal point for land use/environmental concerns and that cooperative working relations will be developed among Navy officials and their Commonwealth counterparts.

## II LAND USE

The Navy recognizes the importance of land on Vieques, especially as it related to jobs and the overall Island and Commonwealth economy. The Navy similarly recognizes that its continued ownership and use of substantial Vieques land areas is essential to the national defense and the safety of the local population. Ordnance of various kinds and sizes is stored at the Ammunition Facility and buffer zones around such storage areas are essential for reasons of safety.

Joint and compatible utilization of Navy lands on Vieques by the military and civilian population has been ongoing for years. Recently, however, it has become apparent that the civilian use was not benefiting a significant portion of the local population. Better and more efficient use of the Navy land for civilian pursuits is both essential and desirable. Accordingly, the Navy will maximize the no cost leasing of its Naval Ammunition Facility property for civilian uses compatible with the storage of ammunition. Such uses could include cattle grazing, forestry, agriculture or other pursuits which will create or provide employment and income for the maximum number of people. Leases will be made to organizations, cooperatives or agencies and not to individuals. The Navy will actively consult with the Commonwealth Department of Natural Resources on the most beneficial and compatible uses of the lands, as well as the most efficient leasing arrangements (cooperative, agency, etc.). The Navy and Commonwealth will evaluate extension of compatible use operations to Navy lands on the eastern end of Vieques. Such uses will be limited by the nature of Navy-Marine Corps operations conducted on these lands.

In support of the above land use program, the Navy agrees to develop and provide financial support for a forestry program on its Vieques lands. In cooperation with the Commonwealth Department of Natural Resources, the Navy will formulate, fund and manage an active forestry project on the Naval Ammunition Facility, Vieques. The program will encourage the economic development of the Island through increased employment and improved land use and will, hopefully, result in the establishment of a fully viable, self-supporting civilian operated Vieques forestry industry. The Navy will manage the forest during its formative years and provide the funds necessary to hire laborers, plant seedlings (to be provided by the Commonwealth Department of Natural Resources) and maintain the developing forest until it is financially self-sustaining through harvesting and reforestation. The parties recognize the existence of a statutory framework for the distribution of profits from such a Navy managed forest (10 USC 2665) but are hopeful the Commonwealth can obtain an exception to allow for a more expansive use of the profits. The Navy will support the Commonwealth's efforts to obtain such a Congressional modification. In any event, profits which become available for disbursement outside the Navy will be expended for the socioeconomic welfare of the people of Vieques and will be managed/distributed by a mutually acceptable Commonwealth or Municipal agency or organization. The Navy will reduce and ultimately withdraw its financial support for the program when it appears the project is financially self-sustaining. Acknowledging the possibility of statutory restrictions, it is nonetheless the Navy's intention that the forest and its associated industry will enure to the people of Vieques as soon as possible.

If it becomes clear that the forestry project at the Naval Ammunition facility is an economically feasible land use, the Navy and the Commonwealth Department of Natural Resources will consult on the expansion of such a program to other Navy lands on Vieques. If it is legally permissible for the Navy to expend its funds to support the development of an agriculture project on its Vieques lands, then a program similar to the forestry one above will be formulated in cooperation with the Commonwealth Department of Natural Resources.

## III ORDNANCE DELIVERY IN INNER RANGE ON VIEQUES

The safety of personnel (civilian and military) during the conduct of military training operations is of vital importance. The Navy maintains that the training of military personnel is essential to national defense and must be conducted under the most realistic circumstances available. The Navy further maintains that training facilities at Vieques are particularly and

uniquely suited to offshore gunfire, air to ground bombing, artillery and ground weapons firing, and amphibious landing exercises and constitute the single most important combined training area in the Atlantic Fleet.

According to naval experts the delivery of ordnance on a target is of critical training importance. The Navy will conduct its ordnance delivery operations in the safest possible manner; briefings for range users, flight pattern restrictions, voice and radar control of aircraft, ordnance arming and dropping restraints, limitations on ships' firing angles and careful attention to the potential risks will continue.

To the greatest extent possible, and consistent with national defense needs, the Navy will maintain the utilization of explosive ordnance at an absolute minimum. While numerous training exercises can and will be conducted with inert ordnance, the Navy stipulates that realistic training requires the storage, movement, loading, arming, carrying, dropping or firing, and observing of the ordnance that will be utilized during a war.

According to naval experts, predictions regarding numbers or percentages of live/inert ordnance are impossible because the type of ordnance required to best accomplish the training mission is dictated by the amount and kind of activity conducted. Statistics regarding the types of ordnance used at the Inner Range will be maintained and made available on request to appropriate Commonwealth representatives.

The Navy will continue to take all necessary steps for the protection of the people of Vieques from mishaps involving the use of live ordnance and high-powered aircraft flying adjacent to the populated areas of Vieques. The Navy will maintain records of the existence and location of unexploded live ordnance within the Impact Area. It will continue its policy of neutralizing and removing all detectable ordnance during its semiannual Range Refurbishment periods or on a more frequent basis, if necessary.

The Navy will not extend the use of live bombing, shelling and strafing to additional areas in Vieques. The Navy will use live ordnance for such activities only in the Impact Area of the Inner Range. (See Appendix A). These military practices will not interfere with civilian population activities in Vieques.

The Commonwealth of Puerto Rico, through the Secretary of the Commonwealth State Department, will be notified fifteen (15) days before the conduct of major military exercises on Vieques. This information will be highly confidential, and so, it will not be used or made public by Commonwealth agencies.

#### IV ENVIRONMENTAL MATTERS

##### A) TROPICAL ECOSYSTEMS/CONSERVATION ZONES

The parties recognize that because of the close proximity of various lagoons and mangrove areas to Air to Ground (ATG) and Naval Gunfire Support (NGFS) targets within the Impact Area on the eastern end of the Island of Vieques, these areas may well sustain hits from stray ordnance. Every reasonable effort will be made by the Navy to reduce adverse impact on these areas. Specifically, ATG and NGFS targets in the immediate vicinity of lagoons will be relocated to reduce the risk of damage from ordnance impact. The relocation of the targets is reflected on the map attached hereto as Appendix A.

The Navy recognizes the natural importance of the diverse tropical ecosystems located on land under its control and agrees that such systems should be protected to the maximum extent possible. To ensure the continued existence of these natural resources, the Navy agrees to establish conservation zones in the following areas:

- a) Mt. Pirata
- b) Laguna Kiani
- c) Laguna Playa Grande
- d) South Coast Bays
- e) Embenailu Honda
- f) Cuyo Cunejo
- g) Punta Este

Specific boundaries of such zones, as well as appropriate management guidelines, will be developed by the parties in consultation with the U.S. Fish and Wildlife Service. Rehabilitative and mitigative efforts to preserve and enhance these areas, as suggested in the recently completed Navy contractor mangrove study, will be undertaken by the Navy.

Conservation zones will be protected from damaging activities and will be managed to maintain their natural values. Activities within the zones will be in strict accordance with the purpose of their creation.

#### **B) SEA TURTLE MANAGEMENT**

The U.S. Navy has contracted for a sea turtle study to determine mitigating measures to ensure Navy activities do not jeopardize the continued existence of the sea turtle. (Having received and analyzed this study.) the Navy has consulted with the Commonwealth Department of Natural Resources regarding the study's final recommendations and as a result, Navy activities have been restricted as follows:

1. Only Red and Blue Beaches are used for major amphibious exercises since no turtles have been sighted on these beaches for two consecutive years. Spot surveys are still conducted and if nests are discovered the nests are marked off limits.
2. If operations are planned on Yellow, Purple, or Green Beaches, the Navy agrees to survey such beaches starting 60 days prior to the landing. All discovered nests will be marked off limits.
3. If turtle nesting is observed at the ends of the beach exercises will be confined to the center of the beach, thereby eliminating traffic from the apparently preferred turtle nesting areas at the ends of beaches.
4. The "Cooperativa de Ganaderos de Vieques" lease will be modified to remove all beach areas from authorized grazing lands.
5. Signs prohibiting vehicles on beaches will be erected.
6. Security forces will be briefed on the protection of sea turtles and procedures for enforcement of protective measures.
7. Operators of Navy vessels will be briefed to avoid turtles when sighted at sea.
8. If sea turtles are killed or injured exercises in the immediate area of the incident will be temporarily halted and an immediate report made to Commander Naval Forces, Caribbean, who will initiate an investigation including, where necessary, initiation of consultation with the National Marine Fisheries Service or U.S. Fish & Wildlife Service and the Commonwealth's Department of Natural Resources.

#### **C) SEA MAMMAL MANAGEMENT**

Although sea mammals (whales and manatees) are infrequent visitors to the Range waters of Vieques, the Navy agrees to take the following measures to ensure its activities do not jeopardize their continued existence:

1. Live delivery of ordnance will be halted when a sea mammal is sighted within 1000 yards of the target.
2. Operators of Naval vessels will be cautioned to avoid all sea mammals when sighted.
3. If whales or manatees are killed or injured exercises in the immediate area of the incident will be temporarily halted and an immediate report made to Commander Naval Forces, Caribbean, who will initiate an investigation including, where necessary, initiation of consultation with the National Marine Fisheries Service and the Commonwealth's Department of Natural Resources.
4. A log will be maintained at the Vieques Inner Range Observation Post and all whale and manatee sightings will be recorded and reported to the U.S. Fish and Wildlife Service Land Manager.
5. The Navy will ensure that its activities do not disrupt the extensive sea grass beds west of Mosquito Pier. This area is a favorite feeding habitat for the manatees.

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#### D) BROWN PELICAN MANAGEMENT

The endangered Brown Pelican nests on Cayo Conejo, a small island in Bahía Salina del Sur, Inner Range, Vieques Island. To ensure the protection of such creatures, and the continued existence of this important breeding colony, the Navy agrees to the following protective measures:

1. Fixed wing aircraft are not permitted to fly lower than 500 feet over the island.
2. Helicopters are not permitted to fly lower than 1500 feet within a 1000 foot radius circle surrounding the island.
3. Visitors, either military or civilian, are not permitted on the island.
4. Scientific study is allowed only with the approval U.S. Fish and Wildlife Service.
5. Signs have been posted to discourage trespassers.

Additionally, the Commonwealth's Department of Natural Resources has been conducting a study of the island since 1980. The preliminary findings indicate that this colony is currently the largest in Puerto Rico and that the actions taken by the Navy to protect the island have proven successful. The Commonwealth of Puerto Rico agrees that the Navy's activities on the Inner Range are not harmful to the continued existence of the Brown Pelican breeding colony on Cayo Conejo, provided the Navy continues the protective measures listed above. The U.S. Navy agrees to protect the island in the future and, upon publication of the Department of Natural Resources Study, will consult with U.S. Fish and Wildlife Service on possible additional protective measures. The Commonwealth's Department of Natural Resources will be notified of any problems regarding health/safety of Brown Pelicans on Cayo Conejo.

#### E) NOISE

The parties agree that noise from military operations should be kept to a minimum to avoid the creation of unnecessary disturbance to the civilian populace.

To ensure that noise levels produced in the civilian community of Vieques are closely monitored, the Navy agrees to establish a remote monitoring station in the vicinity of the Destino/Luyan wards. This station will be linked by microwave to the Main Observation Post (OP) on the Impact Area and will provide real time noise levels.

#### F) HISTORIC PRESERVATION

The U.S. Navy and the Commonwealth State Historic Preservation Office have entered into a formal Memorandum of Understanding regarding cultural resources on the Island of Vieques. The agreement provides as follows:

1. All high and moderate potential sites were surveyed for cultural resources by March 1983.
2. An intensive survey of the sites identified above is to be conducted with completion due March 1987.
3. Sites determined to be eligible for nomination to the Historic Register are to be submitted by March 1987.
4. The Navy will endeavor to protect all sites against illegal collection.
5. The Navy will consult with the State Historic Preservation Officer in accordance with regulations contained in the Code of Federal Regulations.
6. The Navy will develop and implement a Cultural Resources Management Plan by March 1987 (an interim plan has been developed and implemented).

The parties hereto adopt the above described agreement as part of this Memorandum of Understanding.

#### G) EX-USS KILLEN

During the 1970s, the U.S. Navy maintained an active water target, the USS KILLEN, in the Inner Range at Vieques. The ship is currently sunk in the vicinity of Roca Alcatraz, Bahía Salina del Sur. A joint underwater inspection was made by Commonwealth Department of Natural Resources and U.S. Navy representatives. The parties agree the wreck is an

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important marine habitat and that no action should be taken to remove the remaining hulk because it would be ecologically damaging to attempt to do so. The hulk is not a hazard to navigation, is being colonized by coral and should be left in place as a marine habitat.

#### **H) PARACHUTE FLARES**

During night operations, parachute flares are released from aircraft to illuminate the target area. The parachutes normally fall on land in the vicinity of the Observation Post, but approximately 5-10% fall into the water. The Navy agrees to monitor the wind condition prior to a night exercise in order to minimize the number of parachutes that fall into the water.

#### **I) MANAGEMENT ADVISORY COMMITTEE**

The parties agree to the establishment of a committee to assist the Navy in managing natural resources under its jurisdiction in Vieques Island. The committee will be composed as follows:

- a) Two representatives from the U.S. Navy;
- b) One representative from the U.S. Fish and Wildlife Service;
- c) One representative from the U.S. Forest Service (Institute of Tropical Forestry); and
- d) Two representatives from the Department of Natural Resources of the Commonwealth of Puerto Rico.

The Committee will provide for the continuation of the discussions and exchange of information which led to this memorandum of understanding and will facilitate the resolution of environmental problems/concerns. Specifically the Committee will:

- a) Identify problems related to the management of natural resources and recommend precise policies;
- b) Identify research needs and assist in the development of scope and specifications for such research, including a census of endangered species;
- c) Recommend final boundaries for the Designated Conservation Zones; and
- d) Recommend permissible uses for Conservation Zones.

The Committee will meet every three months or as often as necessary to accomplish its responsibilities. The U.S. Navy will provide logistical support for the transportation of committee members to, from and around Vieques, when such is necessary.

#### **J) MANAGEMENT OF RESTRICTED AND DANGER ZONE WATERS**

A Danger Zone and two restricted areas have been established for certain waters around the Island of Vieques. When military operations are scheduled in these areas, the Navy advises area fishermen of the dates and times of such activities and will continue to do so. Notices to Fishermen for the following week's activities are generally issued on Wednesday. The notices are posted at the police station, post office and the main gate at Camp Garcia. When operational requirements necessitate changes to posted notices, at least forty-eight hours notice of the change is given. The changes are posted at the same locations as the regularly promulgated Notices.

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#### **CONCLUSION**

As a result of agreements reached and enumerated above, the following specific actions will be taken:

A) The Commonwealth of Puerto Rico and the Department of the Navy will immediately terminate, without prejudice and without further resolution by the Courts, the litigation pending in the case of United States v. Commonwealth of Puerto Rico and the Environmental Quality Board. The Navy will initiate and both parties will appropriately file necessary documents to ensure the lawsuit is withdrawn or dismissed.

B) The Navy will request, and the Commonwealth Environmental Quality Board will reevaluate, on its merits, the Navy's application for a Water Quality Certificate regarding its Vieques training operation.

C) Nothing contained in this Memorandum of Understanding will be construed as a limitation to the rights of either party to seek appropriate relief in the courts with regard to any future differences which may arise, and which cannot be resolved otherwise.

THE COMMONWEALTH OF PUERTO RICO

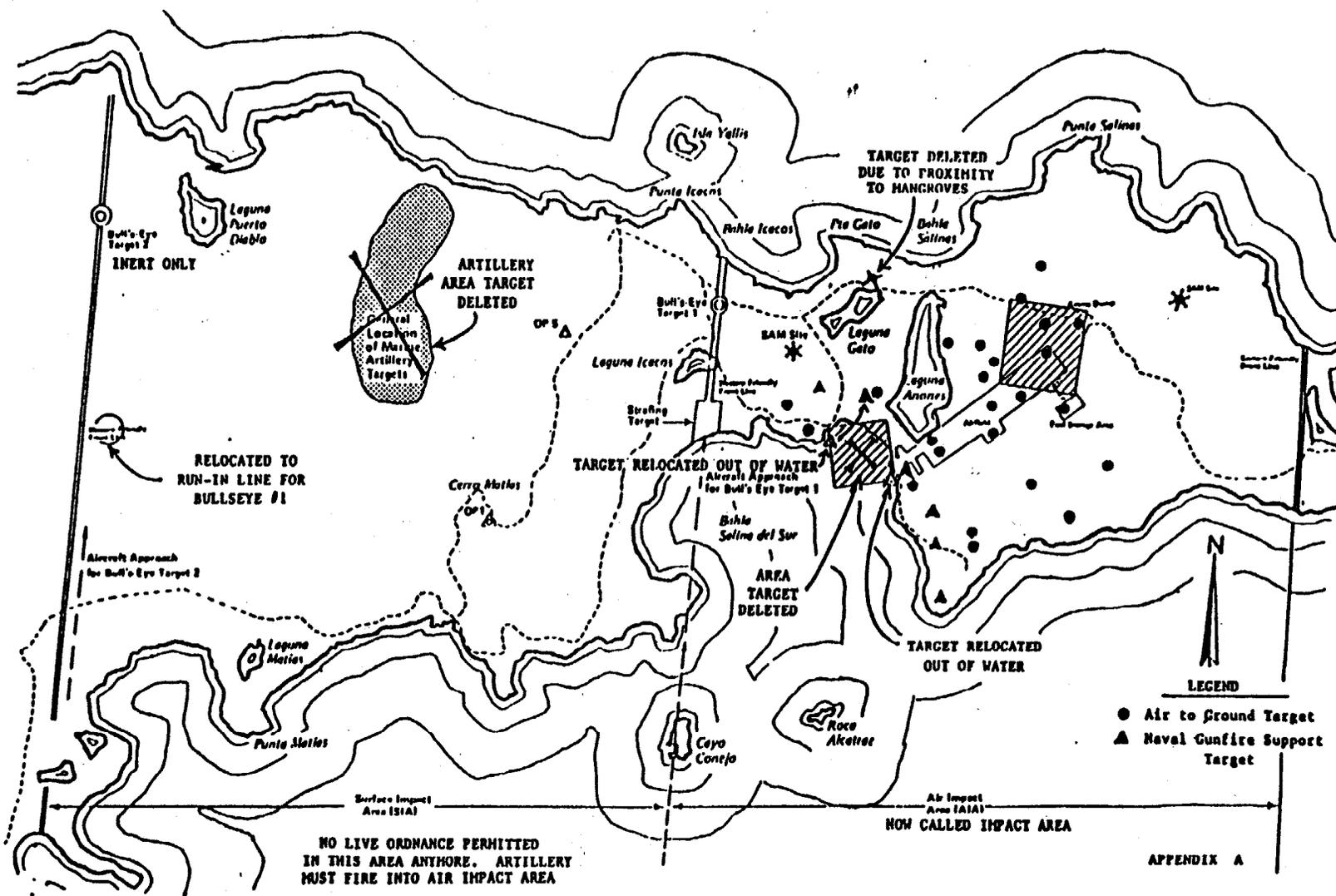
By Carlos Romero Barceló  
Carlos Romero Barceló  
Governor

THE UNITED STATES DEPARTMENT  
OF THE NAVY

By James F. Goodrich  
James F. Goodrich  
Acting Secretary of the Navy



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Bull's Eye  
Target 2  
INERT ONLY

RELOCATED TO  
RUN-IN LINE FOR  
BULLSEYE #1

Aircraft Approach  
for Bull's Eye Target 2

ARTILLERY  
AREA TARGET  
DELETED

Original  
Location  
of Marine  
Artillery  
Targets

TARGET RELOCATED OUT OF WATER  
Aircraft Approach  
for Bull's Eye Target 1

AREA  
TARGET  
DELETED

TARGET DELETED  
DUE TO PROXIMITY  
TO MANGROVES

TARGET RELOCATED  
OUT OF WATER

LEGEND

- Air to Ground Target
- ▲ Naval Gunfire Support Target



Surface Impact  
Area (SIA)

Air Impact  
Area (AIA)  
NOW CALLED IMPACT AREA