

RESPONSES TO COMMENTS
PUBLIC INTERVIEWS OF JULY 19, 2000
MENEMSHA SCHOOL, CHILMARK, MASSACHUSETTS

1. Several participants stated that the Navy should follow the Public Involvement Process as required in M.G.L. 21E (Massachusetts Contingency Plan - MCP). This would include a more formal meeting where everyone can speak and be heard by all. Minutes should be taken and distributed to all petitioners, and interviews should be tape-recorded. The Plan should clearly state that it is in compliance with M.G.L. 21E, and not confused with a CERCLA-like process.

Response: The Navy is following the Community Relations requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). However, where practical, the standards for public relations established by the MCP are being followed.

2. Participants requested more advance notice of meetings, including notices in newspapers, the Tribal newsletter, flyers, and on radio and television.

Response: The Navy will provide more advance notice for future meetings. It is anticipated that meetings will be advertised in the Vineyard Gazette and the Martha's Vineyard Times at least 14 days prior to the meeting. In addition, Chilmark, Aquinnah, Tribal officials, and persons listed on the mailing list will be notified at least 7 days prior to publication in the newspapers. Persons wishing to be added to the mailing list should notify the point of contact identified in the Plan.

3. One participant stated that the Navy should provide transportation to participants coming from off-island.

Response: The Navy does not plan to provide transportation to future meetings. Efforts will be made to hold meetings in a place that is convenient for the attendees.

4. It was requested that an additional Information Repository be established at the Wampanoag Tribal offices, under control of the Tribal Natural Resources Department.

Response: Documents were provided to the Wampanoag Tribe for Tribal use in July 2000. The Tribe will receive updates when the Information Repositories are updated.

5. Participants requested varying amounts of time to review documents issued for public comment. Several agreed that 20 days was adequate, while others felt more time, up to 90 days, would be more appropriate.

Response: It is anticipated that 30-day comment periods will be established for most documents. If there is significant public interest, an extension of 15 additional days may be requested.

6. Several participants felt there should be a uniformed Naval officer at the meeting because there are non-environmental policy issues to be addressed.

Response: The purpose of the July 2000 meeting was to solicit comments on the Community Relations and Involvement Plan, which covers environmental issues on Nomans Island. This was not a forum for "non-environmental policy issues."

7. Several participants stated that the Plan should address additional areas including:

- cancer and other health risks in relation to Nomans Island
- plans for protecting the public
- waters surrounding the island
- Navy impacts on natural and cultural resources

Response: The purpose of the Plan is to address public participation procedures for environmental actions on Nomans Land Island. Several other issues related to the Island are being investigated separately.

8. Participants stated that residents should be contacted prior to the meeting to ensure their concerns were included on the agenda.

Response: Interested parties are welcome to submit suggestions for agenda items at any time. These suggestions will be considered in establishing the agendas for future meetings. Suggestions should be sent to the point of contact listed in the Plan.

9. One participant stated that time should be allowed for community consultants, organizations, and groups to present data, observations, and recommendations that they have collected independently to the Navy and other participants at meetings.

Response: The purpose of these Navy-sponsored meetings is to review Navy environmental actions. Community consultants, organizations, and other groups may submit comments and information to the Navy for consideration.

10. Participants stated that the Navy should provide funding (such as a Technical Assistance Grant – TAG) for an independent assessment of data for community groups and petitioners concerned with the negative health effects from environmental contamination emanating from the Island, including the effects of contamination of the water.

Response: Request for a Technical Assistance Grant must meet eligibility requirements as presented in the Code of Federal Regulations (32 CFR Part 203).

11. Several participants stated that the meetings should take place in the town where the majority of the petitioners reside, for the convenience of the petitioners.

Response: Public meetings are normally held in the town where the site is located. Efforts will be made to provide a date, time and location convenient to petitioners for future meetings.

12. One participant suggested development of a web site to disseminate information, while another suggested a toll free telephone number be established for public comments.

Response: The Navy has no plans to develop a web site or provide a toll free number at this time. It is anticipated that the procedures specified in the Community Relations and Involvement Plan will be sufficient to disseminate information about environmental issues on the Island.

13. A participant stated that the Fact Sheet “looks pretty, but is all fluff,” and that UXO is not adequately addressed.

Response: The Fact Sheet was intended to provide background information about the Island, and an accurate, concise overview of actions completed thus far. Technical discussions were kept to a minimum. Additional technical information is available in the information repositories.

14. Tribal participants requested additional historical information be added to informational posters, including:

-Discussion of a 1666 deed

-That the Tribe used the Island before 1714 as an “encampment” rather than a “summer camp.”

Response: The Navy verbally requested that documentation be provided so it can be accurately included in the site history.

15. Many participants voiced opinions on what would be the appropriate level of UXO cleanup on the Island, and were concerned that Nomans was to be considered the “standard” for other UXO sites. Opinions ranged from taking no further action, to using new technologies to detect UXO, to doing extensive excavation to reach buried UXO. One participant stated that there are methods of cleaning up the subsurface UXO that do not damage the Island.

Response: The Navy is required to clean up the Island to a level appropriate for the intended reuse as an unstaffed wildlife refuge. UXO was cleared from the surface of the Island in accordance with a plan approved by the Department of Defense Explosives Safety Board (DDESB) to allow this reuse. Removal of UXO below the surface would be detrimental for the intended reuse. Intrusive methods of locating and removing buried UXO would destroy habitat that makes the Island desirable to wildlife. Although new technologies for locating and mapping UXO are being developed, there are no technologies available for removing subsurface UXO without disturbing the Island and destroying the habitat.

16. Tribal participants voiced concern with the lack of attention to the offshore aspect of the bombing range. The surrounding waters of Nomans should be addressed since the use of the island as a bombing range may have adverse impacts on the surrounding waters, which are used for the residents’ livelihood as well as for subsistence.

Response: Environmental impact on surrounding waters will be reviewed. Waters surrounding the island are restricted.

17. Tribal participants stated there is a potential economic impact on the Tribe since they will soon be opening up their shellfish hatchery on Martha’s Vineyard and selling products to the community. They want to be sure what they are selling is not contaminated by what is on and around the Island. Several other participants raised questions about the safety of fish and shellfish taken from waters around the island.

Response: There is no reason to believe that waters around Martha’s Vineyard would be contaminated from Nomans Land Island. Although unlikely, the potential for contamination of fish and shellfish around the Island is being reviewed.

18. Participants stated that the State's right to demand additional cleanup supercedes internal Navy policy that no additional cleanup is needed.

Response: The Navy has not drawn any conclusions regarding the need for additional environmental cleanup. The need for additional cleanup will be determined based on results of the current sampling and analysis program, consistent with State technical requirements. The Department of Defense, through the Department of Defense Explosives Safety Board (DDESB), has authority for explosive safety matters, including clearance of UXO (10 U.S.C. 172). UXO clearing has been undertaken in accordance with procedures approved by the DDESB, and has met the requirements for use of the Island as an unstaffed wildlife refuge.

19. Two participants supported the Wampanoag Tribe's request for EPA to place the Island on the CERCLA National Priorities List (NPL).

Response: The Navy has provided data to EPA to allow evaluation of the Island by EPA.

20. A participant asked if there is a problem with the water on the Island because on 2 invertebrates are listed on the USFWS inventory.

Response: Water samples have been collected during the current sampling program. Results will be used to develop an Ecological Risk Assessment as part of the report due in the fall.

21. A Tribal participant stated that a report was prepared for the Tribal Natural Resources Department using a database for the genealogy of the Tribal members. The purpose of the report was to document the incidence of cancer for the Tribe from 1952 through 2000. There were 27 deaths attributed to cancer during that time. The report was presented in March 2000 at an EPA conference in Boston, and has been presented in DC and to the CDC in Atlanta. Dr. Howard Koh has agreed to assist the Tribe in any way he can to address the increased rate of cancer in the area.

Response: Comment noted. The Agency for Toxic Substance and Disease Registry (ATSDR) is considering a petition for a cancer study of the area.

22. Tribal participants stated that the Tribe is suspicious of what the Navy is doing because the Navy is not forthcoming with the information they have. It was suggested that a relationship or partnership between the Tribe, the Navy, and USFWS be developed.

Response: The Navy has provided several opportunities for the public to learn about conditions on the Island and actions being taken. Three public meetings and a poster session have been held at Chilmark, Gayhead, and Menemsha. Available information regarding environmental conditions on the Island has been placed in information repositories in Chilmark and Aquinnah. In an attempt to be more responsive to the Tribe, copies of major documents were recently provided to the Tribal offices and the Navy has proposed a meeting with Tribal authorities.

23. Tribal participants felt that they have not been treated with due respect, and stated that dealings between the Tribe and the Navy should be on a government-to-government basis, based on Executive Order 13084.

Response: The Navy is pursuing consultation with the Tribe under Executive Order 13084.

24. One participant stated that the Federal government must acknowledge the Tribe as partners because of "ownership" issues, and that jurisdiction of the Island is highly emotional and "will not go away." Many participants voiced opinions on what activities should be permitted on the Island. Opinions ranged from leaving the Island undisturbed, allowing nature walks, permitting recreational uses, and allowing the Tribe to visit and to conduct burials

Response: See previous response. The Island is owned by the United States of America, and is under management by the US Fish and Wildlife Service. The Island has been designated as an unstaffed wildlife refuge, with no public access. No change to this designation is anticipated. The Navy is managing environmental actions for use of the Island as an unstaffed wildlife refuge.

25. Participants voiced concerns that there is no way to absolutely restrict human access to the Island, and that cleaning up to the low water mark was inadequate due to people dropping anchor. Others asked if there would be a Management Plan that will address controlling access to the Island.

Response: Access restrictions in place today are the same as those in place when the Island was an active bombing range. A Management Plan for the Island is under development for use by USFWS.

26. Several participants voiced opinions about the future ownership of the Island. One stated that the Island should remain part of Chilmark, another stated that it should be turned over to the Tribe, and another felt the USFWS should remain the managers of the Island. Others were concerned that the Tribe would attempt to develop the island.

Response: The Island is owned by the United States of America, and is under management by the US Fish and Wildlife Service. This Island remains within the boundaries of Chilmark Township.

27. A Tribal participant stated that the perception that the Tribe wants to develop a casino on the Island is untrue.

Response: Comment noted.

28. Several participants suggested closer coordination between the Navy and other Federal Facilities in the vicinity, due to the similarity of issues at the Island.

Response: The Navy will coordinate with other Federal agencies to the extent practical.

29. One participant requested a presentation of the Risk Assessment for the Island and information about aquifers beneath the Island.

Response: Human Health and Ecological Risk Assessments will be included in the sampling report due to be released this fall. Information regarding aquifers beneath the Island will also be included in that report.

30. Participants voiced concerns about the possibility of bombs in Squibnock Pond and of the possibility that a "missile" was buried on the Island after JFK was assassinated.

Response: The Navy has no information regarding either of these issues.

31. Participants questioned the cancer studies conducted to date. Does the low population of the towns make them stand out in the cancer survey? Did the survey take into account the people who moved to the Vineyard from other places? Another stated that the studies have not proven anything and that cancers may have come from other sources.

Response: Questions regarding these cancer studies should be referred to the organizations that conducted the studies. Also, see response to Comment #21.

32. Participants voiced opposition to the transfer of the Island to USFWS, and suggested the intent was to minimize the need for cleanup.

Response: The USFWS has been managing a large portion of the Island as a wildlife refuge since the 1970's. Proper transfer procedures were followed.

33. Participants stated that appropriate protocols were not adhered to when the Island was transferred, and they felt the Tribe's request for the Island was ignored.

Response: The Navy followed established procedures for transfer of the Island to USFWS. This issue has been reviewed and responded to in previous correspondence.

34. A participant stated that archeological surveys should have been conducted prior to transfer to USFWS.

Response: Archeological surveys were not required due to transfer of the Island between two Federal agencies, and the fact that clearance of UXO did not involve new ground disturbance.