

**APPENDIX A:
GENERAL CONFORMITY
RECORD OF NON-APPLICABILITY (RONA)**

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General Conformity – Record of Non-Applicability (RONA) for Clean Air Act Conformity for the Disposal and Reuse of Surplus Property at Naval Air Station Barbers Point, Oahu, Hawaii

The proposed action falls under the Record of Non-Applicability (RONA) category and is documented with this RONA.

PROPOSED ACTION

Action Proponent: U.S. Department of the Navy, Base Realignment and Closure (BRAC) Program Management Office (PMO) West.

Location: Naval Air Station (NAS) Barbers Point, Oahu, Hawaii.

Proposed Action Name: Disposal of Surplus Property at NAS Barbers Point, Oahu, Hawaii.

Proposed Action: The Proposed Action is the disposal of the remaining surplus Navy property at NAS Barbers Point and its subsequent reuse in a manner consistent with the Kalaeloa Master Plan (KMP), as adopted by the Hawaii Community Development Authority (HCDA) and State of Hawaii. Disposal of the property is the responsibility of the Navy. The HCDA is responsible for implementing the KMP following disposal.

Status: The State of Hawaii is in attainment of the National Ambient Air Quality Standards (NAAQS) and State ambient air quality standards established for all criteria pollutants.

Date RONA prepared: July 12, 2011.

RONA prepared by: Ronald Bochenek, BRAC PMO West

PROPOSED ACTION EXEMPTION

The Proposed Action does not trigger the conformity rule per 40 CFR 93.153(c)(2):

(xi) The granting of leases, licenses such as for exports and trade, permits, and easements where activities conducted will be similar in scope and operation to activities currently being conducted.

(xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of transfer.

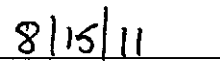
(xix) Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of CERCLA, and where the Federal agency does not retain continuing authority to control emissions associated with the land, facilities, title, or real properties.

RONA APPROVAL



Laura Duchnak

Director



Date

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APPENDIX B:
AGENCY CORRESPONDENCE

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
2011-TA-0092

FEB 04 2011

Ms. Karen Sumida
Business Line Manager
Environmental
Naval Facilities Engineering Command, Pacific
258 Makalapa Drive, Suite 100
Pearl Harbor, Hawaii 96860-3134

Subject: Compliance with Section 7 of the Endangered Species Act (ESA) for Navy BRAC Disposal and Reuse of Lot 13058-D Former Northern Trap and Skeet Range, Barber's Point, Oahu

Dear Ms. Sumida:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) December 29, 2010, receipt of your letter informing us of your determination that the Navy BRAC disposal and reuse of Lot 13058-D former Northern Trap and Skeet Range [TMK: (1) 9-1-013:039] will not affect the endangered Ewa Plains akoko [*Chamaesyce skottsbergii* var. *skottsbergii* (akoko)]. We disagree with that finding for the reasons discussed below, and strongly recommend that the Navy request formal consultation with the Service to ensure proper compliance with section 7(a)(2) of the ESA. As you know, the affected akoko population is the last remaining natural population of this species in the wild and we are very concerned that ongoing development in the Barber's Point area may cause the extinction of this species.

Your letter presents three reasons as the basis for your "no effect" determination: (1) the proposed action would include the adoption of a conservation plan for the akoko that is acceptable to the State of Hawaii Division of Forestry and Wildlife; (2) the proposed action would include a restrictive covenant provision in the deed of conveyance requiring that the above conservation plan remain in place; and (3) your contention that the State of Hawaii's protection of listed species through Hawaii Revised Statute (HRS) 195D provides greater protection for listed plant species than does the ESA.

For the following reasons, we contend your "no effect" determination is premature and does not fulfill your obligations pursuant to the requirements of section 7 of the ESA regarding the effect of the land transfer to the last extant natural population of akoko in Hawaii:

Ms. Karen Sumida

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1. Your effect determination should consider a specific, adequate, and binding conservation plan for the akoko with assurances that it will be sufficiently funded.
2. Your effect determination should include a thorough analysis of the effects of interrelated and interdependent activities pertaining to the land transfer.
3. Your effect determination should consider a specific restrictive covenant that includes binding assurances for the protection of the akoko population and must be enforceable. Please note that a deed restriction may not include the same benefits as a conservation easement and does not ensure that your proposed action does not jeopardize the continued existence of the akoko.
4. Prohibiting take of individuals under Hawaii Revised Statute 195D does not equate to ensuring that your proposed action does not jeopardize the continued existence of the akoko, as required under section 7(a)(2) of the ESA. Hawaii Revised Statute 195D prohibitions for take of listed species does not take into account the cumulative effects caused by future State, tribal, local or private actions that are reasonably certain to occur in the area affected by a proposed Federal action. The implementing regulations for ESA section 7 advise Federal agencies to consider such effects in their effect determinations and require the Service to consider such effects in a jeopardy analysis. As proposed, the land transfer may result in the loss of habitat that is essential for the continued existence and recovery of this critically imperiled plant species. In addition, consultation under ESA section 7(a)(2) requires consideration of effects to recovery of the species. *Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 481 F.3d 1224 (9th Cir. 2007).

The Service is prepared to work closely with the Navy to ensure that proper compliance with section 7(a)(2) of the ESA is achieved in this situation. Therefore, I would also like to renew discussions with you regarding the transfer of this parcel to the Service for inclusion in the National Wildlife Refuge system. Our staff point-of-contact on this matter is Aaron Nadig, Fish and Wildlife Biologist, Consultation and Habitat Conservation Program. Please contact Aaron at (tel) (808) 792-9466 or (fax) (808) 792-9581 for further assistance.

Sincerely,


Loyal Mehrhoff
Field Supervisor

TAKE PRIDE
IN AMERICA 



DEPARTMENT OF THE NAVY
 NAVAL FACILITIES ENGINEERING COMMAND, PACIFIC
 288 NAKALAPA DR., STE. 100
 PEARL HARBOR, HAWAII 96860-3134

11015.4A8B
 Ser EV2/1033
 22 DEC 2010

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 Ser EV2/1033
 22 DEC 2010

Dr. Loyal Mehrhoff
 Field Supervisor, Pacific Islands Fish and Wildlife Office
 U.S. Fish and Wildlife Service
 Box 50088
 Honolulu, HI 96850

Dear Dr. Mehrhoff:

**SUBJECT: SECTION 7, ENDANGERED SPECIES ACT, DETERMINATION REGARDING
 THE TRANSFER OF LAND (LOT 13058-D) AT THE FORMER NAVAL AIR
 STATION BARBERS POINT, KALAELOA, OAHU, HAWAII**

This follows our previous letters and other communications to and from the U.S. Fish and Wildlife Service (USFWS) regarding the Navy's proposed disposition of Lot 13058-D at the former Naval Air Station Barbers Point, Kalaeloa, Oahu, Hawaii. At issue has been the potential that such actions may affect the endangered 'akoko plant (*Chamaesyce skottsbergii* var. *kalaeloana*), and that such effects would trigger the need for a formal Section 7 consultation with USFWS as required by the Endangered Species Act (ESA). Although the Navy's transfer of legal title does not affect the plants in any way, subsequent actions of a future land owner may. As planned, the lot would be transferred to the Hawaii Community Development Authority (HCDA).

In a September 22, 2009 meeting with Mr. Aaron Nadig of your staff, Navy was advised to first seek to structure the transfer to avoid any impact to the 'akoko. Recently, this would have been essentially impossible because the Navy had no authority to encumber the deed of transfer or direct the behavior of any future title holder regarding the endangered plants. However, Section 2852 of the 2010 National Defense Authorization Act (Land Conveyances, Naval Air Station Barbers Point, Hawaii) specifically allows Navy to place restrictive covenants in the deed of conveyance to protect and conserve natural resources, providing an opportunity to avoid impacts to the 'akoko and facilitate the transfer.

The Navy proposes to place a restrictive covenant in the deed of conveyance to require that a conservation plan acceptable to the State of Hawaii Division of Forestry and Wildlife must always be in place. A draft conservation agreement was provided to you with our September 23, 2010 letter. The agreement has been modified and is enclosed as an example of the type of conservation plan that must remain in place for the 'akoko.

In consideration of the following, Navy has determined that the transfer of Lot 13058-D to HCDA will not affect any listed species:

1. Navy will require the property recipient to adopt a conservation plan acceptable to the State of Hawaii Division of Forestry and Wildlife prior to conveyance.
2. Navy will place a restrictive covenant in the deed of transfer requiring that a conservation plan remain in place for the 'akoko.
3. The State of Hawaii's ESA provides a greater degree of protection for endangered and threatened plants than does the Federal ESA and regulations that implement Section 7 (Interagency Cooperation). Thus, transfer of the property out of Federal ownership will afford 'akoko a higher degree of statutory protection from adverse impacts of future non-Federal actions. Future actions with a Federal nexus would still be required to undergo Section 7 review.

Navy's commitment to undertake 'akoko conservation actions on Lot 13058-D over the past decade resulted in a dramatic increase in the number and distribution of that species. We share your concern that trends not be reversed. After consideration of the legislated protections afforded by the State's ESA and the actions to require a Conservation Agreement that would be binding on HCDA and/or a subsequent lease holder, we have concluded that Navy's action of transferring ownership will not affect the 'akoko.

Sincerely,

KAREN SUMIDA
 Business Line Manager
 Environmental

Encl: Draft 'Akoko Conservation Agreement

Copy to:
 Navy BRAC PMO West
 HCDA
 State of Hawaii Division of Forestry and Wildlife

Conservation Agreement
'Akoko (*Chamaesyce skottsbergii* var. *kalaeloana*) at Lot 13058-D, Kalaeloa, Oahu, Hawaii
(Date)

BACKGROUND

The Navy has been charged through the Base Realignment and Closure (BRAC) program to identify land that is excess to the Navy mission and transfer ownership of such land to other parties, where warranted. Various parcels at the former Naval Air Station, Barbers Point (NASBP), comprising 3,723 acres of the southern coastal plain of Oahu, were identified for transfer, and NASBP was officially closed in 1999.

One of the steps in excessing the property was for the Navy to survey parcels for possible contamination by hazardous substances. Surveys of the 146-acre Parcel 13058-D (map and photo attached) identified that a 23-acre portion of the parcel (previously used as a trap and skeet range) had elevated levels of lead and arsenic (components of shot pellet) in the soil and rock. The contaminants were removed by scraping away the surface of the area.

Natural populations of the endangered 'Ewa Plains 'akoko (*Chamaesyce skottsbergii* var. *kalaeloana*) only occur in the 'Ewa Plains region of Oahu. It was determined that the largest concentration of the plant occurred within the 23-acre area to be remediated and that the cleanup action would adversely affect a high percentage of the 'akoko population there. In consultation with the U.S. Fish and Wildlife Service (USFWS), the Navy agreed to initiate and fund a 5-year 'akoko conservation plan to mitigate the loss of the plants within the formerly contaminated 23-acre site (Conservation Work Plan of May 19, 2003). The bulk of the mitigation was accomplished through the establishment of another population of several acres of 'akoko within the 146-acre Parcel 13058-D. Those plants have flourished and now represent the greatest concentration of the endangered plant known in the world.

CONSERVATION ACTIONS

In order for the Navy to dispose of Parcel 13058-D, as required under BRAC law, the following provisions are proposed to be included under transfer to ensure that the subsequent land owner will continue to conserve and properly manage the several acres within the parcel and the 'akoko population it sustains.

1. Records: Detailed records have been kept of 'akoko conservation actions taken to date in the area. These records provide information valuable for continuing 'akoko management and include maps showing the location of the plant concentrations and records of past herbicide and insecticide applications, planting dates and locations, notations of weed and insect infestations, and other information.

ACTION: Navy will provide documents and maps to new owners.

ACTION: Equipment and supplies purchased by the Navy that remain on-site (such as rainwater storage tanks and irrigation plumbing) will convey with the property.

2. Conservation Issues: Three issues are key to 'akoko conservation in the Parcel:

- a. Fire control: The Kalaeloa area in general and the Parcel in particular are susceptible to destruction by wildfire. Accordingly, firebreaks have been constructed around the largest concentration of 'akoko on the site.

ACTION: New owner will maintain firebreaks by mowing or through selective herbicide application. Avenues allowing rapid access for fire-control vehicles and personnel will be provided.

- b. Weed control: Invasive weeds, most notably buffle grass (*Cenchrus ciliaris*), kiawe (*Prosopis pallida*), koa haole (*Leucaena leucocephala*), golden crownbeard (*Verbesina encelioides*), as well as others, can choke out and kill existing 'akoko, establish densities that will not allow 'akoko seedlings to develop to maturity, and provide fuel that can support wildfires. The Navy, with the cooperation of contractors and volunteers, has strived to keep weeds under control.

ACTION: New owner will continue weeding the area to prevent the return of dense weed stands.

ACTION: Aforementioned firebreaks also serve to aid in weed encroachment. New owner will maintain firebreaks for weed control.

- c. Vandalism and unintentional damage to plants: Parcel 13058-D is currently relatively remote. It is not near any human population concentrations, adjoining roadways are chained to discourage unauthorized access, and the area is patrolled by security personnel. However, plans for the development and reuse of the land indicate that the human population may increase over the coming decades.

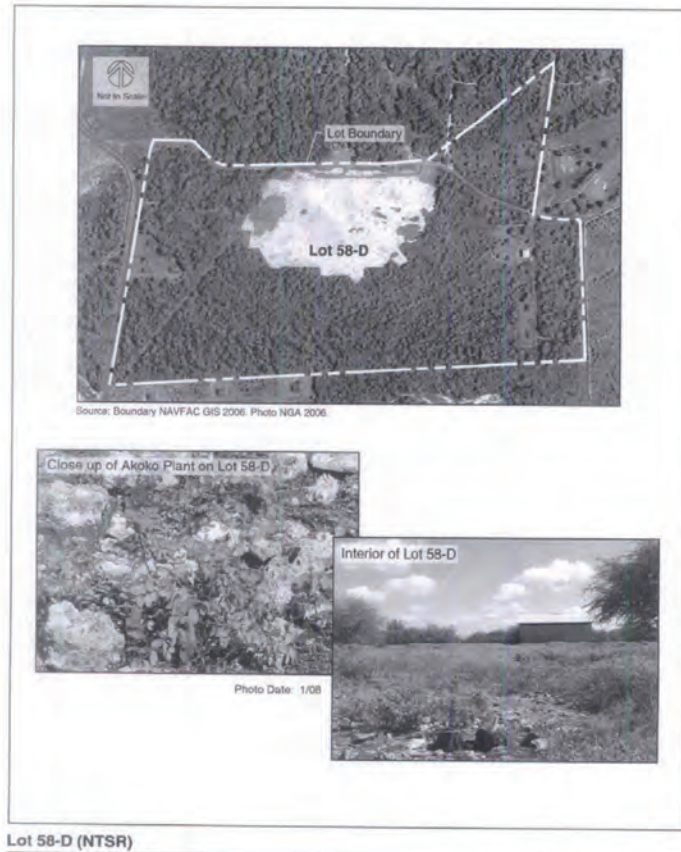
ACTION: New owner will, as appropriate, keep roadways chained or gated to deter unauthorized access and support periodic security patrols of the area to monitor unauthorized access. The new owner will protect against unauthorized access by fencing the few acres that represent the greatest concentration of 'akoko, erecting signage, or initiating other effective measures. The new owner will undertake such actions with the approval of the State's Department of Land and Natural Resources, Division of Forestry and Wildlife (DLNR/DOFAW).

3. Construction and similar actions: Future actions undertaken by the new owner may or may not adversely affect 'akoko. Accordingly, actions proposed for Parcel 13058-D or adjacent areas should be reviewed to assess their effect on the plants.



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, PACIFIC
258 MAKALAPA DR., STE. 100
PEARL HARBOR, HAWAII 96860-3134

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Ser EV2/101
18 FEB 2010



Dr. Loyal Mehrhoff
Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
Box 50088
Honolulu, HI 96850

Dear Dr. Mehrhoff:

By letter dated June 8, 2009, the Navy requested initiation of consultation with your office on the disposal and reuse of Lot 13058-D, at Barbers Point, Oahu. The State, through the Hawaii Community Development Authority (HCDA), would most likely be the recipient of the property. The request for consultation was done in accordance with Section 7 of the Endangered Species Act due to concerns about possible impacts to the endangered 'akoko plant (*Chamaesyce skottsbergii* var. *kalaeloana*). The Service's response letter dated July 10, 2009 (1-2-2009-TA-315), stated that formal consultation could not be initiated until the Service received additional information.

On September 22, 2009, this office met with Mr. Aaron Nadig of your staff to informally consult on available project information and the Service's concerns and requirements. Mr. Nadig suggested that the Navy should first seek to structure the transfer in such a way as to avoid any adverse impacts to 'akoko; second, to require mitigation where adverse impacts cannot be avoided; and third, to aid the conservation of the plant through development of a long-term management plan.

The Navy informed Mr. Nadig about pending congressional legislation that would allow the Navy to place restrictive covenants in the deed of conveyance to protect and conserve the 'akoko. We are pleased to report that the legislation was subsequently enacted as part of the 2010 National Defense Authorization Act (Section 2852, Land Conveyances, Naval Air Station Barbers Point, Hawaii).

We believe that placing appropriate restrictive covenants in the deed of conveyance would ensure that the proposed action is not likely to adversely affect the 'akoko.

To allow the Navy to proceed with the BRAC action at Barbers Point in accordance with the requirements of Section 7, we are pursuing your suggestion of first seeking avoidance of adverse impacts on the endangered plants and, where such impacts cannot be avoided by any future non-Federal landowner, to require mitigation. As suggested by Mr. Nadig, we propose the development of deed restrictions that would accomplish the following:

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18 FEB 2010

- Avoidance. Require any future land owner to avoid impacts by locating their proposed action in areas that will not affect the plants. This might be stipulated by way of a buffer distance (e.g., no actions within X meters, install fencing, etc.)
- Mitigation. Where direct effects cannot be avoided, requiring mitigation, such as establishing a separate and new population of 'akoko at some other protected location with a set ratio of new plants to replace any that may be adversely affected, plus a commitment to conserve those plants (periodic weeding, etc.)
- Conservation. Requiring the establishment of a conservation plan for long-term management.

In addition, the Grantee would be required to comply with the requirements of the State's endangered species laws prior to undertaking any action that could affect the 'akoko.

We request the Service's expeditious consideration of this approach and your commitment to work with the Navy and in consultation with the State to craft the deed covenants. The Navy's goal is to develop specific covenants that would reduce the impact of the proposed Navy action to a point where the Service will support a Navy finding that the proposed action is not likely to have an adverse affect on the 'akoko.

Please feel free to contact Mr. John Bigay of our Environmental Planning Product Line at 472-1196 or by email john.bigay@navy.mil if you have any questions.

Sincerely,



KAREN SUMIDA
Business Line Manager
Environmental

Copy to:
State of Hawaii Division of Forestry
and Wildlife (Caraway)
Navy BRAC PMO West



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
1-2-2009-TA-315

JUL 10 2009

Ms. Karen Sumida
Business Line Manager, Environmental
Department of the Navy
Naval Facilities Engineering Command, Pacific
258 Makalapa Drive, Suite 100
Pearl Harbor, Hawaii 96860-3134

Subject: Initiation of Formal Consultation for the Disposal and Reuse of Lot 13058-D at the Former Naval Air Station Barbers Point, Oahu

Dear Ms. Sumida:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) June 10, 2009, receipt of your June 8, 2009, letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The consultation concerns the possible effects of the proposed disposal and reuse of Lot 13058-D at Barbers Point Naval Air Station. The Service has not received the information required to initiate formal consultation on the proposed project as outlined in the regulations governing interagency consultations (50 CFR §402.14(c) as follows:

- 1) A description of the specific area that may be affected by the action;
- 2) A description of the manner in which the action may affect any listed species or critical habitat and an analysis of cumulative impacts;
- 3) Relevant reports, including any environmental impact statement, environmental assessment, or biological assessment prepared; and
- 4) Any other relevant available information on the action, the affected listed species, or critical habitat.

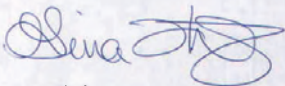
The formal consultation process for this project will not begin until we receive all of the information. We recommend that we meet to discuss the particulars of the proposed project as the initiation letter is somewhat unclear regarding what future activities will occur on the land(s) and the future status of the endangered *Chamaesyce skottsbergii* var. *kalaeloana* on those parcels.

Ms. Karen Sumida

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Thank you for your ongoing efforts to conserve endangered species. If you have any questions or comments, please contact Aaron Nadig (phone: 808/792-9400; fax: 808/792-9581).

Sincerely,



Gina Shultz
Acting Field Supervisor



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, PACIFIC
258 MAKALAPA DR., STE. 100
PEARL HARBOR, HAWAII 96860-3134

11015.4A8B
Ser EV2/427
8 June 2009

Mr. Patrick Leonard
U.S. Fish and Wildlife Service
Pacific Islands Ecoregion
Box 50088
Honolulu, HI 96850

Dear Mr. Leonard:

SUBJECT: INITIATION OF CONSULTATION UNDER SECTION 7 OF THE
ENDANGERED SPECIES ACT FOR THE DISPOSAL AND REUSE OF
LOT 13058-D AT THE FORMER NAVAL AIR STATION BARBERS
POINT, OAHU, HAWAII

The proposed action is the disposal and reuse of remaining Navy surplus land at the former Naval Air Station Barbers Point (NASBP), enclosure (1), in accordance with Base Realignment and Closure (BRAC) law. The Navy is conducting additional environmental review on seven lots that have recently been determined surplus - i.e., lots that are no longer proposed for transfer to U.S. Fish and Wildlife Service (USFWS) or where the proposed land use has changed. The Local Redevelopment Authority (LRA) for NASBP surplus property, the Hawaii Community Development Authority (HCDA), has prepared the Kalaeloa Master Plan (KMP), which serves as an amendment to the Community Redevelopment Plan prepared in accordance with BRAC. The most recent iteration of the KMP is dated March 1, 2006.

Enclosure (1) superimposes the seven Navy lots onto the KMP Preferred Land Uses map. One of the lots to be transferred is the former Northern Trap and Skeet Range (NTSR), identified as Lot 58-D (shorthand for the full number, 13058-D). It is the only lot of the seven that contains listed species. Note that parcel/lot designators are not consistent across Navy and State documents (e.g., Navy lot 13058-D is part of a larger parcel delineated in the KMP as Open Space-3 and also includes KMP Parcel 3A).

On June 5, 2003, the USFWS provided the Navy with a formal biological opinion regarding the Navy's proposal to remove lead and other substances from a 23-acre area within the NTSR and the effects of that action on 'akoko (*Chamaesyce skottsbergii* var. *kalaeloana*), an endangered plant. As part of negotiations, Navy agreed to initiate a 5-year program to conserve the plant within the 23-acre NTSR cleanup area, at a nearby location also within Lot 13058-D, enclosure (2), and at USFWS's Kalaeloa Unit of the Oahu National Wildlife Refuge. The conservation effort was successful, and the most recent (September 2008) tally of adult 'akoko on Lot 13058-D documented 941 plants within the Building 1527 conservation area and 288 plants within the original 23-acre cleanup site. A survey conducted in March 2008 identified an additional 176 "wild growing" 'akoko within areas of Lot 13058-D not included in either of the

other two categories, bringing the total adult 'akoko population within Lot 13058-D to approximately 1,400. These plants, in aggregate, represent both the greatest number and densest concentration of the species throughout its range.

a. Description of Proposed Actions

(1) Future land use within the Kalaeloa area is governed by the LRA and its master plan. As such, the KMP is geared toward the long-term future and prescribes proposed development in somewhat general terms. Graphics illustrating development/land use areas within the KMP are at a small scale, making detailed comparison to other maps subject to interpretation.

(2) Under the existing KMP, most of the NTSR lot is included within the larger, state-identified parcel OS (Open Space)-3, except for the eastern portion, where a regional road extension (North-South Road) is shown in addition to development in the state-identified Parcel 3A. OS-3 is defined in the KMP as "preserve/cultural park", noting "The parcels contain a relatively high density of cultural and archaeological sites, which to some extent limit redevelopment for active recreational uses. However, the area functions well for passive open space opportunities." While the KMP recognizes the presence of the endemic and endangered 'akoko shrub at Kalaeloa, no specific areas of its occurrence are described, other than "...in at least three separate locations, including the area east of the airfield".

(3) The North-South Road extension (also called Keoneula Connector Road in the KMP, presumably because it would link with Keoneula Blvd in Ewa Beach to the east) is shown in the KMP designated as OS-6 and OS-7 and appearing to overlay the existing John F. Kennedy Road within the former NTSR, roughly following it as it curves east and abuts the eastern boundary of the former NASBP property. The road extension is proposed for Phase II (2012-2020) development (KMP, pg 5-2). The KMP describes the road as a boulevard and indicates a right-of-way of between 120-199 feet (KMP, pg 5-7 & Appendix D).

(4) Parcel 3A is described in the KMP as "Mixed-Use Moderate Intensity", noting that "These areas are encouraged to have storefront uses on the ground level and residential uses above." The Potable Water Demand Estimate in Appendix B of the KMP indicates that the development in Parcel 3A is proposed for Phase III (2015-2025) and consists of 244 units of "mixed use townhouse" on 8.9 acres, 268 units of "mixed use multifamily-condo" on 5.1 acres, and 2 acres of "commercial" use, for a total of 512 housing units on 14 acres, plus 2 acres of unspecified commercial development. The size of Parcel 3A is thus presumed to be 16 acres in the KMP.

b. Consultation History

(1) The following provides, for your reference, a timeline summary of Section 7 consultations completed with USFWS regarding NASBP actions. The log numbers are 1-2-02-F-01 and 1-2-02-F-01R, regarding decontamination of Parcel 13058-D-NTSR, and 1-2-2003-F-168 of March 10, 2004, regarding the Navy's proposed transfer of Parcel 13059-B to the National Park Service (NPS).

(2) Regarding the removal of contaminants from the NTSR:

(a) October 25, 2001: Navy initiates formal consultation Dec 19, 2002: USFWS acknowledges and assigns consultation number 1-2-02-F-01.

(b) January 10, 2002: Navy meets with USFWS. USFWS states likely "no-jeopardy" because the project will destroy 330 plants of a total population of 33,000, representing only a small percentage (1%) of the known population. The known population includes 30,000 plants on Molokai. USFWS is still negotiating with Navy for USFWS's receipt of the property.

(c) February 4, 2002: USFWS states that for USFWS to accept property Navy will have to retain liability and responsibility for any pre-transfer contamination within the parcel in perpetuity.

(d) February 27, 2002: USFWS provides Navy with a draft no-jeopardy biological opinion (based on the population total of 33,000 plants).

(e) March 14, 2002: USFWS provides final biological opinion.

(f) March 18, 2002: Navy informs USFWS that it cannot accept continued liability for cleanup after transfer of parcel to USFWS.

(g) July 5, 2002: USFWS requests a review of the genetic status of the plant. It is determined that the Oahu population is taxonomically distinct from the Molokai population.

(h) Nov 20, 2002: Navy reinitiates consultation based on taxonomic change and agrees to initiate a 5-year conservation program to improve the condition of the plants. The reinitiated consultation is provided log number 1-2-02-F-01R.

(i) June 5, 2003: USFWS provides a no-jeopardy biological opinion.

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(3) Regarding the transfer of Lot 13059-B to NPS, then to the City and County of Honolulu (C&CH) to develop a sports complex, USFWS formal consultation numbers 1-2-02-F-06 and 1-2-2003-F-168:

(a) April 19, 2002: Navy initiates consultation on the transfer.

(b) September 13, 2002: C&CH agrees to recognize the endangered status of 'akoko, adhere to the legal requirements of the State of Hawaii Endangered Species Act, and to design in buffers and other protections when/if the property is subsequently developed.

(c) November 20, 2002: Based on C&CH's letter, Navy withdraws from formal consultation citing that there will be no effect on the plants because C&CH acknowledges their responsibility.

(d) December 11, 2002: USFWS responds and ceases the consultation, but does not concur with Navy's 'no effect' determination. Significantly, USFWS states, "We recognize that the timing of the proposed project may have changed, however, the scope of the foreseeable future actions that may result in adverse affects to the 'akoko remain unchanged and without specific measures in place to avoid adverse impacts to the 'akoko."

(e) June 27, 2003: Navy reinitiates formal consultation.

(f) June 30, 2003: USFWS acknowledges the reinitiation and assigns a new log number to the consultation (1-2-2003-F-168).

(g) March 10, 2004: USFWS provides a non-jeopardy biological opinion on the transfer to NPS; the loss of "all the plants" within Parcel 13059-B would not jeopardize the species' continued existence.

c. Effects of the Action

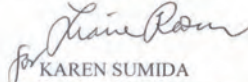
(1) It is difficult to assess if, when, or in what form land use will evolve at Kalaeloa, and the implications and impacts of such upon protected species. Overlaying a 120 to 199- foot right-of-way for the proposed North-South Road extension centered on JFK Rd. would appear to impact the existing building (Bldg 1527 - visible in the topmost photograph on Enclosure 2, the small white square in the northwest portion of Parcel 3A) at the edge of the section of replanted 'akoko. To the east, the right-of-way could significantly extend into Parcel 3A, seemingly limiting the area that could be developed for the proposed commercial/residential purposes.

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Ser EV2/427
8 June 2009

(2) The State of Hawaii's endangered species regulations are more stringent than Federal regulations regarding the take of listed plants, and any action proposed by the acquiring entity that may affect the plants would require State of Hawaii review and approval prior to initiation. In that any acquiring entity would be notified of the presence of the plants and their obligation to adhere to the State of Hawaii's endangered plant regulations, the Navy believes the conservation of the species within Lot 13058-D is assured.

Thank you for your consideration of this request to initiate consultation. Should you have any questions regarding the scope of the action, please contact Mr. John Bigay of our Environmental Planning Product Line at john.bigay@navy.mil or (808) 472-1196.

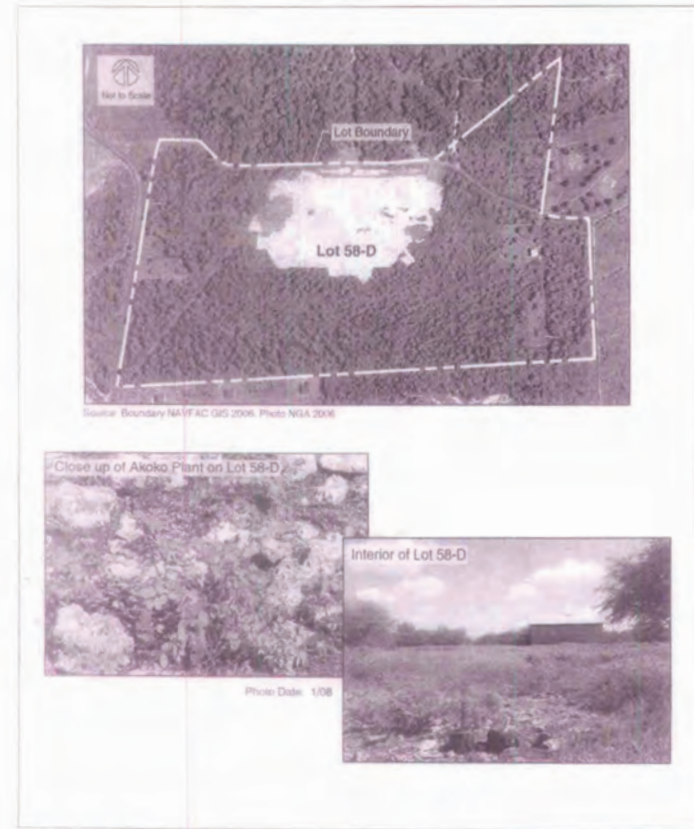
Sincerely yours,


KAREN SUMIDA
Business Line Manager
Environmental

Enclosures: 1. Map, Location of Navy Land
Proposed for Transfer
2. Map - Location of 'Akoko
Conservation Areas

Copy to:
Mr. Douglas Gilkey, AICP
Base Closure Manager
BRAC PMO West
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310

Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, HI 96813





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
1-2-2003-I-124

MAY 22 2003

Timothy W. Sutterfield
Environmental Planning Division
Department of the Navy, Pacific Division
258 Makalapa Dr., Ste. 100
Pearl Harbor, Hawaii 96860

Dear Mr. Sutterfield:

This responds to your request of April 18, 2003, for the U. S. Fish and Wildlife Service's (Service) concurrence with your determination under section 7 of the Endangered Species Act. You determined that the disposal of lands at the former Naval Air Station (NAS) at Barbers Point, Oahu is not likely to adversely affect any federally listed or proposed species, or proposed or designated critical habitat. Your letter was received in this office on April 21, 2003. The proposed project will involve three separate real estate parcels listed below.

Ordy Pond (Parcel 1, Lot 13058-F) is located southeast of the former NAS Barbers Point, north of Tripoli Road and comprises approximately 9 acres. A limestone sinkhole pond (Ordy Pond) and perimeter mangrove stand occupy a surface area of approximately 3 acres within the central portion of the parcel. The proposed action for the Ordy Pond parcel is the transfer to the University of Hawaii for the purpose of continuation of research and education on pond sediment and water column samples.

In 1993 endangered Hawaiian stilts (Himantopus mexicanus knudseni) were observed at Ordy Pond. We understand from information provided in your letter that the Ordy Pond parcel is no longer used by the Hawaiian stilt because mangroves have grown up around the pond. Mangroves currently form a thick band around the entire pond and do not provide stilt habitat. Although the Hawaiian stilt is known to occur at the Honolulu International Airport wetland site, the U.S. Department of Agriculture Wildlife Services currently has a permit from the Service to haze birds, including stilts, from the area to prevent birds from striking aircraft. Hazing of stilts by Wildlife Services is expected to continue after the parcels are transferred from the Navy to the State of Hawaii Department of Transportation.

Fuel Farm (Parcel 2, Lot 13061-C) is located to the north of, and adjacent to, the airport runway, and is east of Midway Road in an industrial area. It comprises approximately 7 acres. There are no wetlands or other unique habitats associated with this parcel, and no listed species are found on the property.

Timothy W. Sutterfield

2

The airport wetland (Parcel 3, Lot 13073-A) is a 46-acre parcel located east of the intersection of the cross-runways. It is enclosed by a fence on its eastern boundary and bounded by Tripoli Road to the south. The parcel contains a mix of wetland and dryland habitats. The "wetland" is a salt flat of approximately 2 acres, up to 1 acre of which seasonally floods to provide open water habitat. The salt flat is largely devoid of vegetation except for a narrow band of pickle weed, kiawe, koa haole, and various grasses. Structures within the parcel are situated on dry lands near the runway and include an automated weather station, a generator, a storage building, and a concrete structure. Grasses and other ruderal plants around these structures are regularly mowed. Endangered Hawaiian stilts occasionally feed and nest on the mudflats associated with the wetland when the area holds pooled water from the seasonal winter rains. The U.S. Department of Agriculture's Wildlife Service Division has a permit from the Service to haze birds, including the stilt, from the area to aid in preventing aircraft from striking the birds.

The proposed action is the transfer of ownership from the Navy to the State of Hawaii Department of Transportation. Airport-related activities, including the protection of airfield safety zones from incompatible development and protection of the airspace in the transition zone from the runway surface to 150 feet above the airfield elevation, would be continued. A secondary use would be to continue using the lower-elevation areas (the wetland) as receiving areas for storm water runoff.

Based on the information you provided and information in our files, we concur with your determination that implementation of the proposed project is not likely to adversely affect any federally listed or proposed species, including the Hawaii stilt, or proposed or designated critical habitat.

We appreciate your efforts to conserve endangered species. If you have any questions, please contact Eric VanderWerf, Hawaiian Bird Recovery Coordinator (phone: 808/541-3441; fax: 808/541-3470).

Sincerely,

Handwritten signature of Paul Henson
Paul Henson, Ph.D.
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
1-2-2003-I-124

MAY 22 2003

Timothy W. Sutterfield
Environmental Planning Division
Department of the Navy, Pacific Division
258 Makalapa Dr., Ste. 100
Pearl Harbor, Hawaii 96860

Dear Mr. Sutterfield:

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Ordy Pond (Parcel 1, Lot 13058-F) is located southeast of the former NAS Barbers Point, north of Tripoli Road and comprises approximately 9 acres. A limestone sinkhole pond (Ordy Pond) and perimeter mangrove stand occupy a surface area of approximately 3 acres within the central portion of the parcel. The proposed action for the Ordy Pond parcel is the transfer to the University of Hawaii for the purpose of continuation of research and education on pond sediment and water column samples.

In 1993 endangered Hawaiian stilts (*Himantopus mexicanus knudseni*) were observed at Ordy Pond. We understand from information provided in your letter that the Ordy Pond parcel is no longer used by the Hawaiian stilt because mangroves have grown up around the pond. Mangroves currently form a thick band around the entire pond and do not provide stilt habitat. Although the Hawaiian stilt is known to occur at the Honolulu International Airport wetland site, the U.S. Department of Agriculture Wildlife Services currently has a permit from the Service to haze birds, including stilts, from the area to prevent birds from striking aircraft. Hazing of stilts by Wildlife Services is expected to continue after the parcels are transferred from the Navy to the State of Hawaii Department of Transportation.

Fuel Farm (Parcel 2, Lot 13061-C) is located to the north of, and adjacent to, the airport runway, and is east of Midway Road in an industrial area. It comprises approximately 7 acres. There are no wetlands or other unique habitats associated with this parcel, and no listed species are found on the property.

Timothy W. Sutterfield

2

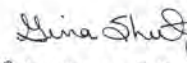
The airport wetland (Parcel 3, Lot 13073-A) is a 46-acre parcel located east of the intersection of the cross-runways. It is enclosed by a fence on its eastern boundary and bounded by Tripoli Road to the south. The parcel contains a mix of wetland and dryland habitats. The "wetland" is a salt flat of approximately 2 acres, up to 1 acre of which seasonally floods to provide open water habitat. The salt flat is largely devoid of vegetation except for a narrow band of pickle weed, kiawe, koa haole, and various grasses. Structures within the parcel are situated on dry lands near the runway and include an automated weather station, a generator, a storage building, and a concrete structure. Grasses and other ruderal plants around these structures are regularly mowed. Endangered Hawaiian stilts occasionally feed and nest on the mudflats associated with the wetland when the area holds pooled water from the seasonal winter rains. The U.S. Department of Agriculture's Wildlife Service Division has a permit from the Service to haze birds, including the stilt, from the area to aid in preventing aircraft from striking the birds.

The proposed action is the transfer of ownership from the Navy to the State of Hawaii Department of Transportation. Airport-related activities, including the protection of airfield safety zones from incompatible development and protection of the airspace in the transition zone from the runway surface to 150 feet above the airfield elevation, would be continued. A secondary use would be to continue using the lower-elevation areas (the wetland) as receiving areas for storm water runoff.

Based on the information you provided and information in our files, we concur with your determination that implementation of the proposed project is not likely to adversely affect any federally listed or proposed species, including the Hawaii stilt, or proposed or designated critical habitat.

We appreciate your efforts to conserve endangered species. If you have any questions, please contact Eric VanderWerf, Hawaiian Bird Recovery Coordinator (phone: 808/541-3441; fax: 808/541-3470).

Sincerely,


Paul Henson, Ph.D.
Field Supervisor

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CLERK
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL V. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, PACIFIC
355 MAKALAPA DR., STE. 100
PEARL HARBOR, HAWAII 96860-3134

5750.2A
Ser EV2/156
11 MAR 2010

April 20, 2010

Karen C. Sumida, Business Line Manager
Environmental
Department of the Navy
Naval Facilities Engineering Command, Pacific
258 Makalapa Dr. Ste 100
Pearl Harbor, HI 96860-3134

Log # 2010.0714
Doc # 1004PA08

Dear Ms. Sumida:

Re: Section 106 Consultation for Proposed Conveyance of Navy Land, Lot 13058-B Within the Kalaeloa Community Development District, Oahu, HI

Thank you for a second opportunity to comment on the above referenced proposed conveyance. We received your request for concurrence with your "no adverse effect" for the proposed transfer of Lots 58-B and 50-B on March 15, and we apologize that our response is late.

Thank you for clarifying that Lot 58-B is proposed to go to City Parks. The maps we had access to earlier were not clear. Furthermore, you are correct, our earlier letter should have stated that we did not concur with your "no adverse" effect determination, rather than stating that it was an "effect with mitigation."

Regarding the request for concurrence at hand, you seem to be asking for a "no effect with conditions," those conditions being the inclusion of a protective covenant that "provides legally enforceable restrictions to ensure long-term preservation of a historic property" (5750.2A, SerEV2/156/11 MAR 2010).

Lot 59-B. We agree that consultation on Lot 59-B is closed. SHPD concurred with the Navy's "no effect" determination.

Lot 58-B. SHPD agrees to a conditional "no effect" determination. Conditions are as follows:

- The development of protective covenants similar to that in Enclosure 2 of your letter that recognizes the eligibility of former Marine Corps Air Station (MCAS) Ewa (site 5127). We note that the boundaries of site 5127 will need to be expanded to include the entire MCAS, including the airfield which appears to take up a large portion of Lot 58-B.
- SHPD review of the protective covenant prior to the final transfer of the land.
- Protection for historic sites under state law be included in the covenants.

Sincerely,

Nancy McMahan
Deputy State Historic Preservation Officer

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Nancy McMahan
Dept. of Land & Natural Resources
State Historic Preservation Division
Kakuhihewa Building Room 555
601 Kamokila Blvd.
Kapolei, HI 96707

Dear Ms. McMahan:

SUBJECT: SECTION 106 CONSULTATION FOR PROPOSED CONVEYANCE OF NAVY LAND, LOT 13058-B WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT, O'AHU, HAWAII

Thank you for your letter dated June 24, 2009 in response to our April 30, 2009 letter. We would like to address the concerns you reference in your letter regarding the transfer of Lot 13058-B (hereafter, Lot 58-B) and provide information regarding another parcel, Lot 13059-B (Lot 59-B), shown in enclosure (1), that is included in the proposed conveyance.

Your letter states that the State Historic Preservation Officer (SHPO) is concerned about the proposed transfer of Lot 58-B to the Department of Hawaiian Homelands (DHHL). However, the parcel is not proposed to go to DHHL, since DHHL transfers have already occurred. According to the Hawaii Community Development Authority Kalaeloa Master Plan, Lot 58-B is slated to be conveyed to City Parks. Any proposed use of the transfer parcels will follow the Hawaii Community Development Authority Kalaeloa Master Plan. For your use, the plan is available on the internet at: <http://hcdaweb.org/kalaeloa/plans-rules/kalaeloa-master-plan/>.

Your letter further states that the SHPO does not concur with our finding of no adverse effect, but believes that the project has an "effect with mitigation". Effect with mitigation does not conform with CFR 800. Our finding of no adverse effect is based on imposing conditions, as described in CFR 800.5 (b)¹. Conditions are imposed, in this case, through the inclusion of a protective covenant that provides legally enforceable restrictions to ensure long-term

¹ CFR 800.5 (b) *Finding of no adverse effect. The agency official, in consultation with the SHPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed... to avoid adverse effects.*

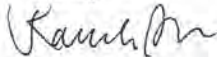
5750.2A
Ser EV2/156
11 MAR 2010

In addition, the Navy will ensure that the direct transfer of surplus land to new users includes protective covenants in a form substantially similar to enclosures (2) and (4), to ensure the preservation and appropriate treatment of historic properties either by incorporation into the Deed of Conveyance or through adoption by the Grantee after conveyance in fulfillment of a condition or obligation of conveyance. Both protective covenants are based on the versions accepted by ACHP and SHPO. Final versions of covenants will be submitted to your office for review and comment.

In consideration of the above information, the Navy maintains a finding of no adverse effect for the proposed transfer of Lots 58-B and 59-B. In accordance with § 800.5 (c)(1), if we receive no objection from your office within 30 days of receipt of this letter, the Navy's responsibilities under Section 106 for this undertaking will be considered to have been fulfilled.

If you have any questions, please contact Ms. Karen Desilets of our Environmental Planning Product Line at (808) 472-1445 or via E-mail at karen.desilets@navy.mil.

Sincerely,



Karen C. Sumida
Business Line Manager
Environmental

Enclosures: (1) Maps showing location of 58-B and 59-B
(2) Draft Covenant Lot 58-B
(3) Previous 59-B 106 letters
(4) Draft Covenant Lot 59-B
(5) SHPO concurrence on 59 B transfer
(6) SHPO concurrence on covenant and 59 B transfer
(7) SHPO concurrence on GSA's Kalaeloa land transfers with covenant

Copy to:
Office of Hawaiian Affairs
Mr. Clyde Nāmu'o
711 Kapiolani Blvd, Suite 500
Honolulu, HI 96813

Oahu Council of Hawaiian Civic Clubs
Mr. Shad Kane
92-1309 Uahanai St
Kapolei, HI 96707

5750.2A
Ser EV2/156
11 MAR 2010

Historic Hawaii Foundation
Ms. Kiersten Faulkner
680 Iwilei Road, Suite 690
Honolulu, HI 96817

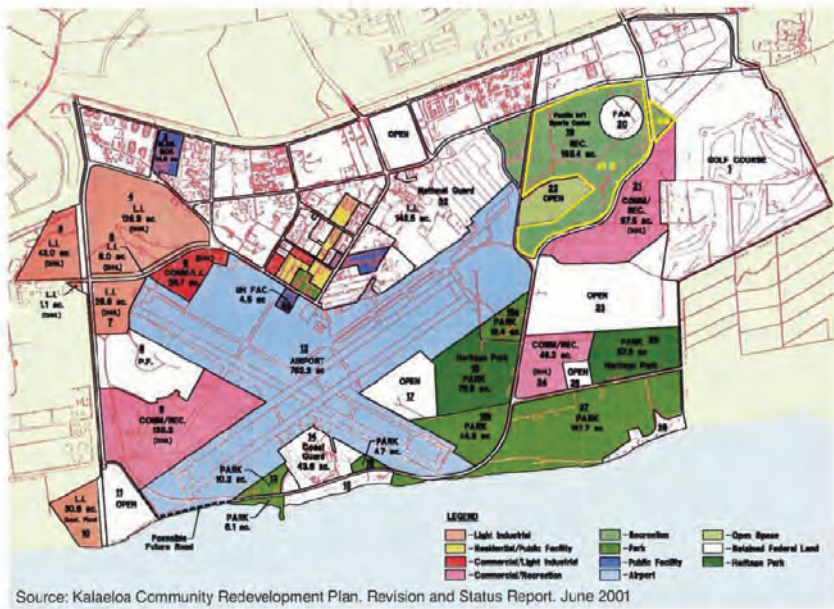
Advisory Council on Historic Preservation
Mr. Don Klima
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

National Park Service
National Register & NHL Program
Ms. Elaine Jackson-Retondo
1111 Jackson Street, Suite 700
Oakland, CA 94607-4807

Nation Trust for Historic Preservation
Mr. Paul Edmondson
1785 Massachusetts Ave., NW
Washington, DC 20036

Blind copy to:
COMNAVREG Hawaii N45 (John Muraoka)
BRAC PMO West (Patrick McCay)

ENCLOSURE 1



HISTORIC PRESERVATION COVENANT

The GRANTEE hereby covenants on behalf of itself, its successors and assigns, and every successor in interest to the property hereby conveyed, to protect and maintain the historic property on Lot 58-B, described below, in a manner that preserves the attributes that contribute to the eligibility of the said historic property for the National Register of Historic Places. Such attributes include association with significant events, information potential, design, setting, feeling, and views from, to, and across the historic property.

1. The historic properties located on Lot 58-B: A portion of Lot 58-B is located within the boundaries of Site 5127, the former Marine Corps Air Station (MCAS) Ewa, Barber's Point, which the Navy has determined is eligible for listing in the National Register of Historic Places. Site 5127 is hereinafter referred to as the "Historic Property". Said portion of Lot 58-B is bounded on the north, south, and east by the former MCAS runway and on the west by the Federal Aviation Administration beacon facility.
2. Construction, alteration, rehabilitation, renovation, demolition, disturbance of the ground surface, including but not limited to vegetation clearance, grading, or excavation, or other action to be undertaken on any portion Lot 58-B that would materially affect the integrity or the appearance of the attributes of the Historic Properties described above shall only be undertaken or permitted after consultation with the Hawaii State Historic Preservation Officer (SHPO) as provided by Hawaii Revised Statutes Chapter 6E (§ 6E-8). Actions that would affect views, including adding new structure site elements such as towers, fences, or obtrusive signs, may also be considered to materially affect the Historic Properties. The GRANTEE shall afford the designated SHPO an opportunity to review all proposed projects and provide recommendations regarding the treatment of known and potential subsurface historic properties.
3. Kapolei Hawaiian Civic Club has offered to partner with the GRANTEE for the protection and maintenance of cultural properties on the parcel. In addition, KHCC has requested status as an interested party to be included in consultations, along with SHPO, for proposed undertakings on the property.
4. The GRANTEE shall take prompt action to secure the Historic Property from vandalism and will undertake any stabilization that may be required to prevent further deterioration from exposure to natural elements. The GRANTEE shall make every effort to retain and preserve the Historic Property to the extent it is economically feasible.
5. The GRANTEE shall allow the SHPO access at all reasonable times and upon reasonable advance notice to GRANTEE to inspect the said Historic Property in order to ascertain whether the GRANTEE is complying with the conditions of this historic preservation covenant.
6. Failure of the United States of America to exercise any right of remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the United States of America of any other right or remedy or the invocation of such right or remedy at any other time.
7. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the United States of America or the SHPO may, following reasonable notice to GRANTEE, institute any action to enjoin said violation or to require the restoration of the Historic Property.
8. This covenant is binding on the GRANTEE in perpetuity. The restrictions, stipulations, and covenants contained herein shall be inserted by GRANTEE verbatim or by express reference in any deed or other legal instrument by which a fee simple interest or any lesser estate is conveyed in said Historic Property or any part thereof.



DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860-7300

5750.2B
Ser 233/ 3957
27 OCT 1998

Mr. Michael D. Wilson
State Historic Preservation Officer
Department of Land and Natural Resources
33 South King Street, Sixth Floor
Honolulu, HI 96813

Dear Mr. Wilson:

As you are already aware, the Department of the Navy (Navy) proposes to close Naval Air Station (NAS), Barbers Point in accordance with the 1993 Base Realignment and Closure Act process. Of the total 3,722 acres at NAS Barbers Point, the Navy will retain about 1,130 acres and 492 acres will be transferred to other federal agencies. The remaining 2,100 acres have been declared surplus lands and will be disposed by various conveyance authorities for reuse and redevelopment as follows (enclosure (1)):

- a. A portion of these surplus lands will be conveyed through the federal General Services Administration (GSA) to the Department of Hawaiian Homes Lands (DHHL) under the Hawaiian Homes Recovery Act.
- b. Direct transfer of approximately 690 acres from the Navy to the State Department of Transportation (DOT) for general aviation.
- c. Public benefit conveyance of approximately 680 acres through the National Park Service to the State Department of Land and Natural Resources and the City and County of Honolulu (Department of Parks and Recreation Services) for parks and recreation.
- d. Public benefit conveyance for education through the federal Department of Education (DOE) of approximately five acres to Honolulu Community College and about 20 acres to the State DOE.
- e. Public benefit conveyance of approximately 30 acres through the federal Department of Health and Human Services to the City and County of Honolulu Board of Water Supply (BWS) for public health.
- f. Direct transfer of 13 acres to the State Hawaii Housing Authority (HHA) for the homeless.

The proposed redevelopment of the surplus lands is documented in the reports *Naval Air Station Barbers Point, Community Redevelopment Plan* and *Naval Air Station Barbers Point, Community Redevelopment Plan, Amendment 1* that were approved by the Governor and the Barbers Point Naval Air Station Redevelopment Commission. This plan is referred to as the State-preferred alternative that is analyzed in enclosure (2) and is the proposed undertaking under Section 106 review. Please note the errata sheet on the inside cover page of Draft

5750.2B
Ser 233/ 39575750.2B
Ser 233/ 3957

Environmental Impact Statement (DEIS) (enclosure (2)), these errors will be corrected in the Final Environmental Impact Statement (FEIS). Excluded from the Navy's Section 106 consultation are those lands to be transferred to federal agencies since those properties will remain under federal control, and the transfer of lands by GSA to DHHL. In the latter case, it is our understanding that compliance with Section 106 of the National Historic Preservation Act (NHPA) will be handled separately. The receiving federal agencies have been provided information on historic properties, if any, located within their respective lands and will be notified of their responsibilities under the NHPA.

The Navy has completed archaeological and architectural inventory surveys of NAS Barbers Point. The final Phase I and Phase II inventory survey reports (Tuggle and Tomonari-Tuggle 1997a; and Wickler and Tuggle 1997) presenting our findings and significance evaluation have been forwarded to your office. A draft copy of the O'Hare et al. (1996) Phase II inventory survey was also provided for your review. This report is undergoing revision and a final copy will be forwarded when available. Photodocumentation, in accordance with the specifications and standards of the Historic American Buildings Survey, has been completed for Category I and II buildings and structures. A complete set of photodocumentation will be forwarded to your office under separate cover.

Figure ES-1 and Chapter Two of enclosure (2) present the details of the proposed reuse and redevelopment. Chapter 3, section 3.3 of enclosure (2) provides a summary of archaeological sites and historic structures that has been determined National Register eligible and are located on surplus lands. Chapter 4, section 4.3, and Tables 4.3-1 and 4.3-2 present a comparison of the different alternative redevelopment with the affected archaeological sites and historic structures. Again, please note the errata sheet on the inside cover page of the DEIS; these errors will be corrected in the FEIS. The above studies identified no historic properties in any of the parcels to be transferred to HHA (13 acres containing only modern buildings), BWS, and State DOE (20 acres of existing school).

The Navy neither has an approval authority over the community development plan nor has an involvement in its future implementation. Therefore, only the Navy's disposal action is subject to this consultation. Informal consultation with Dr. Don Hibbard of your office was carried out in applying the Criteria of Effect (§800.9(a)). It was agreed in the informal consultation that the effect of the proposed disposal is considered as not adverse (§800.9(c)(3)) based on the following:

- a. The Navy will ensure that the direct transfer of surplus lands to the State DOT includes a protective covenant (enclosure (3)) to ensure the preservation and appropriate treatment of historic properties.
- b. The Navy will provide protective covenants to the sponsoring federal agencies for inclusion in the deeds transferring surplus lands under public benefit conveyances

(enclosures (4a) and (4b) for parks and recreation and enclosure (4c) for education) to ensure the preservation and appropriate treatment of historic properties.

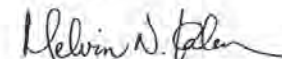
c. Implementation of the community redevelopment plan will be in compliance with the State of Hawaii's historic preservation law (Chapter 6E, H.R.S.). The SHPO, as the State Historic Preservation Division, is the regulatory agency under Chapter 6E. The Hawaii's historic preservation review process is patterned after, but more stringent than, the Section 106 review.

d. SHPO should contact and involve interested Native Hawaiian organizations in the management and stewardship of Hawaiian archaeological sites in the proposed Heritage Park.

In accordance with 36 CFR§800.5(d), we are seeking your concurrence with our finding of "no adverse effect."

Should you have any questions regarding these matters, please contact Ms. Elizabeth Gordon or Annic Griffin, Archaeologists at 471-9338 or by facsimile transmission at 474-5909.

Sincerely,


MELVIN N. KAKU
Director
Environmental Planning Division

Encl:

- (1) Disposal and Reuse Plan, Real Estate Drawing RE 98-003
- (2) DEIS for the Disposal and Reuse of Naval Air Station, Barbers Point, Hawaii of August 1998
- (3) Historic Preservation Covenant to State DOT
- (4) Historic Preservation Covenant Under Public Benefit Conveyances

HISTORIC PRESERVATION COVENANT

The GRANTEE hereby covenants on behalf of itself, its successors and assigns, and every successor in interest to the property hereby conveyed, to protect and maintain the historic properties on Lot 59-B, described below, in a manner that preserves the attributes that contribute to the eligibility of the said historic properties for the Hawaii and National Registers of Historic Places. Such attributes include association with significant events, information potential, design, setting, feeling, and views from, to, and across the historic properties.

1. The historic properties located on Lot 59-B: A portion of Lot 59-B is located within the boundaries of Site 5127, the former Marine Corps Air Station (MCAS) Ewa, Barber's Point, which the Navy has determined is eligible for listing in the National Register of Historic Places. Said portion of Lot 59-B is bounded on the northeast by the former MCAS Ewa runway [enclosure (2)]. Additional historic properties include a traditional Hawaiian habitation complex, Site 3721, and Building 1146, a hangar at the former MCAS Ewa. Sites 5127, 3721 and Building 1146 are hereinafter referred to as the "Historic Properties".

2. Construction, alteration, rehabilitation, renovation, demolition, disturbance of the ground surface, including but not limited to vegetation clearance, grading, or excavation, or other action to be undertaken on any portion Lot 59-B that would materially affect the integrity or the appearance of the attributes of the Historic Properties described above shall only be undertaken or permitted after consultation with the Hawaii State Historic Preservation Officer (SHPO) as provided by Hawaii Revised Statutes Chapter 6E (§ 6E-8). Actions that would affect views, including adding new structure site elements such as towers, fences, or obtrusive signs, may also be considered to materially affect the Historic Properties. The GRANTEE shall afford the designated SHPO an opportunity to review all proposed projects and provide recommendations regarding the treatment of known and potential subsurface historic properties.

3. The GRANTEE shall consult with the SHPO, and all interested parties as designated by the SHPO, prior to taking any proposed action on the Property. GRANTEE is provided notice that the Kapolei Hawaiian Civic Club (KHCC) has requested that the SHPO grant it status as an interested party for proposed actions on the Property, and also that KHCC has offered to assist GRANTEE with the protection and maintenance of cultural resources on the Property.

4. The GRANTEE shall take prompt action to secure the Historic Properties from vandalism and will be responsible for any stabilization that may be required to prevent further deterioration from human disturbance or exposure to natural elements. However, stabilization methods and materials must be approved by the SHPO prior to implementation.

5. The GRANTEE shall allow the SHPO access at all reasonable times and upon reasonable advanced notice to GRANTEE to inspect the said Historic Properties in order to ascertain whether the GRANTEE is complying with the conditions of this historic preservation covenant.

6. Failure of the United States of America to exercise any right of remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the United States of America of any other right or remedy or the invocation of such right or remedy at any other time.

7. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the United States of America or the SHPO may, following reasonable notice to GRANTEE, institute any action to enjoin said violation or to require the restoration of the Historic Properties.

8. This covenant is binding on the GRANTEE in perpetuity. The restrictions, stipulations, and covenants contained herein shall be inserted by GRANTEE verbatim or by express reference in any deed or other legal instrument by which a fee simple interest or any lesser estate is conveyed in said Historic Properties or any part thereof.

BENJAMIN F. GAYETANO
GOVERNOR OF HAWAII

12/18/48



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

REF:HP-JK

HISTORIC PRESERVATION DIVISION
Kaulahehewa Building, Room 825
901 Kamehaha Boulevard
Honolulu, Hawaii 96817

Mr. Dennis Pacht, Acting Director
Environmental Planning Division
Department of the Navy, Pacific Division
Naval Facilities Engineering Command
Pearl Harbor, Hawaii 96860-7300

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

SIGNATURE
MICHAEL D. WILSON
TIMOTHY E. JOHNS

AGRICULTURE
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES

ENFORCEMENT
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

LOG NO: 22424 ✓
DOC NO: 88125C15

Dear Mr. Pacht:

**SUBJECT: National Historic Preservation Act, Section 106 Compliance - Historic Preservation Covenant to Be Included in the Deed of Conveyance of Real Property at Barbers Point Naval Air Station
Barbers Point, Ewa, O'ahu**

Thank you for the opportunity to comment on the proposed historic preservation covenant to be attached to the deed of conveyance in the transfer of real property at Barbers Point Naval Air Station to the National Park Service or its designee. We apologize for our late response to you; our office's recent move to Kapolei caused a temporary suspension of correspondence. We regret any inconvenience to you caused by this unavoidable delay.

According to Attachment I of Enclosure 4b (Historic Preservation Covenant) 14 significant historic sites are known to be present in the two parcels: SIHP Nos. 50-80-12-1731 through 1737 lie within proposed Reuse Parcel P; SIHP Nos. 50-80-12-1752, -1753, -5114 through -5117, and -5130 lie within proposed Reuse Parcel R. All of the sites, excepting SIHP No. -5130, are recommended for preservation. SIHP No. -5130 is recommended to undergo data recovery; it will be preserved in place until such time as data recovery will occur.

In view of these facts, we concur with your determination that implementation of the Historic Preservation Covenant, as written, will result in "no adverse effect" to the significant historic sites known to be present in the parcels subject to conveyance.

Should you have any questions, please feel free to call Sam Collins at 692-8026.

Aloha,

Michael D. Wilson, Chairperson and
State Historic Preservation Officer

SC:k

c: Mr. Bill Bass, Executive Director, Barbers Point Naval Air Station Redevelopment Commission, Campbell Square, 1001 Kamokila Boulevard, Suite 308, Kapolei, HI 96707
Mr. Gary Munsterman, Program Coordinator, Federal Lands to Parks, National Park Service, 800 Harrison Street, Suite 800, San Francisco, CA 94107

Encl (3)

**Advisory
Council On
Historic
Preservation**

ENCLOSURE 6

PLN 233EG
ENCLOSURE 6

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 12136 West Bayaud Avenue, #330
Lakewood, Colorado 80226

5750.2B
Ser PLN2337 647
23 FEB 1999

March 9, 1999

Melvin N. Kaku, Director
Environmental Planning Division
Department of the Navy, Pacific Division
Naval Facilities Engineering Command
Pearl Harbor, HI 96860-7300

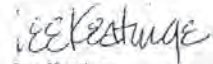
REF: *Proposed transfers at Naval Air Station, Barbers Point, HI*

Dear Mr. Kaku:

We have reviewed the revised covenants prepared for the transfer of historic properties at the Naval Air Station, Barbers Point, Hawaii. We appreciate the Navy's willingness to consider our earlier comments regarding these covenants. Under the procedures set forth in 36 CFR §800.5(d)(2), the Council does not object to the Navy's finding of no adverse effect. This letter evidences that the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations have been met for this project. It should be retained with all supporting documentation in your agency's environmental or project file.

If you have any questions or require further assistance, you may contact me at the Council's Western Office of Planning and Review at (303) 696-5110.

Sincerely,



Lee Keatinge
Program Analyst

CERTIFIED MAIL

Ms. Cornelia Keatinge
Historic Preservation Specialist
Advisory Council on Historic Preservation
12136 West Bayaud Avenue, Suite 330
Lakewood, CO 80226

Dear Ms. Keatinge:

Thank you for your review of January 11, 1999 of the historic preservation covenants to be included in the deeds transferring surplus lands at Naval Air Station (NAS), Barbers Point in accordance with the 1993 Base Realignment and Closure (BRAC) Act process. Approximately 2,100 acres have been declared surplus lands and will be disposed by various conveyance authorities for reuse and redevelopment.

We have revised these covenants based on your comments. Enclosures (1) through (3) are the modified covenants that we are resubmitting to your office for review, as requested, to conclude the Section 106 process. Deletions to these documents have been crossed out; additions have been underlined.

Should you have any questions regarding this matter, please contact Ms. Elizabeth Gordon, PACNAVFACENGCOM Archaeologist (PLN 233EG) at (808) 471-9338 or by facsimile transmission at (808) 474-5909.

Sincerely,

MELVIN N. KAKU
Director
Environmental Planning Division

Encl:

- (1) Historic Preservation Covenant to State DOT
- (2) Historic Preservation Covenants for Parks and Recreation Public Benefit Conveyance
- (3) Historic Preservation Covenant for Education Public Benefit Conveyance

Blind copy to: (w/o encls)
PLN231CC
WA233EG\BPTACHP2.DOC

OPTIONAL FORM 99 (7-99) 474 4890 2/24/99
of pages = 12

FAX TRANSMITTAL	
To: LEE KEATINGE	From: LIZ GORDON
Dept./Agency: ACHP	Phone #: (808) 474-5921
Fax #: (303) 969-5115	Fax #: (808) 474-5921

NSN 7540-01-317-7588 5088-101 GENERAL SERVICES ADMINISTRATION

**Advisory
Council On
Historic
Preservation**

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 12136 West Bayaud Avenue, #330
Lakewood, Colorado 80226

ENCLOSURE 6

ENCLOSURE 6

January 11, 1999

Melvin N. Kaku, Director
Environmental Planning Division
Department of the Navy, Pacific Division
Naval Facilities Engineering Command
Pearl Harbor, HI 96860-7300

REF: *Proposed transfers at Naval Air Station, Barbers Point, HI*

Dear Mr. Kaku:

We have reviewed the documentation regarding the Navy's determination that the proposed transfer of lands at the Naval Air Station (NAS) Barbers Point, Hawaii will not adversely affect historic properties. This determination is based on the Exception to the Criteria of Adverse Effect set out at 36 CFR §800.9(c)(3) based on the inclusion of preservation covenants within the transfer documents. We are pleased that the Navy has taken this approach to these transfer actions, and in general it appears that the preservation covenants will provide adequate long term protections for these properties.

Since covenants are strictly construed in the event of a dispute regarding their enforcement it is critical that they be both clearly written and internally consistent. We suggest that each of the proposed covenants be reviewed by one of the Navy's real estate attorneys to ensure their enforceability before they are included in the final transfer documents. In particular, in Enclosure 2a we are concerned about the vague description of the protected properties in the first paragraph and do not think that paragraph (3) is clearly written. Paragraph (1)(a) of Enclosure 2b restricts actions that may alter a "significant interior feature," however we are uncertain that this descriptive term alone provides adequate notice to a property owner of the limitations included in the covenant. Paragraph (1) b. of this same enclosure requires the property owner to "make every effort to retain and reuse, to the extent practicable, Buildings 92 and 1146." Although we strongly advocate the reuse of these properties we are concerned that the current language is too vague to support an enforcement action under the covenant. We believe that language specifically permitting the National Park Service the right to delegate its responsibilities under the covenant is the better way to address the end note in both Enclosures 2b and 2c. The attachment to Enclosure 2b notes that Site No. 5098 is eligible under National Register criterion D, although it described as including two features that contain human remains. Is this a typographical error? The covenant included in Enclosure 2d does not appear to be consistent.

regarding the required approvals prior to development activities. Paragraph (1) requires the prior approval of both the United States Department of Education and the Hawaii State Historic Preservation Officer (SHPO) while paragraphs (3) and (4) only require approval by the SHPO. Paragraphs (4) and (5) follow the language used in Enclosure 2a, paragraph (3) and Enclosure 2b, paragraph (1) b. respectively and our comments above apply.

We request that you modify the proposed covenants in light of our recommendations and resubmit them for our review. We look forward to working with you to conclude the Section 106 process. If you have any questions or require further assistance finalizing the covenants, you may contact Lee Keatinge of the Western Office of Planning and Review at (303) 969-5110.

Sincerely,



Don L. Klima
Director
Office of Planning and Review

LINA LINGLE
GOVERNOR OF HAWAIISTATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCESPOST OFFICE BOX 621
HONOLULU, HAWAII 96809LATA H. THIELEN
OFFICE CHIEF
BUREAU OF LAND AND NATURAL RESOURCES
COMMISSIONER OF HISTORIC PRESERVATION
KIM C. KAWAOKA
DEPUTY DIRECTOR - STATE
ARCHAEOLOGICAL SERVICES
HAWAIIAN AND OTHER HISTORIC STRUCTURES
HONOLULU OFFICE
CONSERVATION AND CULTURAL LANDS
CONSERVATION AND HISTORIC STRUCTURES
HONOLULU OFFICE
HAWAIIAN AND OTHER HISTORIC STRUCTURES
HONOLULU OFFICE
HAWAIIAN AND OTHER HISTORIC STRUCTURES
HONOLULU OFFICE

August 28, 2007

Tom Doszkocs, Senior Realty Officer
U.S. General Services Administration
Pacific Rim Region
Property Disposal Division (9PR)
401 West A Street, Suite 2075
San Diego, California 92101-7908DOC NO.: 2007.2392
LOG NO.: 0707BF05
Architecture

Dr. Mr. Doszkocs:

SUBJECT: Section 106 (NHPA) Review
RE: Transfer of Three Parcels at the Former Naval Air Station Barbers Point
Project Location: Kalaheo, Island of Oahu
TMK: 9-1-13-1, 28 and 38

This is in response to your letter dated June 29, 2007, which we received on July 6, 2007.

The General Services Administration (GSA) proposes to transfer the remaining three (3) parcels not conveyed in prior consultation for the transfer of property located at the former Naval Air Station Barbers Point (Barbers) from the Department of the Navy (Navy) to the Department of Hawaiian Home Lands (DHHL). The three remaining parcels are 13058C, 13068 and 3802A.

Parcel 13058C contains historic structures, but no known archeological sites, considered eligible for listing on the National Register of Historic Places (NRHP). As part of the transfer process parcel 13058C will have a preservation covenant attached to the deed. The covenant will include adequate restrictions to protect the historic resources' NRHP eligibility.

The SHPD reviewed the proposed preservation covenant and finds no comments to add to the document. The SHPD concurs with the recommendation of *No Adverse Affect to historic resources*. Should you have questions regarding this action please feel free to contact Bryan Flower, Architecture Branch Chief, at Oahu Office at (808) 692-8015.

Sincerely,

LAURA H. THIELEN
State Historic Preservation Officer

BF:jen

U.S. General Services Administration
Pacific Rim Region
Property Disposal Division (9PR)
401 West A Street, Suite 2075
San Diego, CA 92101-7908

June 29, 2007

Melanie Chinen
Administrator, State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawaii, 96707RE: Section 106 Consultation for the Transfer of Three Parcels at the former
Naval Air Station Barbers Point, Kalaheo, Oahu, Hawaii

Dear Ms. Chinen:

Pursuant to the requirements of 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470f), as amended, and in accordance with the National Environmental Policy Act, the U.S. General Services Administration (GSA), as disposal agent for Federal real property, seeks your comments to the proposed undertaking.

This letter follows prior consultation among GSA, the Department of the Navy (Navy), and your Department covering previously transferred property located at Barbers. The attached map depicts those parcels (shown in blue) that were conveyed to the Department of Hawaiian Home Lands (DHHL) pursuant to the Hawaiian Home Lands Recovery Act (P.L. 104-42, the "Act"). These parcels (Tax Map Key Nos. 9-1-13:27, 29, 40, 48, 61, and a portion of 9) contained both historic structures and archeological sites, and previous consultation with your office resulted in deed covenants to preserve and protect the identified sites.

Until recently, disposal of the remaining 3 parcels not conveyed following initial consultation, had been put on hold due to the Navy's pending decision to base an aircraft carrier at Barbers Point. Navy has recently advised GSA to resume the process to dispose of the remaining three parcels of land pursuant to the Act.

In following, GSA is preparing to convey these remaining parcels to DHHL - parcels 13058C, 13068, and 3802A shown on the attached map in yellow (TMK Nos. 9-1-13: 1, 28 and 38). Parcel 13058-C - contains historic structures (but no archeological sites) eligible for listing in the National Register of Historic Places, and is the subject of this correspondence.

Under the disposal plan for the property, GSA will convey the parcels to DHHL pursuant to the Act. The attached historic preservation covenant has been developed (as a result of prior consultation) to accommodate this conveyance. This covenant will be included in the deed in order to take into account the effect of the disposal on the historicity, and preservation of the property.

As with the previous conveyances of the 6 parcels, we have applied the criteria of effect and adverse effect found in 36 CFR Part 800.9, and have determined that no adverse effect will accrue to this undertaking based upon exception (c)(3) of same Part: adequate restrictions will be included to ensure preservation of the property's significant historic features.

In consideration of the congressional mandate(s) directing specific conveyance of the property, and in light of the fact that the proposed recipient is the State of Hawaii, we believe conveyance of the property by deed subject to the preservation covenant is in the best interest of all parties to the transaction. The proposed undertaking will allow DHHL to reacquire and reutilize the property- two long-sought goals- while simultaneously protect the historical and cultural attributes of the property.

Your concurrence to this undertaking will accommodate the mutual goals of the principal parties involved, and address the following key considerations:

- to comply with legislation governing this transaction
- avoid further deterioration, vandalism and trespass on the property
- accelerate preservation activities
- ultimately, facilitate public access

Enclosed is the site map and the proposed covenant listing the historic structures located on parcel 13058-C for your reference. Please review and provide your written comments as soon as possible. In the interim, GSA is preparing deed to convey the property as soon as clearance is received from your office.

If you have any questions, please do not hesitate to contact me at (619) 557-5029.

Sincerely,



Tom Doszkocs
Senior Realty Officer
GSA Property Disposal Division (9PR)

Enclosures

cc: Department of the Navy
Attn: Beth Larson
1455 Frazee Road, Suite 900
San Diego, CA 92108

Department of Hawaiian Home Lands
Attn: Bob Freitas
1099 Alakea Street, Suite 2000
Honolulu, Hawaii 96813

HISTORIC PRESERVATION COVENANT

The GRANTEE hereby covenants on behalf of itself, its successors, or assigns and every successor in interest to the property hereby conveyed, to protect and maintain the historic properties listed below, in a manner that preserves the attributes that contribute to the eligibility of the said historic properties for the National Register of Historic Places. Such attributes include information potential, construction type, interior and exterior features, design, setting, materials, workmanship, feeling, association, and views from, to, and across the Property.

1. The following buildings located on Parcel 13058-C have been identified as historic structures:

Building 87

Portable Air Raid Shelter; Constructed in 1944; Distinctive construction type

Buildings 1248-1286, 1288-1290, and 1301

Aircraft Revetments; Constructed in 1942; Half-dome reinforced concrete structures associated with change in aircraft parking policies at NAS Barbers point after December 7, 1941

Buildings 1506 and 1523

Quonset Huts; Constructed 1944; Distinctive construction type

Building 1525

ARMCO Hut/Magazine; Constructed 1944; Distinctive construction type

Construction, alteration, rehabilitation, remodeling, demolition, disturbance of the ground surface, or other action shall be undertaken or permitted to be undertaken on the Property that would materially affect the integrity or the appearance of the attributes described above **only after consultation** with the Hawaii State Historic Preservation Officer as provided by Hawaii Revised Statutes Chapter 6E (§ 6E-8). Actions that would affect views, including adding new structure site elements such as towers, fences, or obtrusive signs, would also be considered to materially affect the property. Plans that are submitted in accordance with this provision shall be prepared to conform with the Secretary of Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (1992) (a copy of which can be obtained from the Hawaii State Historic Preservation Officer).

2. The GRANTEE or its successors or assigns shall take prompt action to secure historic structures from elements, vandalism, or arson and will undertake any stabilization that may be required to prevent deterioration. The GRANTEE or its successors or assigns will make every effort to retain and reuse the structures to the extent it is economically feasible.

3. The Hawaii State Historic Preservation Officer shall provide comments on proposed actions or comments with suggested modifications within thirty (30) days of receipt of the action proposed by the GRANTEE or its successors or assigns. If no written response is received from the Hawaii State Historic Preservation Officer after thirty (30) days, the GRANTEE or its successors or assigns can proceed with the proposed action.

ENCLOSURE 7

4. The GRANTEE or its successors or assigns shall allow the Hawaii State Historic Preservation Officer at all reasonable times and upon reasonable advance notice to GRANTEE or its successors or assigns, to inspect the said historic properties in order to ascertain whether the GRANTEE or its successors or assigns is complying with the conditions of this historic preservation covenant.

5. The GRANTEE or its successors or assigns shall provide the Hawaii State Historic Preservation Officer with a written summary of actions taken to implement the provisions of this historic preservation covenant within one (1) year after the date of this deed.

6. Failure of the United States of America to exercise any right of remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the United States of America of any other right or remedy or the invocation of such right or remedy at any other time.

7. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the United States of America or the Hawaii State Historic Preservation Officer may, following reasonable notice to GRANTEE or its successors or assigns, institute any action to enjoin said violation or to require the restoration of the historic properties.

8. This covenant is binding on the GRANTEE or its successors or assigns, in perpetuity. The restrictions, stipulations, and covenants contained herein shall be inserted by GRANTEE or its successors or assigns, verbalim or by express reference in any deed or other legal instrument by which it conveys a fee simple title or any lesser estate in said historic properties or any part thereof.

LINDA LINGEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
TRADITIONAL
BRANCH OF LAND AND NATURAL RESOURCES
CHIEF OF WATER RESOURCES MANAGEMENT

RUSSELL V. TSUBOI
DEPUTY CHIEF

RES. C. KAWAHARA
DEPUTY DIRECTOR, WATER

ADVISOR FOR RESOURCES
PLANNING AND ENVIRONMENTAL REGULATION
BRANCH OF LAND AND NATURAL RESOURCES

CHIEF OF WATER RESOURCES MANAGEMENT
CHIEF OF WATER AND CAPITAL LANDS

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June 24, 2009

Karen Sumida
Business Line Manager
Environmental
Department of the Navy
Naval Facilities Engineering Command, Pacific
258 Makalapa Dr. Ste 100
Pearl Harbor, HI 96860-3134

LOG # 2009.2213
DOC# 13925

Dear Ms. Sumida:

**Subject: Section 106 Consultation
Conveyance of Navy Land, Lot 13058-B within Kalaeloa Community
Development District
Ewa, Island of O'ahu
TMK: (1)**

Thank you for the opportunity to review the above referenced project. The parcel of land to be transferred includes a portion of Site 5127, the former 1941 Ewa Marine Corps Air Station (EMCAS), which the Navy has determined is eligible for the National Register. We are concerned that the transfer to DHHL could affect a Register Nomination because the maps provided suggest that the portion of Site 5127 take up about two-thirds of the land DHHL will receive. A National Register nomination could affect DHHL's ability to use the property and thus it is important they are aware of the community concerns about Site 5127.

Because the land transfer itself does not affect the historic property, but has the potential to do so, SHPD disagrees with your determination of no adverse effect and believes that the project has an "effect with mitigation." Mitigation obligations were outlined in your letter of April 30 and include the following:

- a) application of State law, including HRS 6E-7, 6E-8, 6E-10 and 6E-42.
- b) Protective covenants to ensure the appropriate treatment historic properties in a format similar to Enclosure 3 provided with your letter.
- c) SHPD review of protective covenant agreement prior to final transfer of the land.

Thank you for the opportunity to comment. Please call me at 692-8015 if you have further questions.

Sincerely,

Nancy McMahon
Deputy SHPO

C. Micah Kane, Chairman
Department of Hawaiian Homelands
P.O. Box 1879
Honolulu, Hawaii 96805

Office of Hawaiian Affairs
ATTN: Mr. Clyde Namuo
711 Kapiolani Blvd, Ste 500

Oahu Council of Hawaiian Civic Clubs
Attn: Mr. Shad Kane
92-1309 Uahapai St
Kapolei, HI 96707

Historic Hawaii Foundation
Attn: Ms. Kiersten Faulkner
680 Iwilei Rd, Ste 690
Honolulu, HI 96817

Advisory Council on Historic Preservation
Attn: Mr. Don Klima
1100 Pennsylvania Ave, NW Ste 809
Washington, DC, 20004

National Park Service
National Register and NHL Program
Attn: Ms. Elaine Jackson-Retondo
1111 Jackson St, Ste 700
Oakland, CA 94607-4807

National Trust for Historic Preservation
ATTN: Mr. Paul Edmondson
1785 Massachusetts Ave, NW
Washington, DC 20036

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**APPENDIX C:
HAZARDOUS AND REGULATED MATERIALS SUPPORTING DOCUMENTS**

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**APPENDIX C1:
FINDING OF SUITABILITY TO TRANSFER LOTS 13058-D AND 13058-G (FORMER
NORTHERN TRAP AND SKEET RANGE AND FORMER SOUTHERN TRAP AND
SKEET RANGE PROPERTY), FORMER NAVAL AIR STATION BARBERS POINT,
O'AHU, HAWAI'I (NAVFAC HAWAII 2008)**

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**Finding of Suitability to Transfer
Lots 13058-D and 13058-G
(Former Northern Trap and Skeet
Range and Former Southern Trap
and Skeet Range Property)
FORMER NAVAL AIR STATION BARBERS POINT
OAHU, HAWAII**

September 2009

Department of the Navy
Naval Facilities Engineering Command, Hawaii
400 Marshall Road, Building X-11
Pearl Harbor, HI 96860-3130

Finding of Suitability to Transfer Lots 13058-D and 13058-G (Former Northern Trap and Skeet Range and Former Southern Trap and Skeet Range Property) FORMER NAVAL AIR STATION BARBERS POINT OAHU, HAWAII

September 2009

Prepared for:



**Department of the Navy
Naval Facilities Engineering Command, Hawaii
400 Marshall Road, Building X-11
Pearl Harbor, HI 96860-3130**

Prepared by:

**AECOM Technical Services, Inc.
841 Bishop Street, Suite 500
Honolulu, HI 96813-3920**

and

**Wil Chee-Planning, Inc.
1018 Palm Drive
Honolulu, HI 96814**

**Tetra Tech EM Inc.
737 Bishop Street, Suite 3010
Honolulu, HI 96813**

Prepared under:

**Comprehensive Long-Term Environmental Action Navy III
Contract Number N62742-03-D-1837, CTO HC17**

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ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
AM	action memorandum
BRAC	Base Closure and Realignment Act
BRRM	Base Redevelopment and Realignment Manual
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	<i>Code of Federal Regulations</i>
COPC	chemical of potential concern
CPR	Carbine and Pistol Range
CU	Consolidation Unit
CY	cubic yard
DDE	dichlorodiphenyldichloroethylene
DDT	dichlorodiphenyltrichloroethane
DoD	U.S. Department of Defense
DOH	State of Hawaii Department of Health
Earth Tech	Earth Tech, Inc.
EE/CA	engineering evaluation/cost analysis
EPA	U.S. Environmental Protection Agency
FOST	finding of suitability to transfer
IRP	Installation Restoration Program
LBP	lead-based paint
LUC	land use control
MGR	Machine Gun Range
NAS	Naval Air Station
Navy	Department of the Navy
NTSR	Northern Trap and Skeet Range
Ogden	Ogden Environmental and Energy Services Co., Inc.
PAH	polycyclic aromatic hydrocarbon
POI	point of interest
PRG	preliminary remediation goal
RI	remedial investigation
ROD	record of decision
RSE	removal site evaluation
Shaw	Shaw Environmental, Inc.
STSR	Southern Trap and Skeet Range
TSD	treatment, storage, and disposal
TSP	triple super phosphate
VSR	visual site reconnaissance

1. Purpose

The purpose of this finding of suitability to transfer (FOST) is to summarize how the requirements and notifications for hazardous substances, petroleum products, and other regulated materials on two parcels of land, identified as Lot 13058-D and Lot 13058-G, at former Naval Air Station (NAS) Barbers Point, Oahu, Hawaii, have been satisfied. Lot 13058-D was previously identified as Former Northern Trap and Skeet Range (NTSR) property, and Lot 13058-G was previously identified as the Former Southern Trap and Skeet Range (STSR) property. This FOST provides documentation that summarizes how the requirements and notifications for hazardous substances, petroleum products, and other regulated materials on the two parcels of real property made available through closure of former NAS Barbers Point have been satisfied. The Department of the Navy (Navy) will convey the property to a recipient, with provisions for protecting the natural and cultural resources of the property. For the purposes of this FOST, the property was evaluated for unrestricted reuse under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This FOST has been prepared in compliance with the U.S. Department of Defense's (DoD) *Base Redevelopment and Realignment Manual* (BRRM) (DoD 2006). This document is organized with figures (see Enclosure 1), references (see Enclosure 2), and regulatory comments (see Enclosure 3), and appendixes following the text.

2. Property Description

Former NAS Barbers Point is situated on 3,723 acres along the southern coastal plain of Oahu, approximately 13.5 miles west of downtown Honolulu. The property covered in this FOST consists of two contiguous parcels (Lot 13058-D [Former NTSR property] and Lot 13058-G [Former STSR property]), which together comprise approximately 203.7 acres of land at former NAS Barbers Point. Each lot is shown in Figure 1 (see Enclosure 1).

Lot 13058-D consists of 145.8 acres and is located on the eastern portion of the base (see Figure 2, Enclosure 1). The property is mainly open space and includes seven structures (see Table 1). Buildings 1493, 1527, 1528, and 1529 are all located along the eastern boundary of Lot 13058-D. Buildings 170, 171, and 172 are located along the western boundary of Lot 13058-D. Buildings 1493 and 1527 were historically used for disaster control and miscellaneous storage, respectively. Buildings 1528 and 1529 were historically used as weapons magazines that housed fuses and detonators and black powder. Buildings 170, 171, and 172 were historically used as weapons magazines that housed fuses and detonators. Utilities adjacent to the property include a subsurface sanitary sewer and water mains, and overhead electrical lines. One water line runs through Lot 13058-D. Figure 2 provides more detail on the environmental sites and features within Lot 13058-D (see Enclosure 1).

Lot 13058-G consists of 57.9 acres and is located near the southeastern portion of the base (see Figure 3, Enclosure 1). The property is open space with heavy vegetation and undergrowth. No buildings, structures or other improvements, or utilities are located on the property. Subsurface utilities adjacent to Lot 13058-G include sanitary sewer, electrical lines, and water mains. Figure 3 provides more detail on the environmental sites and features within Lot 13058-G (see Enclosure 1).

Table 1: Buildings to be Transferred on Lot 13058-D

Building/ Facility No.	Building/Facility Description	Year of Construction	Area (square feet)
170	Fuse-Detonator Magazine	1943	286
171	Fuse-Detonator Magazine	1943	286
172	Fuse-Detonator Magazine	1943	286
1493	Disaster Control Storage	1944	1,250
1527	Miscellaneous Storage	1944	2,000
1528	Fuse-Detonator Magazine	1944	500
1529	Suspected Ammunition Magazine	1944	204

Visual site reconnaissances (VSR) of Lot 13058-D were conducted on April 25, 2008, and May 13, 2008. At the time of the VSRs, Buildings 170, 171, 172, 1493, 1528, and 1529 were no longer in use and were observed to be empty. Building 1527 is currently in use and contains a catchment system consisting of three water storage tanks and a gutter system. Miscellaneous solid waste items and household trash and debris also were observed throughout the property, as well as two compressed gas cylinders that had rusted through (former contents of these were unknown). No evidence of hazardous materials was observed.

A VSR was conducted on Lot 13058-G on July 24, 2006. At the time of the VSR, the lot consisted predominantly of vacant land covered with native vegetation. A former investigation-derived waste storage area was identified adjacent to Lot 13058-G. However, the area was empty and no other evidence of hazardous materials or hazardous wastes was observed.

Four point of interest (POI) sites are located within the property evaluated in this FOST. POI-44, the Former NTSR, and portions of POI-45 (Coral Pit No. 3) and POI-49, Regional Groundwater System, are located within Lot 13058-D. POI-44, the Former STSR, and POI-49, Regional Groundwater System, are located within Lot 13058-G. POI-44 (Sections 3.1.2.1 and 3.1.2.2), POI-45 (Section 3.1.2.3), and POI-49 (Section 3.1.2.4) are discussed in further detail subsequently in this document. In addition, two underground fuel lines formerly located on Lot 13058-D are discussed further in Section 3.1.3.

3. Summary of Environmental Condition and Notifications

The BRRM outlines environmental conditions that must be addressed in a FOST; the specific topics identified in the BRRM are listed in Table 2. For all potentially applicable topics, Section 3.1 summarizes the environmental conditions and actions taken, and identifies notification requirements related to hazardous substances, petroleum products, and other regulated materials. The topics specified as “Applicable to Property” in Table 2 identify the environmental concerns that have notification, covenant, and restriction requirements. The notifications, covenants, and restrictions are further described in Section 3.2, Notifications, Section 3.3, CERCLA Land Use Controls for Lot 13058-G, and Section 3.4, Covenants and Restrictions.

Table 2: Environmental Requirements and Notifications

Applicable Topics	Applicable to Property?	
	No (Section)	Yes (Section)
Presence of Hazardous Substances		X (3.1.1)
CERCLA/RCRA		X (3.1.2)
Presence of Petroleum Products and Derivatives	X (3.1.3)	
Aboveground and Underground Storage Tanks	X (3.1.4)	
Munitions and Explosives of Concern		X (3.1.5)
Asbestos-Containing Material		X (3.1.6)
Lead-Based Paint, Target Housing, and Residential Property		X (3.1.7)
Polychlorinated Biphenyls	X (3.1.8)	

Notes:

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act

RCRA = Resource Conservation and Recovery Act

3.1 ENVIRONMENTAL ACTIONS AND CONDITIONS

In this section, the environmental actions and conditions are described for each of the potentially applicable topics for Lots 13058-D and 13058-G.

3.1.1 Presence of Hazardous Substances

The Navy searched its files and records and found, to the extent information is available, that the only storage, release, or disposal of hazardous substances known to the Navy are releases of chemicals within the boundaries of the Former NTSR and Former STSR (POI-44) and Coral Pit No. 3 (POI-45), and releases of chemicals to the Regional Groundwater System (POI-49). Concentrations of hazardous substances in groundwater appear consistent throughout the aquifer that underlies former NAS Barbers Point. Therefore, CERCLA hazardous substance notifications are required for POI-44, POI-45, and POI-49, and are included in Section 3.2.1, Hazardous Substances, and Appendix A, CERCLA Hazardous Substance Notice. The necessary response action was taken at these sites, and the deed will include a description of the response action taken. A hazardous substance notice is included in Appendix A, which identifies the information available regarding the storage, release, or disposal of hazardous substances on the property.

CERCLA Section 120(h)(3) requires that each deed entered into for the transfer of federal property on which hazardous substances were stored, released, or disposed of shall include a notice of the type and quantity of hazardous substances; the time at which such storage, release, or disposal took place; and a description of the response taken.

3.1.2 Comprehensive Environmental Response, Compensation, and Liability Act and Resource Conservation and Recovery Act

CERCLA issues that affect the property are discussed below. No Resource Conservation and Recovery Act issues were identified that affect the property evaluated in this FOST.

Four POI sites on Lots 13058-D and 13058-G are evaluated in this FOST: the Former NTSR and the Former STSR of POI-44; a portion of POI-45 (Coral Pit No. 3), and basewide POI-49 (the Regional Groundwater System). These sites were investigated, and the Former NSTR and Former STSR of POI-44 were remediated in accordance with CERCLA; these activities are further discussed in Sections 3.1.2.1 (Former NSTR) and 3.1.2.2 (Former STSR). The status of the environmental condition at all of these sites is discussed below.

3.1.2.1 POI-44, FORMER NORTHERN TRAP AND SKEET RANGE

Lot 13058-D contains a portion of POI-44, the Former NTSR (see Figure 2 in Enclosure 1). The Former NTSR appears to have been active in 1950 and abandoned sometime prior to the early 1960s. The Former NTSR was discovered during a 1998 site walk and ecological reconnaissance for the Former STSR, when clay targets were identified near the intersection of San Jacinto Road and Forarty Street, indicating another trap and skeet range. Elevated lead and arsenic concentrations in soil were identified during a 1999 removal site evaluation (RSE) to investigate the newly identified Former NTSR (Earth Tech, Inc. [Earth Tech] 1998, 1999). Polycyclic aromatic hydrocarbons (PAH) were later identified as chemicals of potential concern (COPC) in soil, based on the confirmed presence of clay pigeons in the soil.

The endangered 'akoko plant also was identified at the Former NTSR within the areas containing lead, arsenic, and PAH-contaminated soil. In 2003, additional sampling and a risk assessment were conducted within clusters of 'akoko near the periphery of the contaminated area to determine if these clusters could be excluded from a removal action and minimize need to disturb 'akoko plants during a removal action (Navy 2003a). Data evaluations indicated that 'akoko clusters located in areas outside of the 750 milligrams per kilogram total lead contour line based on the U.S. Environmental Protection Agency (EPA) Region 9 industrial preliminary remediation goal (PRG) for lead (EPA 2002) could be excluded from a removal action, except for the area around one 'akoko cluster that contained lead at concentrations exceeding the cleanup goal (Earth Tech 2003b).

An engineering evaluation/cost analysis (EE/CA) (Earth Tech 2003c) and an action memorandum (AM) (Navy 2003b) prepared for the Former NTSR recommended a removal action at the site to address the lead and PAHs in soil. Risk evaluations indicated that arsenic did not pose unacceptable risk to the receptors evaluated and was no longer considered a COPC. The EE/CA and AM recommended excavation of soil at the Former NTSR, using conventional construction equipment over the entire Former NTSR (except clusters of high populations of 'akoko plants), and consolidation of waste in an existing, on-base Consolidation Unit (CU). A removal action was conducted at the Former NTSR from October 2003 through April 2004, and a remediation verification report was completed in 2005 (Shaw Environmental, Inc. [Shaw] 2005). Approximately 52,000 cubic yards (CY) of material was stabilized with triple super phosphate (TSP), excavated, and processed through mechanical screens. Of the 52,000 CY of excavated material, approximately 43,000 CY of stabilized material passed through the screens and was transported and placed in the existing CU (Shaw 2005). The approximately 9,000 CY of material retained on the screens was used for site restoration. Soil within 'akoko clusters with high densities of 'akoko plants was manually excavated to preserve the plants. Results for confirmation samples, analyzed for total lead and PAHs, indicated that the 2003 through 2004 removal action had cleaned the site to EPA Region 9 residential PRGs (EPA 2002) for lead and PAHs; therefore, the site is suitable for unrestricted use. All required response actions have been completed, and a no further action decision document for this site was signed in 2007 (Navy 2005b, 2007b).

3.1.2.2 POI-44, FORMER SOUTHERN TRAP AND SKEET RANGE

Lot 13058-G contains most of POI-44, the Former STSR (see Figure 3 in Enclosure 1). The Former STSR appears to have been active in 1950 and abandoned sometime prior to the early 1960s. In 1994, the Navy began a remedial investigation (RI) (Ogden Environmental and Energy Services Co., Inc. [Ogden] 1999c) to evaluate four former firing ranges, including the Former STSR, identified in the 1994 environmental baseline survey (Ogden 1994). During the field investigation, the Former STSR was assumed to include only the 8 acres previously cleared, as shown on a 1950 aerial photograph of the site. Based on sampling results, lead was detected in soil at concentrations exceeding screening criteria. The RI concluded that the lead concentrations at the Former STSR were acceptable under a short-term recreational (6 hours per week) use; however, if the site was to be used for longer periods, further evaluation of health risk or a response action or both were recommended.

A RSE was conducted in May 1998 to collect data necessary for preparation of removal action documentation for the Former STSR. Soil samples were collected and analyzed for lead only, based on the findings of the RI. The sampling locations were limited to the general area of this estimated 8-acre range boundary. In the course of sampling and review of preliminary analytical data, it became evident that lead contamination had impacted an area much larger than the 8 acres previously assumed. Results of the 1998 RSE were presented in the 2001 EE/CA Addendum No. 2 (Earth Tech 2001). The Former NTSR also was identified during the investigation and evaluation.

In 1999, a RSE was prepared to further delineate the extent of lead contamination identified during the 1998 RSE, and to evaluate whether the remaining soil presented unacceptable risk to potential human or ecological receptors. During the 1999 RSE, arsenic was added as a COPC. The investigation results indicated that arsenic and lead contamination was limited to the loose surface soil and did not extend into the coralline rock subsurface. Results of the 1999 RSE were presented in the 2001 EE/CA Addendum No. 2 (Earth Tech 2001).

The Former STSR was evaluated in an EE/CA prepared in 2001 (Earth Tech 2001). An AM documented the recommendation for a removal action consisting of stabilization with TSP; excavation and disposal of lead-, arsenic-, and PAH-contaminated soils; and removal of clay pigeon target fragments (Navy 2001b). To protect the archaeological features, the AM recommended berming and fencing.

A removal action was conducted from December 2000 to July 2003, and a remediation verification report was completed in 2004 (Shaw 2004a). Approximately 70,000 CY of material was excavated and processed through mechanical screens. Of that material, approximately 42,000 CY of lead-, arsenic-, and PAH-contaminated soil was passed through screens and was stabilized with TSP, transported, and disposed of in the CU; and approximately 28,000 CY of uncontaminated material was retained on the screens for site restoration activities. Most of the Former STSR was cleaned to standards suitable for residential (or unrestricted) use, except within the archaeological feature areas and the clay pigeon area.

Lead- and arsenic-contaminated soil within the archaeological feature areas was not removed in order to preserve the archaeological features, in accordance with consultations pursuant to Title 16 of the *United States Code* Part 470, the National Historic Preservation Act, Section 106. Lead and arsenic concentrations in these areas exceed the cleanup levels for both residential and industrial land use scenarios (Shaw 2004b). Fences and concrete berms have been constructed around the archaeological features to restrict access to these areas. PAH-contaminated soil within the clay pigeon area was removed to meet cleanup levels for industrial land use (Earth Tech 2003a, 2004).

All required response actions at the Former STSR have been completed, and a decision document has been signed for this site implementing land use controls (LUC) in areas where contamination was left in place (Navy 2005a, 2007c, 2007d). In areas where LUCs are part of the final remedy for the site (such as the archaeological features and the clay pigeon area), the LUCs limit future use of the property.

3.1.2.3 POI-45, CORAL PIT No. 3

Lot 13058-D also contains a portion of POI-45, Coral Pit No. 3, which was previously used as an unauthorized disposal area. Waste disposed at the pit consisted mainly of wood and concrete rubble; however, small amounts of domestic wastes, abandoned drums, and oil/solvent cans were also disposed of in the pit. During a 1995 RI, fuel-related volatile organic compounds, semivolatile organic compounds, total fuel hydrocarbons, and metals were detected in soil samples collected from Coral Pit No. 3. The detected constituents were evaluated in human health and ecological risk assessments. The ecological risk assessment determined that the site did not pose a risk to the environment. The human health risk assessment determined that the site was suitable for its intended

commercial and recreational use, but not for unrestricted reuse under CERCLA due to lead levels in subsurface soil. A record of decision (ROD) was prepared in 1999, which included restrictions limiting reuse of this property (Navy 1999a).

In February 1999, additional samples were collected at the Coral Pit No. 3 to reevaluate the lead findings of the RI. Soil samples were collected from a location within a trench where lead was previously detected above the EPA Region 9 PRG. The 1999 sampling results indicated lead concentrations in subsurface soils did not exceed EPA Region 9 residential PRGs, and therefore the site did not pose a risk to human health for unrestricted reuse. Based on the findings of the risk assessment and supplemental sampling, the site is suitable for unrestricted reuse under CERCLA. A no further action ROD amendment for Coral Pit No. 3 was signed in 1999 (Navy 1999b).

3.1.2.4 POI-49, REGIONAL GROUNDWATER SYSTEM

Regional groundwater quality at former NAS Barbers Point was investigated during the RI for basewide site POI-49 (Ogden 1999b). Hazardous substances (arsenic, atrazine, bis(2-ethylhexyl)phthalate, 4,4'-DDE [dichlorodiphenyldichloroethylene], 4,4'-DDT [dichlorodiphenyltrichloroethane], lead, lindane, and thallium) were detected in basewide groundwater at low concentrations that posed no threat to human health or the environment (Ogden 2001). Furthermore, concentrations of hazardous substances in groundwater appear consistent throughout the aquifer that underlies former NAS Barbers Point and, except for one area not included in the property to be transferred, do not appear to be the result of releases from base activities. Groundwater underlying former NAS Barbers Point is not currently used for domestic water supply purposes and requires desalination before it can be used as drinking water. A no-action ROD was signed for this site in 1999 (Navy 1999a).

3.1.2.5 IRP AND POI SITES ON ADJACENT PROPERTIES

No potential impacts are identified from adjacent areas to the property. Several Installation Restoration Program (IRP) and POI sites are located adjacent to the property and are discussed below.

IRP-02, Ordy Pond, is located approximately 1,000 feet south of Lot 13058-D, as shown on Figure 2 (see Enclosure 1), and immediately west of Lot 13058-G, as shown on Figure 3 (see Enclosure 1). A RI (Ogden 1999c) was conducted for surface water and sediment at the site, and a no further action decision document was signed for this site in 2007 (Navy 2007a). An evaluation of the site and its distance to the property indicates that it is not expected to affect the property.

POI-42 is the Old Engine Test Cells Area located southwest of the property, as shown on Figure 2 (see Enclosure 1). A removal action was conducted at the Old Engine Test Cells Area from November 2000 to February 2001. All necessary response actions were conducted under CERCLA, and the site is suitable for unrestricted reuse under CERCLA. A no-further-action ROD was signed for this site in 2001 (Navy 2001a). An evaluation of the site and its distance to the property indicates that it is not expected to affect the property.

POI-43, the Golf Course, is located east of the property, as shown on Figure 2 (see Enclosure 1). The golf course was built in the 1950s on land occupied in the 1940s by Marine Corps Air Station Ewa housing. In the past, the golf course used sewage sludge from the Fort Kamehameha Sewage Treatment Plant at Pearl Harbor to condition the soil. During a 2000 site investigation that evaluated both the playable areas (tee boxes, fairways, greens, and cart paths) and nonplayable areas (unused space between the existing fairways), metal concentrations exceeding screening criteria were found along the southwestern and the eastern portions of the sites where sandblast grit has been used for cart path repair, dust control, and construction of temporary greens and tee boxes. A draft focused feasibility study was submitted for the Sandblast Grit Use Areas to evaluate alternatives for the site

(Earth Tech 2006). Currently, the planned future use of the playable areas of the golf course is for the Navy to retain ownership and maintain its current use (commercial/industrial) as a golf course. The nonplayable areas of the golf course between the fairways are planned for transfer with the future land use as residential (or unrestricted). Because the sandblast grit areas and stockpiles are located within specific areas of the golf course and have a low potential to migrate, the sandblast grit is not expected to affect the property.

POI-44 also includes three other firing ranges not within the property. The three former firing ranges are located south of Lot 13058-G. These are the Former Machine Gun Ranges (MGR) No. 3 and No. 4, and the Former Carbine and Pistol Range (CPR). An RI was completed at these sites. No action was required at Former MGR No. 3, but removal actions were conducted at MGR No. 4 and the CPR from 1999 through 2000 (Ogden 1999d). All required response actions at the three former firing ranges have been completed, and a no further action ROD was signed in 2001 (Navy 2001c). The sites are suitable for unrestricted reuse under CERCLA. An evaluation of the sites and their respective distances to the property indicate that they are not expected to affect the property.

3.1.3 Presence of Petroleum Products and Derivatives

The Navy used two underground fuel lines on Lot 13058-D to transport fuel to the airport area from off base (see Figure 2, Enclosure 1). These fuel lines were closed in 1999, and the portions within the property are intended to be conveyed along with the land. The fuel lines were flushed, cut, and grouted, or filled with nitrogen gas; soil samples were collected to determine whether releases had occurred (IT Corporation 2000). All detected concentrations were below State of Hawaii Department of Health (DOH) action levels. No further action is required for these fuel lines.

There is no record of petroleum products or fuel lines on Lot 13058-G.

3.1.4 Aboveground and Underground Storage Tanks

No aboveground or underground storage tanks were formerly or are presently located on the property.

3.1.5 Munitions and Explosives of Concern

Two former skeet ranges (the Former NTSR and the Former STSR) were on the property. As discussed in Sections 3.1.2.1 and 3.1.2.2, the two sites were remediated in accordance with CERCLA, and no further action is required at the Former NTSR. LUCs are being implemented at the Former STSR for portions of the site where the cleanup levels were not achieved. A notification of the presence of the former skeet ranges is included in Section 3.2.2.

There is no record of munitions or explosives of concern on the property.

3.1.6 Asbestos-Containing Material

An asbestos reinspection survey was completed in 1998 (Ogden 1999a). Results of the asbestos survey indicated one homogeneous area of suspect asbestos-containing material (ACM) in Building 1493 on Lot 13058-D. The area identified was black tar located on the ceiling beneath steel plates, and was noted to be in good condition (Ogden 1999a). The suspect ACM previously identified in Building 1493 was reinspected in May 2009 and noted to be in good condition (WCP 2009). A copy of the ACM reinspection letter report is included as Appendix B. A notice related to asbestos is cited in Section 3.2.

3.1.7 Lead-Based Paint, Target Housing, and Residential Property

Before 1978, the use of lead-based paint (LBP) was common throughout the United States, including military installations. The DoD's policy is to survey LBP hazards primarily applied to residential structures built before 1978 (DoD 1994). Navy policy does not require LBP surveys for commercial or industrial buildings unless the buildings will be reused for residential purposes. In the event such properties will be reused as residential properties, the transferee will be required to conduct renovations consistent with the regulatory requirements for abatement of LBP hazards.

Although LBP surveys were not required, the Navy conducted LBP surveys of some nonresidential (commercial/industrial) buildings at former NAS Barbers Point, including Buildings 172, 1528, and 1529, which are located on Lot 13058-D (Ogden 1994, 1998). These buildings were sampled for LBP and had detections of lead exceeding 600 parts per million. Since the facilities are not "target housing" as defined by the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992, no abatement actions are required or planned. All of the buildings on the FOST property were constructed in the 1940s (see Table 1), so it is likely that they all have LBP even if they were not surveyed or sampled. A notice, as described in Section 3.2, will be included in the deed to advise the public of the potential existence of LBP in these buildings within Lot 13058-D. Notices and restrictions related to LBP are presented in Sections 3.2 and Section 3.3, respectively.

Demolition of buildings, structures, or facilities containing or presumed to contain LBP must be performed in accordance with applicable local, state, and federal requirements.

LBP has been detected in buildings on Lot 13058-D only. No record has been found of LBP use on Lot 13058-G.

3.1.8 Polychlorinated Biphenyls

No record has been found of polychlorinated biphenyls use on the property.

3.2 NOTIFICATIONS

This section of the FOST summarizes the environmental topics applicable to the property. The following environmental factors were determined to require notifications in the deed transfer for Lots 13058-D and 13058G:

- Hazardous Substances
- Munitions and Explosives of Concern
- Asbestos-Containing Material
- LBP, Target Housing, and Residential Property.

3.2.1 Hazardous Substances

Appendix A lists the hazardous substances on Lot 13058-D and Lot 13058-G that require notifications under CERCLA Section 120(h).

The following notifications are required to be included in the deed conveying the property:

Notifications

- The transferee is hereby notified that lead, benzo(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)anthracene were released on Lot 13058-D as part of the Former NTSR (POI-44). A response action was conducted, and approximately 43,000 cubic yards of lead and PAH-contaminated soil was stabilized and removed from the site.

- The transferee is hereby notified that arsenic, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and lead were released on Lot 13058-D as part of Coral Pit No. 3 (POI-45). The chemicals were detected at concentrations that did not require a response action.
- The transferee is hereby notified that arsenic, atrazine, bis(2-ethylhexyl)phthalate, 4,4'-DDE, 4,4'-DDT, lead, lindane, and thallium were released in the Regional Groundwater System (POI-49) that lies beneath the property. The chemicals detected were at concentrations that did not require a response action.
- The transferee is hereby notified that lead, arsenic, and PAHs, including acenaphthene, acenaphthylene, anthracene benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, naphthalene, phenanthrene, and pyrene were released on Lot 13058-G as part of the Former STSR (POI-44). A response action was conducted, and approximately 42,000 cubic yards of lead, arsenic, and PAH-contaminated soil was stabilized and removed from the site. Lead- and arsenic-contaminated soil remains within the archaeological feature areas, and PAH-contaminated soil remains in the clay pigeon area.

3.2.2 Munitions and Explosives of Concern

The following notifications are required to be included in the deed conveying Lot 13058-D and Lot 13058-G:

Notifications

- The transferee is hereby notified that a skeet range (the Former NTSR) was formerly located on Lot 13058-D.
- The transferee is hereby notified that a skeet range (the Former STSR) was formerly located on Lot 13058-G.

3.2.3 Asbestos-Containing Material

The following notification is required to be included in the deed conveying Lot 13058-D:

Notification

- The transferee is hereby notified that ACM is or may be present in Building 1493 at former NAS Barbers Point. The transferee will be responsible for managing and complying with all applicable federal, state, and local laws and regulations relating to ACM.

3.2.4 Lead-Based Paint

The following notifications are required to be included in the deed conveying Lot 13058-D:

Notifications

- The transferee is hereby notified that LBP is present in nonresidential buildings, structures, or facilities within the parcel proposed for transfer either due to actual sampling or based on the age of construction (that is, whether the building or structure was constructed before the Consumer Product Safety Commission's 1978 ban on LBP for residential use). All the buildings, structures, or facilities on the parcel proposed for transfer were built prior to 1978 and may contain LBP. LBP was identified in Buildings 172, 1528, and 1529. This in turn creates the possibility, through the action of normal weathering and maintenance that there

may be lead from LBP in the soil surrounding these structures. Lead from paint, paint chips, and dust can pose health hazards if not managed properly.

- The Grantor will have no obligation under this subparagraph for the demolition of nonresidential buildings, structures, or facilities built prior to 1978, which creates the potential for lead to be released to soil as a result of such activities. With respect to any such nonresidential buildings, structures, or facilities, which the transferee intends to demolish and redevelop for residential use after transfer, the transferee may, under applicable law or regulation, be required by regulatory agencies to evaluate the soil adjacent to such nonresidential buildings, structures, or facilities for soil-lead hazards, and to abate any such hazards that may be present, after demolition and prior to occupancy of any newly constructed residential structures.

3.3 CERCLA LAND USE CONTROLS FOR LOT 13058-G

The following CERCLA LUCs are being implemented at Lot 13058-G (the Former STSR):

1. The landowner shall prohibit the archaeological features areas from being used for any purpose other than archaeological preservation. The archaeological features areas are shown as Easements 1 through 12 and 14 on Enclosure 1, Land Court Application Map.
2. The landowner shall perform annual inspections of the berms and fencing surrounding the archaeological features areas, and shall maintain the integrity of the berms and fences adequate to prevent unauthorized entry to this area.
3. The landowner shall only allow access to the archaeological features areas by Hazardous Waste Operations and Emergency Response trained personnel wearing appropriate personal protective equipment, provided that they are performing their official functions.
4. With respect to the archaeological features areas, the landowner shall prepare an annual LUC Compliance Certificate and a five-year review report in accordance with the LUC Work Plan, and submit said documents to the Navy for its approval. The landowner shall include in these submissions, confirmation of the integrity of the protective structures surrounding the archaeological features areas and, if maintenance of the structures is required, a description of all actions required to maintain and/or re-establish the integrity of the structures.
5. The landowner shall prohibit the development or use of any portion of the clay pigeon area as residential housing, day care, school or playground facilities. The clay pigeon area is shown as Easement 13 on Enclosure 1, Land Court Application Map.
6. The landowner shall prohibit any soil disturbing land modifications (e.g., excavation clearing, regrading) within the clay pigeon area except by personnel properly trained for hazardous material operations who have been informed of the potential hazard.
7. The landowner shall require that any soil taken from within the clay pigeon area be properly characterized, manifested and transported by appropriately licensed transporters, and disposed of at an appropriate treatment, storage and disposal (TSD) facility.
8. With respect to the clay pigeon area, the landowner shall prepare an annual LUC Compliance Certificate and a five-year review report in accordance with the LUC Work Plan, and submit said documents to the Navy for its approval. The landowner shall include in these submissions confirmation that the land use within the clay pigeon area is for industrial purposes only, and a description of any land modifications performed within the clay pigeon area.
9. The landowner shall allow the Navy and its contractors free and unhindered access to the Former STSR for purposes of verifying implementation of the LUCs.

3.4 COVENANTS AND RESTRICTIONS

The deed will contain the following covenants.

All Remedial Action Has Been Taken. The deed of transfer will include a covenant by the United States, made pursuant to the provisions of CERCLA Section 120 (h)(3)(A) (ii)(I), warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of such transfer.

Additional Remediation Obligation. The deed will include a covenant by the United States, made pursuant to the provisions of CERCLA Section 120 (h)(3)(A)(ii)(II), warranting that any remedial action found to be necessary after the date of such transfer shall be conducted by the United States. This covenant will not apply to any Potentially Responsible Party including but not limited to any remedial action required on the property to the extent that an act or omission of the transferee results in a new release of hazardous substances.

Right of Access. The deed will contain a covenant by the Grantee granting to the United States right of access to the property, pursuant to the provisions of CERCLA Section 120 (h)(3)(A) (iii), in any case in which any remedial or corrective action is found to be necessary after the date of such transfer.

Environmental Covenant. The deed for the Former STSR will contain covenants as set forth in the LUC Work Plan (Navy 2007d) and Section 3.3 above. The transferee shall comply with the covenants, which shall run with the land and be binding on subsequent landowners. The covenants can be removed from the deed if the LUC Work Plan is amended and concurred with by the State of Hawaii Department of Health.

In addition, the deed will contain the following restriction for Lot 13058-D:

Lead-Based Paint. The deed will contain a restriction that the transferee in its use and occupancy of the property, including but not limited to, demolition of buildings, structures or facilities and identification and/or evaluation of any LBP hazards, shall be responsible for managing LBP and LBP hazards in accordance with applicable federal, state, and local laws and other requirements relating to LBP and LBP hazards. Further, the transferee will prohibit residential occupancy and use of buildings and structures, or portions thereof, prior to identification and/or evaluation of any LBP hazards, and abatement of any hazards identified as required.

Table 3 summarizes the recommended notifications, covenants, and restrictions associated with Lot 13058-D and Lot 13058-G.

Table 3: Notifications, Covenants, and Restrictions

Notification/Covenant/Restriction	Applicable Parcel	Section
The transferee is hereby notified that lead, benzo(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)anthracene were released on Lot 13058-D as part of the Former NTSR. A response action was conducted and approximately 43,000 cubic yards of lead and PAH-contaminated soil was stabilized and removed from the site.	Lot 13058-D	3.2.1
The transferee is hereby notified that arsenic, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and lead were released on Lot 13058-D as part of Coral Pit No. 3 (POI-45). The chemicals were detected at concentrations that did not require a response action.	Lot 13058-D	3.2.1
The transferee is hereby notified that arsenic, atrazine, bis(2-ethylhexyl)phthalate, 4,4'-DDE, 4,4'-DDT, lead, lindane, and thallium were released in the Regional Groundwater System (POI-49) that lies beneath the property. The chemicals detected were at concentrations that did not require a response action.	All	3.2.1
The transferee is hereby notified that lead, arsenic, and PAHs, including acenaphthene, acenaphthylene, anthracene benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, naphthalene, phenanthrene, and pyrene were released on Lot 13058-G as part of the Former STSR (POI-44). A response action was conducted and approximately 42,000 cubic yards of lead, arsenic, and PAH-contaminated soil was stabilized and removed from the site. Lead- and arsenic-contaminated soil remains within the archaeological feature areas, and PAH-contaminated soil remains in the clay pigeon area.	Lot 13058-G	3.2.1
The transferee is hereby notified that a skeet range (the Former NTSR) was formerly located on Lot 13058-D.	Lot 13058-D	3.2.2
The transferee is hereby notified that a skeet range (the Former STSR) was formerly located on Lot 13058-G.	Lot 13058-G	3.2.2
The transferee is hereby notified that ACM is or may be present in Building 1493 at former NAS Barbers Point. The transferee will be responsible for managing and complying with all applicable federal, state, and local laws and regulations relating to ACM.	Lot 13058-D	3.2.3
The transferee is hereby notified that LBP is present in nonresidential buildings, structures, or facilities within Lot 13058-D proposed for transfer either due to actual sampling or based on the age of construction (that is, whether the building or structure was constructed before the Consumer Product Safety Commission's 1978 ban on LBP for residential use). All buildings, structures, or facilities on Lot 13058-D proposed for transfer were built prior to 1978 and may contain LBP. LBP was identified in Buildings 172, 1528, and 1529. This in turn creates the possibility, through the action of normal weathering and maintenance that there may be lead from LBP in the soil surrounding these structures. Lead from paint, paint chips, and dust can pose health hazards if not managed properly.	Lot 13058-D	3.2.4
The Grantor will have no obligation under this subparagraph for the demolition of nonresidential buildings, structures, or facilities built prior to 1978, which creates the potential for lead to be released to soil as a result of such activities. With respect to any such nonresidential buildings, structures, or facilities, which the transferee intends to demolish and redevelop for residential use after transfer, the transferee may, under applicable law or regulation, be required by regulatory agencies to evaluate the soil adjacent to such nonresidential buildings, structures, or facilities for soil-lead hazards, and to abate any such hazards that may be present, after demolition and prior to occupancy of any newly constructed residential structures.	Lot 13058-D	3.2.4

Table 3: Notifications, Covenants, and Restrictions (Continued)

Notification/Covenant/Restriction	Applicable Parcel	Section
<p>The following CERCLA LUCs are being implemented at Lot 13058-G (the Former STSR):</p> <ol style="list-style-type: none"> 1. The landowner shall prohibit the archaeological features areas from being used for any purpose other than archaeological preservation. The archaeological features areas are shown as Easements 1 through 12 and 14 on Enclosure 1, Land Court Application Map. 2. The landowner shall perform annual inspections of the berms and fencing surrounding the archaeological features areas, and shall maintain the integrity of the berms and fences adequate to prevent unauthorized entry to this area. 3. The landowner shall only allow access to the archaeological features areas by Hazardous Waste Operations and Emergency Response trained personnel wearing appropriate personal protective equipment, provided that they are performing their official functions. 4. With respect to the archaeological features areas, the landowner shall prepare an annual LUC Compliance Certificate and a five-year review report in accordance with the LUC Work Plan, and submit said documents to the Navy for its approval. The landowner shall include in these submissions, confirmation of the integrity of the protective structures surrounding the archaeological features areas and, if maintenance of the structures is required, a description of all actions required to maintain and/or re-establish the integrity of the structures. 5. The landowner shall prohibit the development or use of any portion of the clay pigeon area as residential housing, day care, school or playground facilities. The clay pigeon area is shown as Easement 13 on Enclosure 1, Land Court Application Map. 6. The landowner shall prohibit any soil disturbing land modifications (e.g., excavation clearing, regrading) within the clay pigeon area except by personnel properly trained for hazardous material operations who have been informed of the potential hazard. 7. The landowner shall require that any soil taken from within the clay pigeon area be properly characterized, manifested and transported by appropriately licensed transporters, and disposed of at an appropriate treatment, storage and disposal (TSD) facility. 8. With respect to the clay pigeon area, the landowner shall prepare an annual LUC Compliance Certificate and a five-year review report in accordance with the LUC Work Plan, and submit said documents to the Navy for its approval. The landowner shall include in these submissions confirmation that the land use within the clay pigeon area is for industrial purposes only, and a description of any land modifications performed within the clay pigeon area. 9. The landowner shall allow the Navy and its contractors free and unhindered access to the Former STSR for purposes of verifying implementation of the LUCs. 	Lot 13058-G	3.3
<p>The deed of transfer will include a covenant by the United States, made pursuant to the provisions of CERCLA Section 120 (h)(3)(A) (ii)(I), warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of such transfer.</p>	All	3.4
<p>The deed will include a covenant by the United States, made pursuant to the provisions of CERCLA Section 120 (h)(3)(A) (ii)(II), warranting that any remedial action found to be necessary after the date of such transfer shall be conducted by the United States. This covenant will not apply to any Potentially Responsible Party, including but not limited to any remedial action required on the property to the extent that an act or omission of the transferee results in a new release of hazardous substances.</p>	All	3.4
<p>The deed will contain a covenant by the Grantee granting to the United States right of access to the property, pursuant to the provisions of CERCLA Section 120 (h)(3)(A) (iii), in any case in which any remedial or corrective action is found to be necessary after the date of such transfer.</p>	All	3.4
<p>The deed for the Former STSR will contain covenants as set forth in the LUC Work Plan (Navy 2007d) and Section 3.3 above. The transferee shall comply with the covenants, which shall run with the land and be binding on subsequent landowners. The covenants can be removed from the deed if the LUC Work Plan is amended and concurred with by the State of Hawaii Department of Health.</p>	Lot 13058-G	3.4

Table 3: Notifications, Covenants, and Restrictions (Continued)

Notification/Covenant/Restriction	Applicable Parcel	Section
The deed will contain a restriction that the transferee in its use and occupancy of the property, including but not limited to, demolition of buildings, structures or facilities and identification and/or evaluation of any LBP hazards, shall be responsible for managing LBP and LBP hazards in accordance with applicable federal, state, and local laws and other requirements relating to LBP and LBP hazards. Further, the transferee will prohibit residential occupancy and use of buildings and structures, or portions thereof, prior to identification and/or evaluation of any LBP hazards, and abatement of any hazards identified as required.	Lot 13058-D	3.4

Notes:

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act

DDE = dichlorodiphenyldichloroethylene

DDT = dichlorodiphenyltrichloroethane

LBP = lead-based paint

LUC = land use control

NTSR = Northern Trap and Skeet Range

PAH = polycyclic aromatic hydrocarbon

POI = point of interest

STSR = Southern Trap and Skeet Range

4. Finding of Suitability to Transfer

Based on the information contained in this FOST, and the notices, restrictions, and covenants that will be contained in the deed, the property (Lot 13058-D and Lot 13058-G) is suitable for transfer.

Authorizing Signature

Signature: *Laura Duchnak*
Ms. Laura Duchnak
Director, BRAC Program Management Office West

Date: 9/24/09

Appendix A
CERCLA Hazardous Substance Notice

Notice is hereby given that the information provided below contains a notice of hazardous substances that have been stored, released, or disposed of on certain portions of Lot 13058-D and Lot 13058-G at Former Naval Air Station Barbers Point, and the approximate dates that such storage, release(s), or disposal took place. Title 40 *Code of Federal Regulations* 373.3(b) requires that the following statement be prominently displayed in this notice. The information in this notice is required under the authority of regulations promulgated under 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act ([CERCLA] or “Superfund”) Title 42 of the *United States Code* 9620(h).

Table A-1: Hazardous Substances Stored, Released, or Disposed of

Building, POI Site, or Location	Substance/ Description of Use Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known)	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-44 – Former Firing Ranges (Former Northern Trap and Skeet Range)	Lead	7439-92-1	None	No	4.54	Unknown	NA	Unknown	R	A removal action was conducted from October 2003 through April 2004. Approximately 43,000 cubic yards of lead and PAH-contaminated soil was stabilized and removed from the site. A NFA decision was concurred with by EPA and DOH in March 2007 as presented in the Decision Document (Navy 2007b).
	Benzo(a)pyrene	50-32-8	3,4-Benzopyrene	No	0.454	Unknown	NA	Unknown	R	
	Benzo(b)fluoranthene	205-99-2	None	No	0.454	Unknown	NA	Unknown	R	
	Dibenz(a,h)anthracene	53-70-3	Dibenzo(a,h)-anthracene; 1,2:5,6-Dibenzanthracene	No	0.454	Unknown	NA	Unknown	R	
POI-44 – Former Firing Ranges (Former Southern Trap and Skeet Range)	Arsenic	7440-38-2	As; Arsenicals; Arsen; Arsenic black; Arsenic-75; Colloidal arsenic; Grey arsenic; Metallic arsenic; UN 1558; Fowler's solution	No	0.454	Unknown	NA	Unknown	R	A removal action was conducted from 2000 through 2003. Approximately 42,000 cubic yards of lead- and arsenic-contaminated soil was stabilized and removed from the site. All required response actions have been completed, and land use controls have been implemented on the property in the clay pigeon area and archaeological feature areas at this site (Navy 2007c, d).
	Lead	7439-92-1	Pb; C.I. Pigment metal 4; C.I. 77575; Glover; KS-4; Lead S2; Olow; Omaha; Haro Mix CE-701; Haro Mix CK-711; Haro Mix MH-204; Metallic element	No	4.54	Unknown	NA	Unknown	R	
	Acenaphthene	83-32-9	None	No	45.4	Unknown	NA	Unknown	R	
	Acenaphthylene	208-96-8	None	No	2270	Unknown	NA	Unknown	R	
	Anthracene	120-12-7	None	No	2270	Unknown	NA	Unknown	R	
	Benzo(a)anthracene	56-55-3	Benz(a)anthracene; 1,2-Benzoanthracene	No	4.54	Unknown	NA	Unknown	R	

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Substance/ Description of Use Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known)	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-44 – Former Firing Ranges (Former Southern Trap and Skeet Range) Cont'd	Benzo(a)pyrene	50-32-8	3,4-Benzopyrene	No	0.454	Unknown	NA	Unknown	R	A removal action was conducted from 2000 through 2003. Approximately 42,000 cubic yards of lead- and arsenic-contaminated soil was stabilized and removed from the site. All required response actions have been completed, and land use controls have been implemented on the property in the clay pigeon area and archaeological feature areas at this site (Navy 2007c, d).
	Benzo(b)fluoranthene	205-99-2	None	No	0.454	Unknown	NA	Unknown	R	
	Benzo(g,h,i)perylene	191-24-2	None	No	2270	Unknown	NA	Unknown	R	
	Benzo(k)fluoranthene	207-08-9	None	No	2270	Unknown	NA	Unknown	R	
	Chrysene	218-01-9	None	No	45.4	Unknown	NA	Unknown	R	
	Dibenz(a,h)anthracene	53-70-3	Dibenzo(a,h)-anthracene; 1,2:5,6-Dibenzanthracene	No	0.454	Unknown	NA	Unknown	R	
	Fluoranthene	206-44-0	None	No	45.4	Unknown	NA	Unknown	R	
	Fluorene	86-73-7	None	No	2270	Unknown	NA	Unknown	R	
	Indeno(1,2,3-cd)pyrene	193-39-5	None	No	45.4	Unknown	NA	Unknown	R	
	2-Methylnaphthalene	91-57-6	beta-methylnaphthalene; beta-methyl naphthalene; 2-methylnaphthalene; Methyl-2-naphthalene	No	NA	Unknown	NA	Unknown	R	
	Naphthalene	91-20-3	None	No	45.4	Unknown	NA	Unknown	R	
	Phenanthrene	85-01-8	None	No	2270	Unknown	NA	Unknown	R	
Pyrene	129-00-0	None	No	2270	Unknown	NA	Unknown	R		
POI-45 – Coral Pit No. 3	Arsenic	7440-38-2	None	No	0.454	Unknown	NA	Unknown	R	No action required. A NFA decision was concurred with by EPA and DOH in 1999 as presented in the Record of Decision Amendment (Navy 1999b).
	Benzo(a)pyrene	50-32-8	3,4-Benzopyrene	No	0.454	Unknown	NA	Unknown	R	
	Benzo(b)fluoranthene	205-99-2	None	No	0.454	Unknown	NA	Unknown	R	
	Dibenz(a,h)anthracene	53-70-3	Dibenzo(a,h)-anthracene; 1,2:5,6-Dibenzanthracene	No	0.454	Unknown	NA	Unknown	R	
	Indeno(1,2,3-cd)pyrene	193-39-5	1,10-(1,2-Phenylene)pyrene	No	45.4	Unknown	NA	Unknown	R	
Lead	7439-92-1	None	No	4.54	Unknown	NA	Unknown	R		

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Substance/ Description of Use Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known)	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-49 Regional Groundwater System	Arsenic	7440-38-2	None	No	0.454	Unknown	NA	Unknown	R	No action required. A NFA decision was concurred with by EPA and DOH in 1999 as presented in the Record of Decision (Navy 1999a).
	Atrazine	1912-24-9	NA	No	NA	Unknown	NA	Unknown	R	
	bis(2-ethylhexyl)phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester; DEHP; Diethylhexyl phthalate	No	45.4	Unknown	NA	Unknown	R	
	4,4'-DDE (dichlorodiphenyldichloro-ethylene)	72-55-9	DDE; 4,4(prime)-DDE	No	0.454	Unknown	NA	Unknown	R	
	4,4'-DDT (dichlorodiphenyltrichloro-ethane)	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis (4) chloro-DDT; 4,4(prime)-DDT.	No	0.454	Unknown	NA	Unknown	R	
	Lead	7439-92-1	None	No	4.54	Unknown	NA	Unknown	R	
	Lindane	58-89-9	γ-BHC; Cyclohexane,1,2,3,4,5,6-hexachloro-(1α,2α,3β,4α,5α,6β)-; Lindane(all isomers)	No	0.454	Unknown	NA	Unknown	R	
	Thallium	7440-28-0	None	No	454	Unknown	NA	Unknown	R	

Sources:

Department of Navy (Navy). 1999a. *Record of Decision for No Action and Restricted Land Use Sites, Naval Air Station, Barbers Point, Oahu, Hawaii*. April.
 Navy. 1999b. *Record of Decision Amendment, Coral Pit 3 and NEX Service Station – Building 129 AST, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. August
 Navy. 2007b. *Decision Document, Former Northern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. February.
 Navy. 2007c. *Decision Document, Former Southern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. February.
 Navy. 2007d. *Land Use Control Work Plan, Former Southern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. February.

Notes:

As = arsenic
 BHC = benzene hexachloride
 CAS = Chemical Abstracts Service
 DDE = dichlorodiphenyldichloroethylene
 DEHP = diethylhexylphthalate
 DOH = State of Hawaii Department of Health
 EPA = U.S. Environmental Protection Agency
 kg = kilogram
 NA = not available
 Navy = Department of the Navy
 NFA = no further action
 PAH = polynuclear aromatic hydrocarbon

Pb = lead
 POI = point of interest
 RCRA = Resource Conservation and Recovery Act

Appendix B
ACM Reinspection Letter Report and Certification



15 June 2009

Mr. Keith Robertson
AECOM Technical Services, Inc.
841 Bishop Street
Suite 500
Honolulu, Hawaii 96813

Subject: Visual Asbestos Inspection of Building 1493, Former Naval Air Station, Barbers Point, Oahu, Hawaii. Contract No. N62742-03-D-1837, CTO HC17

Dear Mr. Robertson,

Wil Chee - Planning, Inc. (WCP) prepared this letter report in accordance with the above-referenced project scope of work. This report summarizes the results of a visual asbestos inspection of Building 1493 at Former Naval Air Station (NAS), Barbers Point, Oahu, Hawaii. The objective of this visual asbestos inspection was to re-inspect previously identified areas of known asbestos-containing material (ACM) within the building to verify that the condition of the ACM has not changed (i.e., the ACM has not become friable, accessible, or damaged).

Background Information

Building 1493 is a one-story, 1,250 square foot structure formerly utilized as a disaster control storage facility. The bunker consists of northern and southern concrete walls and a dome shaped roof constructed of steel plates. The year of construction of Building 1493 is 1944.

The 1999 Asbestos Reinspection Report (Final – Volume III) for Naval Air Station Barbers Point Oahu, Hawaii describes the reinspection of one previously identified homogeneous area of ACM. Black tar located beneath the steel plates on the interior ceiling was previously identified as ACM. All identified ACM was noted to be in good condition and non-friable on the day of the inspection (Ogden, 1999).

Summary of 26 May 2009 Building 1493 ACM Reinspection

On 26 May 2009, a Hawaii Department of Health-certified asbestos inspector from WCP conducted a visual asbestos inspection of Former NAS Barbers Point Building 1493. The black tar located beneath the steel plated on the interior ceiling previously identified as ACM was determined to be non-friable and in good condition. The potential for disturbance of this ACM was determined to be low, as this building is currently unoccupied and the majority of the material is inaccessible. Based on these factors, the potential for exposure to airborne asbestos fibers associated with this ACM is low. However, if this ACM becomes damaged, the potential for exposing future building occupants to airborne asbestos fibers will increase. Photographs of this ACM are included as an attachment to this letter.

No additional areas of ACM were observed during this visual inspection.

Providing Services Since 1978

Land Use Planners and Environmental Consultants

Mr. Keith Robertson
15 June 2009
Page 2

Sincerely,
WIL CHEE - PLANNING, INC.

Matthew Casey

Matthew Casey
Environmental Scientist

Attachments: 1. Photographs
2. Certificates

REFERENCES

Ogden Environmental and Energy Services Co., Inc. 1999. *Comprehensive Long-Term Environmental Action Navy (CLEAN) for Pacific Division, Naval Facilities Engineering Command Pearl Harbor, Hawaii. Asbestos Reinspection Report (Final – Volume III) for Naval Air Station Barbers Point Oahu, Hawaii.* CTO 0228. February

ATTACHMENT 1

PHOTOGRAPHS



1. Building 1493
southern exterior
concrete wall, view
facing north.



2. Building 1493
interior, view facing
north.



3. Black tar ACM located beneath steel plates on the interior ceiling.

ATTACHMENT 2

CERTIFICATES

**INSTITUTE FOR
ENVIRONMENTAL EDUCATION, INC.**

16 Upton Drive, Wilmington, MA 01887
(978) 658-5272

IEE

IEE

*This is to certify that
Matthew Casey*

*has completed the requisite training, and has passed
an examination for accreditation as:*

Asbestos Inspector

pursuant to Title II of the Toxic Substance Control Act, 15 U.S.C. 2646

September 28-30, 2005

Course Dates

Course Location

Institute for Environmental Education
16 Upton Drive
Wilmington, MA 01887

September 30, 2005

Examination Date

September 30, 2006

Expiration Date

057602102102342

Certificate Number



President/Director of Training



MURANAKA ENVIRONMENTAL CONSULTANTS, INC.

Training Certificate

This is to certify that

MATTHEW CASEY

has attended the

AHERA INSPECTOR REFRESHER COURSE

*The person has completed the requisite training course
for asbestos accreditation under TSCA Title II, Asbestos Model Accreditation Plan
and the provider is accredited to provide training within the State of Hawaii.*

Accreditation number: MEC-AIR-07-01-2009-0119-06

Student's Social Security Number: XXX-XX-3856

*Muranaka Environmental Consultants, Inc. is an accredited training provider in the State of Hawaii
P.O. Box 4341 Honolulu, Hawaii 96812-4341 Phone: (808) 836-8822 Fax: (808) 836-8833*

July 1, 2009 - July 1, 2009

Dates of Attendance

July 1, 2010

Expiration Date

July 1, 2009

Date of examination

Mark T. Muranaka, M.S., M.P.H., President

State of Hawai'i Asbestos Certification

Training Course Exp. Dates

W	n/a	MP	n/a
CS	n/a	PD	n/a
INS	07/01/10	PM	n/a



Casey
Matthew C.
Wil Chee Planning & Environmental, Inc.
HIASB-2838
State Exp. Date: 09/10/2009

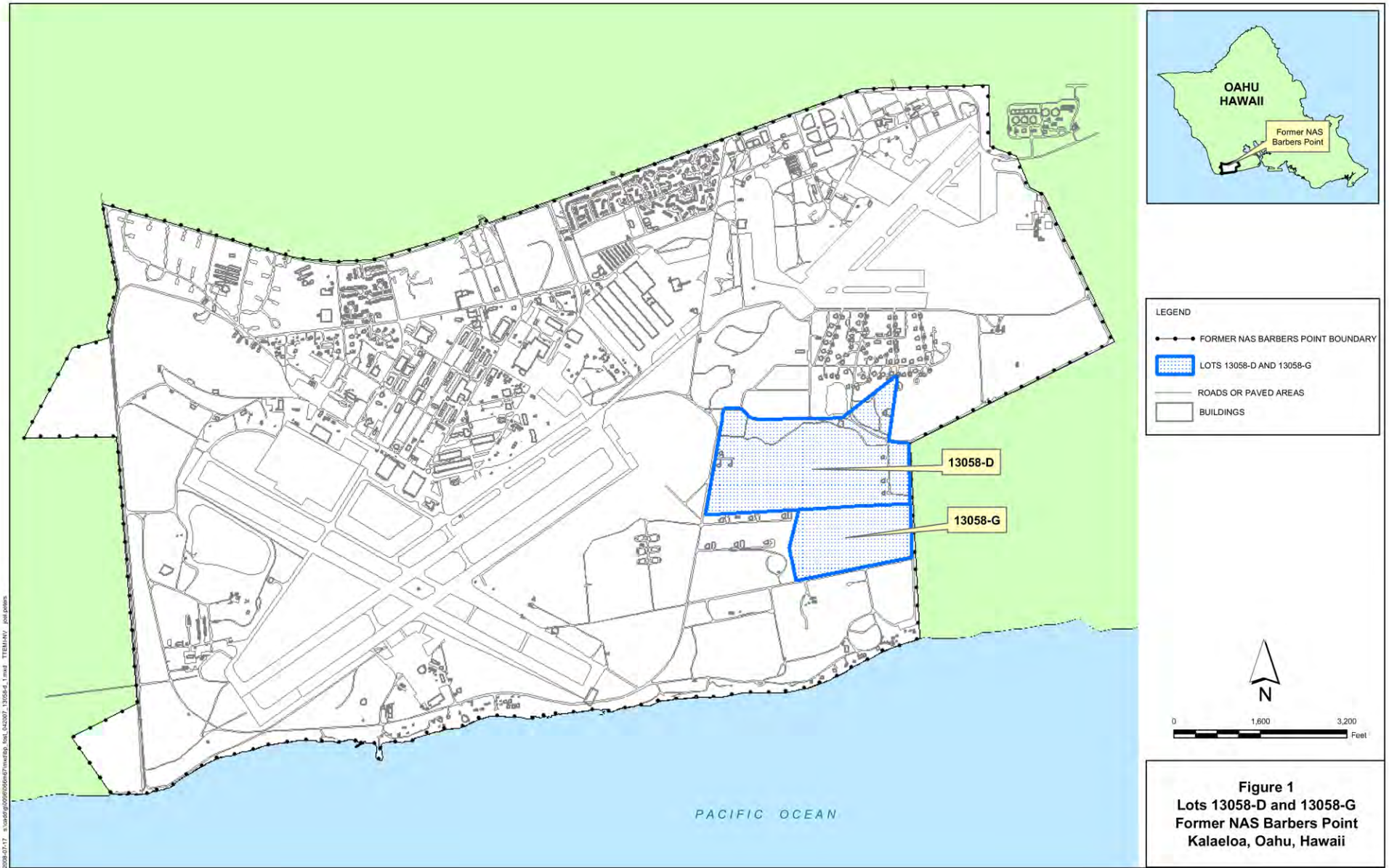
W= Worker
CS= Cont./Sup.
INS= Inspector
PD= Project Designer
MP= Mgmt. Planner
PM= Project Monitor

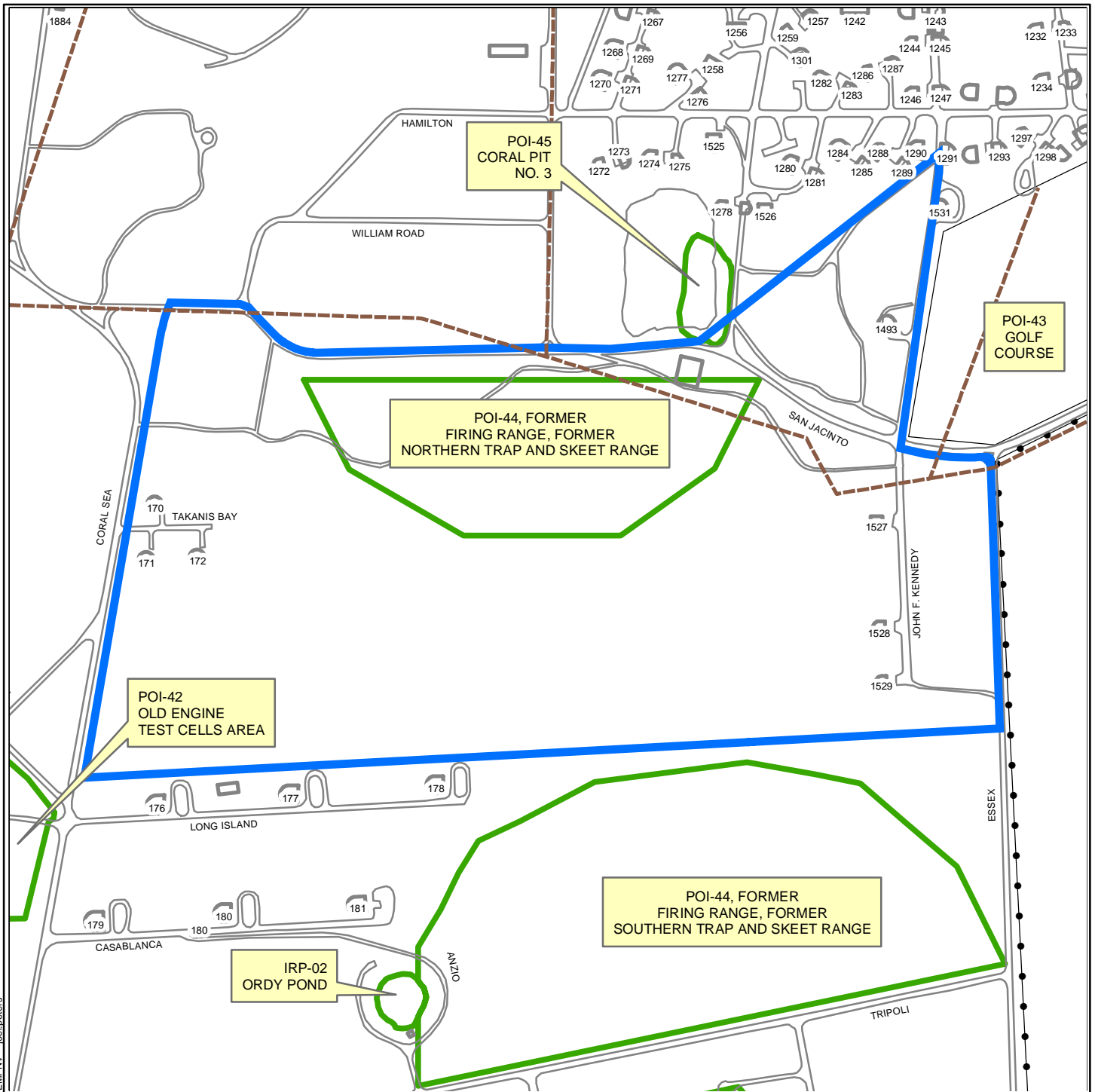


Enclosures

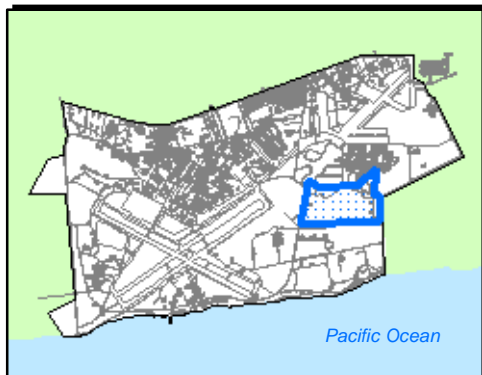
- 1 Figures
- 2 References
- 3 Regulatory Comments and Comment Adjudication

**Enclosure 1
Figures**


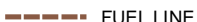






Location Map



Legend

-  MONITORING WELLS
-  FUEL LINE
-  LOT 13058-D
-  IRP/POI Sites

NOTES

- POI = Point of Interest
- IRP = Installation Restoration Program

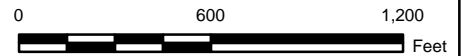
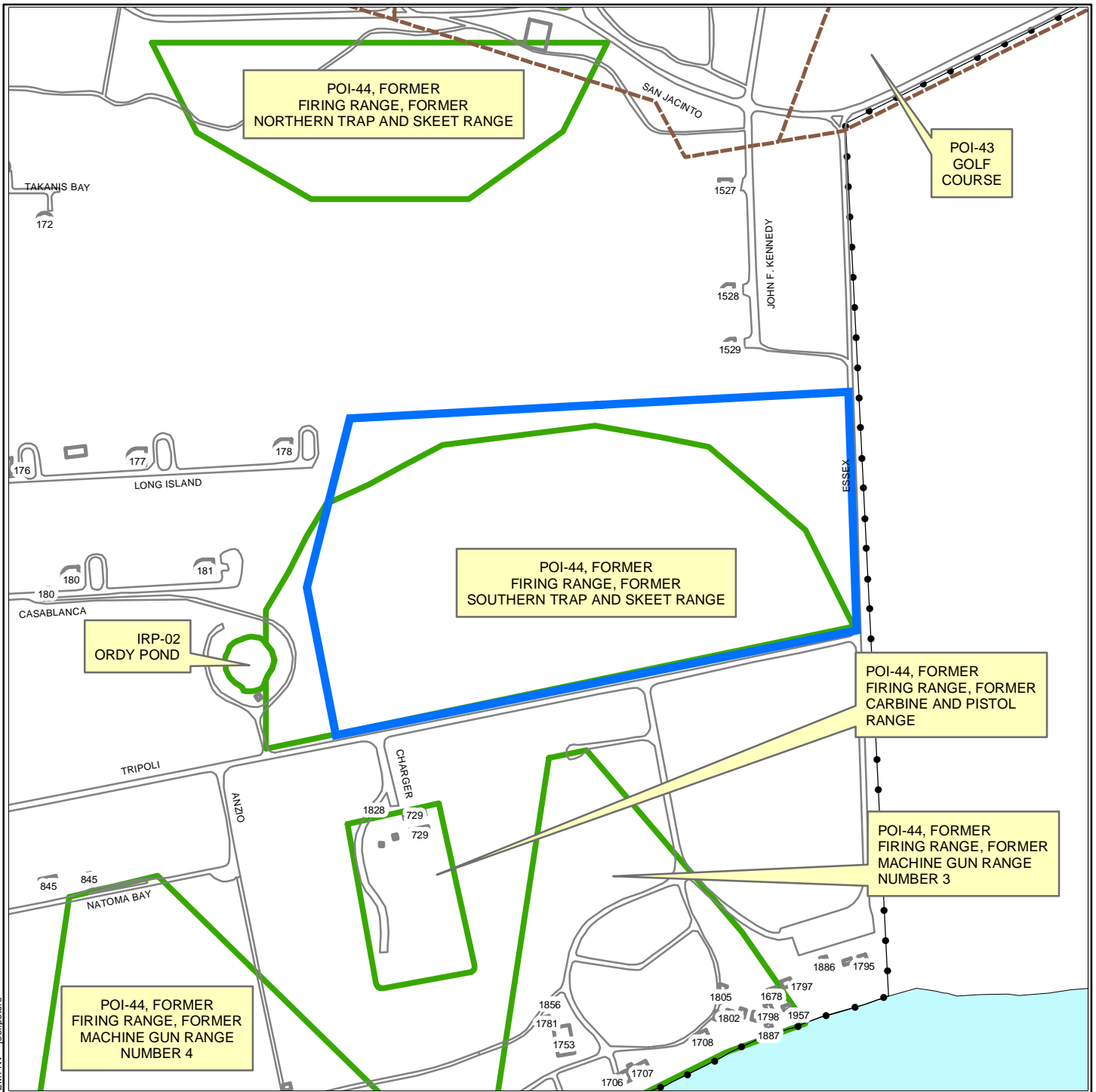
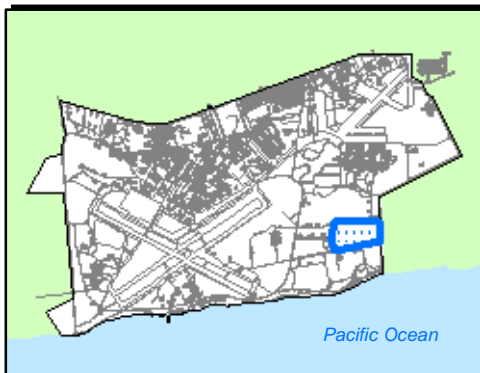





Figure 2
Lot 13058-D
Environmental Features
Former NAS Barbers Point
Kalaeloa, Oahu, Hawaii



Location Map



Legend

-  FUEL LINE
-  LOT 13058-G
-  IRP/POI Sites

NOTES

- POI = Point of Interest
- IRP = Installation Restoration Program

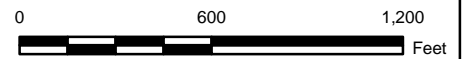
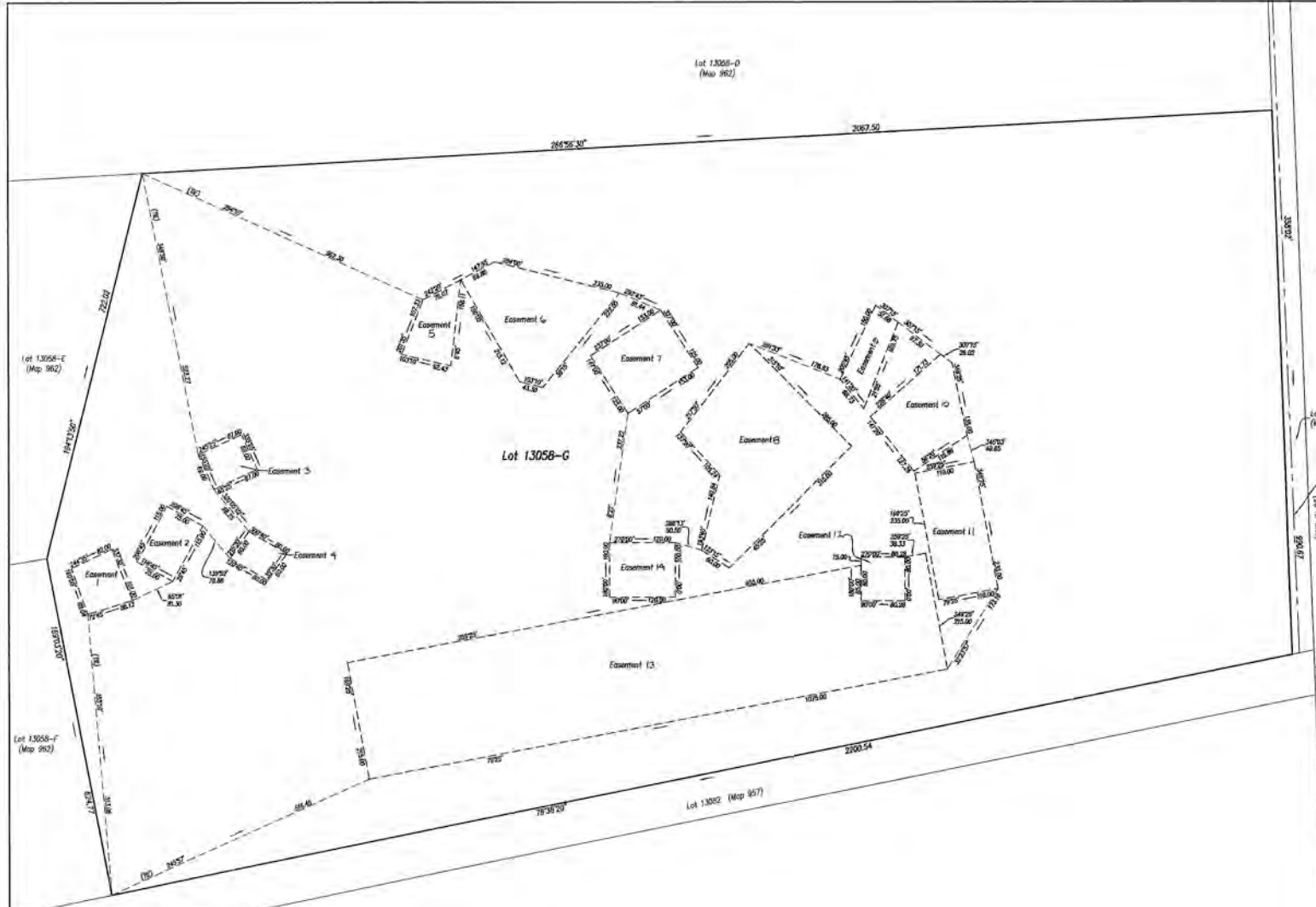


Figure 3
Environmental Features
Lot 13058-G
Former NAS Barbers Point
Kalaeloa, Oahu, Hawaii



LAND COURT
 STATE OF HAWAII
LAND COURT APPLICATION 1069
DESIGNATION OF EASEMENTS 1 TO 15, INCLUSIVE
AFFECTING LOT 13058-G
AS SHOWN ON MAP 962
 AT HONOLULU, EWA, OAHU, HAWAII

Lot 13058-H
 (Map 962)
 Easement 13
 Easement 11
 Easement 12
 Easement 14
 Easement 15



R. M. TOWELL CORPORATION
 420 Waiakamoi Road, Suite 411
 Honolulu, Hawaii 96817
 January 2, 2004
 R. M. Towell
 License No. 10089
 Licensed Professional Land Surveyor
 Certificate Number 10029
 Land Court Certificate Number 280

Owner: United States of America
 Transfer Certificate of Title: 529,694

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
 OF THE LAND COURT DATED: _____
 BY ORDER OF THE COURT, _____

REGISTRAR OF THE LAND COURT

- NOTES:
- Area of Easements:
- Easement 1 = 0.193 Acre
 - Easement 2 = 0.198 Acre
 - Easement 3 = 0.138 Acre
 - Easement 4 = 0.110 Acre
 - Easement 5 = 0.228 Acre
 - Easement 6 = 0.815 Acre
 - Easement 7 = 0.439 Acre
 - Easement 8 = 1.446 Acre
 - Easement 9 = 0.204 Acre
 - Easement 10 = 0.478 Acre
 - Easement 11 = 0.593 Acre
 - Easement 12 = 0.275 Acre
 - Easement 13 = 5.520 Acres
 - Easement 14 = 0.147 Acre

Enclosure 2
References

-
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- Navy. 2007b. *Decision Document, Former Northern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. Naval Facilities Engineering Command, Hawaii. February.
- Navy. 2007c. *Decision Document, Former Southern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. Naval Facilities Engineering Command, Hawaii. February.
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-
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Shaw. 2004b. *Post-Removal Action Human Health Risk Evaluation for Arsenic and Lead, Non-Time-Critical Removal Action, Former Southern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. Naval Facilities Engineering Command, Pacific Division. April.

Shaw. 2005. *Remediation Verification Report, Non-Time-Critical Removal Action, Former Northern Trap and Skeet Range, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. Naval Facilities Engineering Command, Pacific Division. January.

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Enclosure 3
Regulatory Comments and Comment Adjudication

Draft Finding of Suitability to Transfer,
 Lots 13058-D and 13058-G (Former Northern Trap and Skeet Range and
 Former Southern Trap and Skeet Range Property),
 Former NAS Barbers Point, Oahu, Hawaii
 Reviewer: Steven P. Mow, State of Hawaii Department of Health
 July 8, 2009

Comment No.	Section No.	Comment	Response
1	General	No mention is made that these covenants on the deed will be filed with the Bureau of Conveyances. Please indicate how the covenants will be recorded with the Bureau.	The covenants will be recorded with the Bureau of Conveyances or Land Court.
2	Section 3.4, 4 th paragraph	No mention is made as to how or when the covenants can be removed from the deed.	The FOST will be revised to indicate that the covenants taken from the Land Use Control Work Plan (LUCWP) can be removed if the LUCWP is amended and concurred with by the State of Hawaii Department of Health.
3	General	Land zoning is typically controlled by the City & County of Honolulu Department of Planning. Will notification of these covenants be made to the City and County to ensure that the area is prohibited from becoming residential zones?	A copy of the transfer document (including the covenants) will be sent to the City & County of Honolulu Department of Planning.
4	General	When the property is officially transferred, please ensure that the environmental covenant complies with Chapter 508C of Hawaii State Law per item #2 in the attached letter titled "Implementation of the UECA on DoD Owned Property." Attached is the correspondence letter regarding implementation, Chapter 508C, and a model covenant for your use.	The transfer document will include the covenant in accordance with Chapter 508C of Hawaii State Law.

Notes:

DoD = U.S. Department of Defense

FOST = finding of suitability to transfer

LUCWP = land use control work plan

NAS = Naval Air Station

UECA = Uniform Environmental Covenants Act

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**APPENDIX C2:
FINDING OF SUITABILITY TO TRANSFER LOTS 13058-B, 13059-B, 13059-C,
13060, 13064-D, 13071-A, 13071-D, 1073-C, 13073-E, 13074-A, 13074-C, AND
13074-D, FORMER NAVAL AIR STATION BARBERS POINT, O'AHU, HAWAI'I
(NAVFAC HAWAII 2010)**

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**Finding of Suitability to
Transfer Addendum,
Lots 13058-B, 13059-B, 13059-C,
13060, 13064-D, 13071-A, 13071-D,
13073-C, 13073-E, 13074-A,
13074-C, and 13074-D**

**FORMER NAVAL AIR STATION BARBERS POINT
OAHU, HAWAII**

March 2010

**Department of the Navy
Naval Facilities Engineering Command, Hawaii
400 Marshall Road, Building X-11
Pearl Harbor, HI 96860-3130**

**Finding of Suitability to
Transfer Addendum,
Lots 13058-B, 13059-B, 13059-C,
13060, 13064-D, 13071-A, 13071-D,
13073-C, 13073-E, 13074-A,
13074-C, and 13074-D**

**FORMER NAVAL AIR STATION BARBERS POINT
OAHU, HAWAII
March 2010**

Prepared for:



**Department of the Navy
Naval Facilities Engineering Command, Hawaii
400 Marshall Road, Building X-11
Pearl Harbor, HI 96860-3130**

Prepared by:

**AECOM Technical Services, Inc.
841 Bishop Street, Suite 500
Honolulu, HI 96813-3920**

and

**Wil Chee - Planning, Inc.
1018 Palm Drive
Honolulu, HI 96814**

**Tetra Tech EM Inc.
737 Bishop Street, Suite 3010
Honolulu, HI 96813**

Prepared under:

**Comprehensive Long-Term Environmental Action Navy III
Contract Number N62742-03-D-1837, CTO HC17**

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APPENDIX

A CERCLA Hazardous Substances Notice	
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FIGURE

1 Property to be Transferred, Former NAS Barbers Point, Oahu, Hawaii	3
----------------------------------------------------------------------	---

TABLES

1 Buildings to be Transferred	
2 Summary of Results from Asbestos Reinspection Surveys	
3 Summary of Results from Lead-Based Paint Surveys	
4 Summary of Original Notifications, Covenants, and Restrictions, 2002 FOST	
5 Summary of Updated Notifications, Covenants, and Restrictions	

ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
AST	aboveground storage tank
CAS	Chemical Abstracts Service
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CPR	Carbine and Pistol Range
CSR	Coral Sea Road
CU	consolidation unit
cy	cubic yards
DDE	dichlorodiphenyldichloroethylene
DDT	dichlorodiphenyltrichloroethane
DOD	Department of Defense
DOH	State of Hawaii Department of Health
Earth Tech	Earth Tech, Inc.
EPA	U.S. Environmental Protection Agency
FOST	finding of suitability to transfer
IRP	Installation Restoration Program
kg	kilogram
LBP	lead-based paint
lf	linear feet
NA	not available
NAS	Naval Air Station
Navy	Department of the Navy
NFA	no further action
Ogden	Ogden Environmental and Energy Services Co., Inc.
OHM	OHM Remediation Services
PCB	polychlorinated biphenyl
POI	point of interest
RCRA	Resource Conservation and Recovery Act
RI	remedial investigation
ROD	record of decision
sf	square feet
Tetra Tech	Tetra Tech EM Inc.
UIC	underground injection control
VSR	visual site reconnaissance
WCP	Wil Chee - Planning, Inc.

1. Purpose

The purpose of this finding of suitability to transfer (FOST) addendum is to provide an update on environmental findings for the property consisting of Lots 13058-B, 13059-B, 13059-C, 13060, 13064-D, 13071-A, 13071-D, 13073-C, 13073-E, 13074-A, 13074-C, and 13074-D at former Naval Air Station (NAS) Barbers Point, Oahu, Hawaii.

A FOST for the property was prepared and signed in August 2002 (Earth Tech, Inc. [Earth Tech] and Tetra Tech EM Inc. [Tetra Tech] 2002). Since then, environmental conditions at former NAS Barbers Point have changed, so the 2002 FOST was reviewed and this FOST addendum was prepared as an update to document the property's current environmental conditions. This FOST addendum is intended to supplement the 2002 FOST. This update is based on the following activities: (1) a visual site reconnaissance (VSR) of the property, (2) an asbestos reinspection survey performed on buildings previously known to contain asbestos-containing material (ACM), and (3) a review and evaluation of the original notifications, covenants, and restrictions placed on the property, to determine if they were still applicable to the property.

Documents reviewed during the update of the FOST addendum are listed in Section 8. Tables and Appendix A are presented following the text.

2. Visual Site Reconnaissance

The property covers approximately 485 acres and consists of 12 parcels of land (Lots 13058-B, 13059-B, 13059-C, 13060, 13064-D, 13071-A, 13071-D, 13073-C, 13073-E, 13074-A, 13074-C, and 13074-D). Figure 1 shows the property covered by this FOST addendum and surrounding portions of former NAS Barbers Point. The VSR of the 12 parcels covered in this FOST addendum was conducted from October 16 through October 24, 2008. In addition, follow-up VSRs were conducted at specific buildings on March 3, 2009, and April 10, 2009. Table 1 provides a list of all buildings on the property. Two buildings, Building 92 (located on Lot 13060) and Building 1151 (located on Lot 13059-B), previously identified in the August 2002 FOST, are not included in the property transfer and will be transferred with the electrical distribution system. The property was inspected to determine if any releases had occurred since the preparation of the 2002 FOST; no releases were found.



3. Asbestos Reinspection Survey

In the 2002 FOST, Buildings 1709 and 1710 were identified as having ACM (Earth Tech and Tetra Tech 2002). The Department of Defense's (DOD) policy states that ACM shall be remedied prior to property disposal only if it is of a type and condition that is not in compliance with applicable laws, regulations, and standards, or if it poses a threat to human health at the time of transfer of the property. The ACM was visually reinspected and abated in 2009. A discussion of findings is presented below and in Table 2.

ACM previously identified for Building 1709 included nonfriable asbestos in seven homogeneous areas. The areas were (1) 9-inch by 9-inch green floor tile located in room 102; (2) 9-inch by 9-inch black floor tile/mastic located in rooms 101, 111-114, 116, and 120; (3) preformed pipe insulation located throughout the building; (4) pipe fitting insulation located throughout the building; (5) mastic located on the roof penetrations; (6) black tar on roof flashing; and (7) core sample on roof (Ogden Environmental and Energy Services Co., Inc. [Ogden] 1998a). In 1998, an ACM reinspection survey was conducted for Building 1709. Three of the seven homogeneous areas previously identified on the roof were no longer present, as a new roof had been installed since the previous inspection. In addition, the 9-inch by 9-inch green floor tiles were noted to be nonfriable and in damaged condition; however, the potential for exposure to building occupants was considered low. The preformed pipe insulation, pipe fitting insulation, and black floor tiles were consistent with the earlier report and were noted to be nonfriable and in good condition, and did not require abatement (Ogden 1999).

In February 2009, Building 1709 was visually reinspected to verify that the condition of the ACM previously identified had not changed (Wil Chee-Planning, Inc. [WCP] 2009a). The 9-inch by 9-inch green floor tiles were observed in hallways and in room 102 and were noted to be nonfriable and in fair condition. The 9-inch by 9-inch black floor tiles/mastic located beneath carpeting in rooms 101, 111-114, 116, and 120 were consistent with earlier reports and were noted to be nonfriable and in good condition (WCP 2009a). The preformed pipe insulation and pipe fitting insulation previously identified were noted to be friable and in significantly damaged condition. Piping and pipe insulation were observed scattered on the floor in room 106 and the hallway leading to room 102 (WCP 2009a).

Removed from Building 1709 in August 2009 was approximately 25 square feet (sf) of significantly damaged preformed pipe insulation and pipe fitting insulation scattered on the floor in room 106 and the hallway leading to room 102 (WCP 2010).

ACM previously identified for Building 1710 included nonfriable asbestos in six homogeneous areas. The areas were (1) mastic beneath 12-inch by 12-inch green floor tiles with white specks located in rooms 104 and 111; (2) 12-inch by 12-inch cream floor tile/mastic located in room 110 beneath 12-inch by 12-inch blue and white floor tiles/mastic; (3) 12-inch by 12-inch blue floor tile/mastic located in room 110; (4) 12-inch by 12-inch white floor tile/mastic located in room 110; (5) pipe insulation and canvas wrap located in rooms 100, 105, 108, 109, and 111; and (6) roof core (Ogden 1998a). In 1998, an ACM reinspection survey was conducted for Building 1710; one of the six originally identified areas (roof core) was sampled, and results showed that the area was not ACM. In addition, the 12-inch by 12-inch cream floor tile/mastic was noted to be in damaged condition and was recommended for abatement. The mastic beneath the 12-inch by 12-inch green floor tiles with white specks was noted to be in good condition; however, some damaged tiles were present (less than 15 sf). The area did not require abatement at that time; however, 26 sf of tiles were removed and replaced in 1999 (OHM Remediation Services [OHM] 1999). The remaining three areas where ACM was previously identified were consistent with the earlier report and noted to be in good condition, and did not require abatement (Ogden 1999).

In February 2009, Building 1710 was visually reinspected to verify that the condition of the ACM previously identified had not changed (WCP 2009b). The condition of the mastic beneath 12-inch by

12-inch green floor tiles in rooms 104 and 111 was consistent with earlier reports and was noted to be nonfriable and in good condition; previously damaged green floor tiles had been replaced. The 12-inch by 12-inch white and blue floor tiles/mastic in room 110 previously identified were consistent with the earlier report and were noted to be nonfriable and in good condition. The 12-inch by 12-inch cream floor tiles located beneath the 12-inch by 12-inch blue and white floor tiles in room 110 previously identified were consistent with the earlier report and were noted to be nonfriable, but in damaged condition (WCP 2009b).

Canvas wrap pipe insulation previously identified as ACM was observed on ceiling pipes throughout the building. Approximately 300 linear feet (lf) of piping insulation was observed on ceiling pipes associated with the chilled water supply system. The insulation was noted to be friable and in fair condition (WCP 2009b). Approximately 40 lf of additional canvas pipe insulation was observed on piping associated with the chilled water supply system. Two sections of this insulation, one 6 feet and the other 1.5 feet in length, had been removed from the piping and were located on the floor in the main shop area. The condition of the ACM was noted to be friable and in fair condition (less than 5 percent damage) (WCP 2009b).

No additional ACM was observed at Buildings 1709 or 1710 during the visual reinspections (WCP 2009a, 2009b). Summary results of these ACM surveys are presented in Table 2.

Removed from Building 1710 in August 2009 were approximately 7.5 lf of 3-inch canvas wrap pipe insulation scattered on the floor in the main shop area and approximately 25 lf of 6-inch canvas wrap pipe insulation associated with the chilled water supply system (WCP 2010).

4. Lead-Based Paint

During the review of the 2002 FOST, the language concerning lead-based paint (LBP) was noted to be out of date. The following discussion replaces the text included in the 2002 FOST.

Before 1978, the use of LBP was common throughout the United States, including at military installations. The DOD policy is to survey for LBP hazards primarily at residential structures built before 1978 (DOD 1994). Department of the Navy (Navy) policy does not require LBP surveys for commercial or industrial buildings unless the buildings will be reused for residential purposes. In the event such properties will be reused as residential properties, the transferee will be required to conduct renovations consistent with the regulatory requirements for abatement of LBP hazards.

Although LBP surveys were not required, the Navy conducted LBP surveys of some nonresidential (commercial/industrial) buildings at former NAS Barbers Point from 1993 through 1994 as part of the basewide environmental baseline survey, and again in 1998 during an ACM inspection (Ogden 1994, 1998b). The surveys included several nonresidential structures on the property covered by this FOST addendum. Table 3 provides a list of all nonresidential structures on the property and includes results from the previous LBP surveys. This information also will be provided to the transferee with the transfer documents.

Since none of the buildings on the property is considered "target housing" as defined by the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992, no abatement actions are required or planned. Notices and restrictions related to LBP are presented in Section 4.1 and Section 4.2, respectively.

The notification and restriction language previously included in the 2002 FOST (see Table 4) was revised to be consistent with the current guidance for LBP. Notifications, covenants, and restrictions, as described in Table 5, are required to be included in the deed to advise the public of the potential existence of LBP on the property. Demolition of buildings, structures, or facilities containing or presumed to contain LBP must be performed in accordance with applicable local, state, and federal requirements.

4.1 NOTIFICATIONS

Inclusion of the following notifications is required in the deed conveying the property:

- The transferee is hereby notified that LBP is present in nonresidential buildings, structures, or facilities within the parcel proposed for transfer either due to actual sampling or based on the age of construction (that is, whether the building or structure was constructed before the Consumer Product Safety Commission's 1978 ban on LBP for residential use). The parcel proposed for transfer contains buildings, structures, or facilities that were built prior to 1978 and may contain LBP. LBP was identified in Buildings 843, 845, 1063, 1146, 1327, 1698, 1709, 1710, and 1721. This in turn creates the possibility, through the action of normal weathering and maintenance that there may be lead from LBP in the soil surrounding these structures. Lead from paint, paint chips, and dust can pose health hazards if not managed properly.
- The Grantor will have no obligation under this subparagraph for the demolition of nonresidential buildings, structures, or facilities built prior to 1978, which creates the potential for lead to be released to soil as a result of such activities. With respect to any such nonresidential buildings, structures, or facilities, which the transferee intends to demolish and redevelop for residential use after transfer, the transferee may, under applicable law or regulation, be required by regulatory agencies to evaluate the soil adjacent to such

nonresidential buildings, structures, or facilities for soil-lead hazards, and to abate any such hazards that may be present, after demolition and prior to occupancy of any newly constructed residential structures.

4.2 RESTRICTION AND COVENANT

In addition, the deed will contain the following restriction and covenant:

- The deed will contain a restriction that the transferee, in its use and occupancy of the property, including but not limited to, demolition of buildings, structures, or facilities and identification and/or evaluation of any LBP hazards, shall be responsible for managing LBP and LBP hazards in accordance with applicable federal, state, and local laws and other requirements relating to LBP and LBP hazards. Further, the transferee will prohibit residential occupancy and use of buildings and structures, or portions thereof, prior to identification and/or evaluation of any LBP hazards, and abatement of any hazards identified, as required.

5. Presence of Hazardous Substances

During the review of the 2002 FOST, the language concerning hazardous substances was found to be out of date. The following text replaces the text included in the 2002 FOST with regard to the property covered by this FOST addendum:

The Navy searched its files and records, and to the extent the information is available, the only storage, release, or disposal of hazardous substances known to the Navy is the storage, disposal, or release of chemicals within the boundaries of Installation Restoration Program (IRP) site 01 (Coral Sea Road Coral Pit, point of interest (POI) site 25 (Fire Fighting Training Pits), POI-42 (Old Engine Test Cells Area), a portion of POI-44 (the Former Firing Ranges), portions of POI-47 (basewide Dry Well Network), and Substation S92 (which is part of POI-48 – Transformer Substation System).

Three of the five former firing ranges associated with POI-44 are present on portions of the property. These include (1) a portion of former Machine Gun Range 3 (MGR No. 3); (2) former MGR No. 4; and (3) the former Carbine and Pistol Range. In addition, there has been a release of chemicals to the Regional Groundwater System (POI-49), a portion of which underlies this Lot. Therefore, POI-49 is assumed to have affected conditions underneath the property. Remedial investigations were conducted in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at POIs 37, 47, 48, and 49. Still applicable is a CERCLA hazardous substance notice provided in the 2002 FOST for IRP-01, and for POIs 25, 42, 44, 47, and 48 (see FOST Table 7, Notice of Hazardous Substances Stored, Disposed of, or Released). Additional CERCLA hazardous substance notices have been included for POI-47 and POI-49 and are presented in Appendix A of this FOST addendum. The necessary response actions were taken at these sites, and the deed will include a description of the response actions taken.

CERCLA Section 120(h)(3) requires that each deed entered into for the transfer of property on which hazardous substances were stored for 1 year or more, or known to have been released or disposed of, shall include a notice of the type and quantity of hazardous substances; the time at which such storage, release, or disposal took place; and a description of the remedial action taken, if any. Such notice shall be included in the deed for the property.

6. Review of Notifications and Restrictions

The notifications, covenants, and restrictions in the 2002 FOST for the property were reviewed to determine if they were still applicable to the property included in this addendum. Some notifications and restrictions included in the 2002 FOST were not permanent and are no longer needed. Table 4 presents the original notifications, covenants, and restrictions for the property covered in this FOST addendum, and indicates whether the notifications, covenants, and restrictions are still required. Table 5 presents the updated notifications, covenants, and restrictions that will be included in the transfer documents for the property. In addition, the environmental covenants presented in Section 10 of the 2002 FOST will also be included in the transfer documents, consistent with DODINST 4165.72.

7. Recommendations

Based on the information contained in the August 2002 FOST, this FOST Addendum, and the notices, restrictions, and covenants that will be contained in the deed, the property (Lots 13058-B, 13059-B, 13059-C, 13060, 13064-D, 13071-A, 13071-D, 13073-C, 13073-E, 13074-A, 13074-C, and 13074-D) is suitable for transfer.

Authorizing Signature

Signature:  Date: 3/2/10
Ms. Laura Duchnak
Director, BRAC Program Management Office West

8. Supporting Environmental Documents

Department of Defense (DOD). 1994. *Asbestos, Lead-Based Paint (LBP), and Radon Policies on Base Realignment and Closure (BRAC) Cleanup Properties*.

Department of the Navy (Navy). 1999a. *Record of Decision for No Action and Restricted Land Use Sites, Naval Air Station Barbers Point, Oahu, Hawaii*. April.

_____. 1999b. *Record of Decision, Sixteen Transformer Substations, Naval Air Station Barbers Point, Oahu, Hawaii*. May.

_____. 2001a. *Record of Decision, Old Engine Test Cells Area, Former Naval Air Station Barbers Point, Oahu, Hawaii*. September.

_____. 2001b. *Record of Decision, Three Former Firing Ranges, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. September.

_____. 2002. *Record of Decision, Coral Sea Road Coral Pit, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. August.

Earth Tech, Inc. (Earth Tech) and Tetra Tech EM Inc. (Tetra Tech). 2002. *Finding of Suitability to Transfer, Property to be Transferred to the City and County of Honolulu, Department of Parks and Recreation, Former Naval Air Station Barbers Point, Oahu, Hawaii*. August.

Ogden Environmental and Energy Services Co., Inc. (Ogden). 1994. *Environmental Baseline Survey (EBS) Report, Naval Air Station Barbers Point, Oahu, Hawaii*. June.

_____. 1998a. *Asbestos Inspection Report (Final) for Naval Air Station Barbers Point, Oahu, Hawaii*. February.

_____. 1998b. *Lead-Based Paint Inspection Report (Final) for Naval Air Station Barbers Point, Oahu, Hawaii*. August.

_____. 1999. *Asbestos Reinspection Report (Final) for Naval Air Station, Barbers Point, Oahu, Hawaii*. February.

OHM Remediation Services (OHM). 1999. *Final Summary Report, Removal and Restoration of Asbestos Materials, NAS Barbers Point, Oahu, Hawaii*. March.

Wil Chee - Planning, Inc. (WCP). 2009a. *Visual Asbestos Inspection of Building 1709, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. June.

_____. 2009b. *Visual Asbestos Inspection of Building 1710, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. June.

_____. 2010. *Final Buildings 1709 and 1710 Asbestos Abatement, Basewide Environmental Coordination and Finding of Suitability to Transfer Addendums, Former Naval Air Station Barbers Point, Oahu, Hawaii*. January.

Tables

Table 1: Buildings to be Transferred

Building/ Facility No.	Building/Facility Description	Lot Number	Year of Construction	Area (square feet)
287	Transformer Building	13071-A	1959	88
729	Small Arms Range	13074-D	1943	Unknown
843	Ready Magazine	13060	1944	110
845	Operational Flammable Storage	13074-D	1944	252
1063	Ready Magazine VP6	13060	1944	110
1146	Navy Exchange Installation Warehouse	13059-B	1944	23,601
1327	Miscellaneous Storage	13059-B	1943	990
1698	Ready Magazine	13060	1943	110
1709	Safety Office/Supply Contractor	13064-D	1965	6,056
1710	Survival Equipment Shop	13064-D	1965	6,225
1721	Ready Magazine	13060	1943	110
1747	Transformer Station	13059-B	Unknown	Unknown
1771	Handball Court 1	13064-D	1971	800
1870	Indoor Handball Courts 2 and 3	13064-D	1980	1,804
1873	Bathhouse	13074-C	1981	1,020
1884	Petroleum Holding Facility (closed)	13059-C	1980	30,000 gallons
1889	Pavilion (Racquetball)	13064-D	1982	49

Table 2: Summary of Results from Asbestos Reinspection Surveys

Building/ Facility No.	Building/Facility Description	Year Built	Total Area (sf)	Lot Number	Results of Previous Asbestos Survey ^{a, b, c}	Results of Asbestos Reinspection Survey ^{d, e, f}
287	Transformer Building	1959	88	13071-A	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
729 ^g	Small Arms Range	1943	Unknown	13074-D	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.
843	Ready Magazine	1944	110	13060	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
845 ^h	Operational Flammable Storage	1944	252	13074-D	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.
1063	Ready Magazine VP6	1944	110	13060	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1146	NEX Installation Warehouse	1944	23,601	13059-B	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1327 ^h	Miscellaneous Storage – SEC	1943	990	13059-B	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.
1698	Ready Magazine	1943	110	13060	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1709	Safety Office/Supply Contractor	1965	5,251	13064-D	<p>ACM was previously identified in seven areas and included: (1) 9-inch by 9-inch green floor tile located in room 102; (2) 9-inch by 9-inch black floor tile/mastic located in rooms 101, 111-114, 116, and 120; (3) preformed pipe insulation located throughout the building; (4) pipe fitting insulation located throughout the building; (5) mastic located on the roof penetrations; (6) black tar on roof flashing; and (7) core sample on roof.</p> <p>In 1998, an ACM reinspection survey was conducted and three of the seven areas previously identified on the roof were no longer present. A new roof had been installed since the previous inspection.</p> <p>In addition, the 9-inch by 9-inch green floor tiles were noted to be nonfriable and in damaged condition; however, the potential for exposure to building occupants was considered low. The preformed pipe insulation, pipe fitting insulation, and black floor tiles were determined to be nonfriable and in good condition, and did not require abatement.</p>	<p>ACM previously identified was visually reinspected in February 2009 to verify the condition (WCP 2009a).</p> <p>ACM previously identified in the 9-inch by 9-inch green floor tiles were noted to be nonfriable and in fair condition.</p> <p>The 9-inch by 9-inch black floor tiles/mastic was consistent with earlier reports and was noted to be nonfriable and in good condition.</p> <p>The preformed pipe insulation and pipe fitting insulation previously identified was noted to be friable and in significantly damaged condition. Piping and pipe insulation was observed scattered on the floor in room 106 and the hallway leading to room 102.</p> <p>No additional ACM was observed.</p> <p>Approximately 25 sf of preformed pipe insulation and pipe fitting insulation previously identified was abated and properly disposed of in August 2009 (WCP 2009c).</p>

Table 2: Summary of Results from Asbestos Reinspection Surveys (Continued)

Building/ Facility No.	Building/Facility Description	Year Built	Total Area (sf)	Lot Number	Results of Previous Asbestos Survey ^{a, b, c}	Results of Asbestos Reinspection Survey ^{d, e, f}
1710	Survival Equipment Shop	1965	6,225	13064-D	<p>ACM was previously identified in six areas and included: (1) mastic beneath 12-inch by 12-inch green floor tiles with white specks located in rooms 104 and 111; (2) 12-inch by 12-inch cream floor tile/mastic located in room 110 beneath 12-inch by 12-inch blue floor tile/mastic and 12-inch by 12-inch white floor tile; (3) 12-inch by 12-inch blue floor tile/mastic located in room 110; (4) 12-inch by 12-inch white floor tile/mastic located in room 110; (5) pipe insulation and canvas wrap located in rooms 100, 105, 108, 109, and 111; and (6) roof core.</p> <p>In 1998, an ACM reinspection survey was conducted and one of the six homogeneous areas (roof core) was sampled; results showed that the area was not ACM.</p> <p>In addition, the 12-inch by 12-inch cream floor tile/mastic was noted to be in damaged condition and was recommended for abatement.</p> <p>The mastic beneath the 12-inch by 12-inch green floor tiles with white specks was noted to be in good condition; however, some damaged tiles were present (less than 15 square feet). The area did not require abatement at that time.</p> <p>The remaining three homogeneous areas where ACM had been previously identified were noted to be in good condition and did not require abatement.</p> <p>26 sf of ACM (12-inch by 12-inch green floor tiles) was removed and replaced, and no further action was required (OHM 1999).</p>	<p>ACM previously identified was visually reinspected in February 2009 to verify the condition (WCP 2009b).</p> <p>ACM previously identified in the mastic beneath 12-inch by 12-inch green floor tiles was consistent with earlier reports and was noted to be nonfriable and in good condition; previously damaged green floor tiles also had been replaced.</p> <p>The 12-inch by 12-inch white and blue floor tiles/mastic in room 110 previously identified were consistent with the earlier report and were noted to be nonfriable and in good condition.</p> <p>The 12-inch by 12-inch cream floor tiles located beneath the 12-inch by 12-inch blue and white floor tiles in room 110 previously identified were consistent with the earlier report and were noted to be nonfriable, but in damaged condition.</p> <p>Two areas of canvas wrap pipe insulation previously identified were observed on ceiling pipes throughout the building. Approximately 300 lf of piping insulation was observed on ceiling pipes associated with the chilled water supply system. The insulation was noted to be friable and in fair condition. Approximately 40 lf of additional canvas pipe insulation was observed on piping associated with the chilled water supply system. Two sections of this ACM, one 6 feet and the other 1.5 feet in length, had been removed from the piping and were located on the floor in the main shop area. This ACM was noted to be friable and in fair condition (less than 5 percent damage). No additional ACM was observed.</p> <p>Approximately 7.5 lf of canvas wrap pipe insulation scattered on the floor in the main shop area and approximately 25 lf of canvas wrap pipe insulation associated with the chilled water supply system was abated and properly disposed of in August 2009 (WCP 2009d).</p>
1721	Ready Magazine	1943	110	13060	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1747 ^g	Transformer Station	Unknown	Unknown	13059-B	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.

Table 2: Summary of Results from Asbestos Reinspection Surveys (Continued)

Building/ Facility No.	Building/Facility Description	Year Built	Total Area (sf)	Lot Number	Results of Previous Asbestos Survey ^{a, b, c}	Results of Asbestos Reinspection Survey ^{d, e, f}
1771	Handball Court #1	1971	800	13064-D	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1870	Indoor Handball Courts #2 and #3	1980	1,804	13064-D	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1873	Bathhouse	1981	1,020	13074-C	The building was visually surveyed and no material suspected of containing asbestos was identified.	The building was not reinspected based on previous findings.
1884 ^g	Petroleum Holding Facility	1980	30,000 gal	13059-C	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.
1889 ^h	Pavilion (Racquetball)	1982	49	13064-D	The building was not surveyed for ACM.	The building was not reinspected based on previous findings.

Notes:

^a = Ogden. 1998. *Asbestos Inspection Report (Final) for Naval Air Station Barbers Point, Oahu, Hawaii*. February.

^b = Ogden. 1999. *Asbestos Reinspection Report (Final) for Naval Air Station, Barbers Point, Oahu, Hawaii*. February.

^c = OHM Remediation Services (OHM). 1999. *Final Summary Report, Removal and Restoration of Asbestos Materials, NAS Barbers Point, Oahu, Hawaii*. March.

^d = Wil Chee Planning, Inc. (WCP). 2009a. *Visual Asbestos Inspection of Building 1709, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. June.

^e = WCP. 2009b. *Visual Asbestos Inspection of Building 1710, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. June.

^f = WCP. 2010. *Final Buildings 1709 and 1710 Asbestos Abatement, Basewide Environmental Coordination and Finding of Suitability to Transfer Addendums, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. January.

^g Buildings 729, 1747, 1884, and 1889 were not surveyed for ACM because they are not "physical" buildings or structures.

^h Buildings 845 and 1327 were not surveyed for ACM because they are metal storage facilities.

ACM = asbestos-containing materials

gal = gallon

lf = linear feet

NEX = Navy Exchange

sf = square feet

Table 3: Summary of Results from Lead-Based Paint Surveys

Building/ Facility No.	Building/Facility Description	Year Built	Lot Number	Summary of Lead-Based Paint Inspection ^{a, b}
287	Transformer Building	1959	13071-A	No LBP identified ^d
729	Small Arms Range	1943	13074-D	Not surveyed for LBP ^a
843	Ready Magazine	1944	13060	60 square feet LBP identified ^d
845	Operational Flammable Storage	1944	13074-D	615 square feet LBP identified ^d
1063	Ready Magazine VP6	1944	13060	30 square feet LBP identified ^d
1146	NEX Installation Warehouse	1944	13059-B	11,500 square feet LBP identified ^d
1327	Miscellaneous Storage	1943	13059-B	3,350 square feet LBP identified ^d
1698	Ready Magazine	1943	13060	455 square feet LBP identified ^d
1709	Safety Office/Supply Contractor	1965	13064-D	600 square feet LBP identified ^d
1710	Survival Equipment Shop	1965	13064-D	8,500 square feet LBP identified ^d
1721	Ready Magazine	1943	13060	55 square feet LBP identified ^d
1747	Transformer Station	Unknown	13059-B	Not surveyed for LBP ^a
1771	Handball Court #1	1971	13064-D	No LBP identified ^d
1870	Indoor Handball Courts 2 and 3	1980	13064-D	No LBP identified ^d
1873	Bathhouse	1981	13074-C	No LBP identified ^d
1884	Petroleum Holding Facility (closed)	1980	13059-C	Not surveyed for LBP ^a
1889	Pavilion (Racquetball)	1982	13064-D	Not surveyed for LBP ^a

Notes:

^a = Ogden. 1994. *Environmental Baseline Survey (EBS) Report, Naval Air Station Barbers Point, Oahu, Hawaii*. June.

^b = Ogden. 1998. *Lead-Based Paint Inspection Report (Final) for Naval Air Station, Barbers Point*. August.

LBP = lead-based paint

NEX = Navy Exchange

Table 4: Summary of Original Notifications, Covenants, and Restrictions, 2002 FOST

Notification, Covenant, and/or Restriction	Type	Applicable Parcel	Anticipated Duration	Still Valid? If not, reason to exclude
All remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of such transfer. Any such additional remedial actions found to be necessary after the date of such transfer shall be conducted by the United States. Transferee will provide the United States access to the property in any case in which remedial action or corrective action is found necessary at the property after the date of such transfer.	Covenant	All	Permanent	Yes
Transferee covenants and agrees that it will not extract groundwater from the property for any purpose until regional groundwater monitoring activities are completed by the Navy unless the transferee notifies the Navy before installing any well(s) and performs sampling required under all applicable laws, regulations, and standards, including the Safe Drinking Water Act, and the results show that chemical concentrations meet regulatory criteria.	Covenant	13059-B 13059-C 13071-C 13074-C	2003	No. All groundwater monitoring activities have been completed, so the covenant is no longer necessary (Environet 2003).
Transferee will be notified of the presence of endangered plant species on the property. Transferee will be notified if there are any restrictions on use or other requirements determined to be necessary from the Section 7 consultation, which is under way.	Notification	13059-B	Permanent	Yes; however, the notification has been removed to be consistent with the BRRM.
Transferee will allow the Navy and the regulatory agencies access to the property for environmental groundwater monitoring activities at monitoring wells. Although subject to change, it is currently anticipated that the groundwater monitoring will be completed by 2003.	Covenant	13059-B 13059-C 13071-C 13074-C	2003	No. All groundwater monitoring activities have been completed, so the covenant is no longer necessary (Environet 2003).
Transferee shall be notified that contamination (benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenz[a,h]anthracene, indeno[1,2,3-cd]pyrene, Aroclor-1254, Aroclor-1260, antimony, arsenic, cadmium, chromium, lead, and ACM) is present in soil, limestone bedrock, and groundwater at IRP-01. If any excavated soil, limestone bedrock, or groundwater is removed from the site, it must be handled, tested, and disposed of in accordance with applicable Federal, state, and local regulations.	Restriction	13059-C	Permanent	Yes; however, the restriction has been revised to a notification and the language was revised to be consistent with the language in the decision document.
Transferee shall notify all parties performing excavation activities at IRP-01 of the potential presence of contaminants in the soil, limestone bedrock, and groundwater remaining at the site.	Restriction	13059-C	Permanent	Yes; however, the restriction has been revised to a notification and the language was revised to be consistent with the language in the decision document.
Residential and overnight stays are prohibited at IRP-01 (entire Lot 13059-C) unless the recipient performs proper response actions to make the property suitable for such uses.	Covenant and Restriction	13059-C	Permanent	Yes; however, the language has been revised to be consistent with language in the decision document.

Table 4: Summary of Original Notifications, Covenants, and Restrictions, 2002 FOST (Continued)

Notification, Covenant, and/or Restriction	Type	Applicable Parcel	Anticipated Duration	Still Valid? If not, reason to exclude
Transferee will be responsible for all maintenance and releases at the AST on Lot 13060.	Covenant	13060	Permanent	No; the ASTs will be transferred with Building 92 and are not part of this transfer.
Transferee will be notified that petroleum hydrocarbons are present in the groundwater beneath Lot 13073-C.	Notification	13073-C	Permanent	Yes
Transferee will allow the Navy and the regulatory agencies access to the property for environmental groundwater monitoring activities at monitoring wells on Lot 13073-C until petroleum hydrocarbon concentrations decrease.	Covenant	13073-C	Permanent	No. Groundwater monitoring activities have been completed so the covenant is no longer necessary.
Transferee covenants and agrees that it will not extract groundwater from the property for any purpose until groundwater monitoring activities are completed by the Navy unless the transferee notifies the Navy before installing any well(s), notifies all parties performing such work of the potential presence of hydrocarbons, and performs sampling required under all applicable laws, regulations, and standards, including the Safe Drinking Water Act, and the results show that chemical concentrations meet regulatory criteria.	Covenant	13073-C	Permanent	No. Groundwater monitoring activities have been completed so the covenant is no longer necessary.
The transferee shall ensure that any soil removed from Lot 13073-C during excavation into the water table is tested and disposed of in accordance with applicable laws and regulations.	Restriction	13073-C	Permanent	Yes
Transferee will be notified that the property is improved with buildings, facilities, and equipment that contain ACM.	Notification	13064-D	Permanent	Yes; however, the notification language has been revised and is presented as a single notification.
Transferee covenants and agrees that its use and occupancy of the property, including, but not limited to, demolition of buildings containing asbestos shall be in compliance with all applicable federal, state, and local laws and regulations relating to ACM.	Covenant	13064-D	Permanent	Yes; however, the notification language has been revised and is presented as a single notification.
Lead-based paint may be present in buildings on the property, especially those built prior to 1978. LBP was identified in Buildings 843, 845, 1063, 1146, 1327, 1698, 1709, 1710, and 1721. High concentrations of lead in the body can damage the brain, nervous system, kidneys, or hearing; affect learning and coordination; cause behavioral problems, blindness, and eventual death; and cause problems in pregnancy and fetal development. Lead is especially harmful to children less than six (6) years of age.	Notification	13059-B 13060 13064-D 13074-D	Permanent	Yes; however, the language has been revised to be consistent with the updated guidance for LBP.
Prior to use of the property for residential habitation and any occupancy by children under six (6) years of age, the transferee shall abate all LBP hazards and all potential LBP hazards from the structures and comply with applicable Federal, State, and local laws and regulations.	Covenant and Restriction	13059-B 13060 13064-D 13074-D	Permanent	Yes; however, the language has been revised to be consistent with the updated guidance for LBP.
The transferee will be responsible for managing all LBP and potential LBP in compliance with all applicable Federal, State, and local laws and regulations.	Covenant and Restriction	13059-B 13060 13064-D 13074-D	Permanent	Yes; however, the language has been revised to be consistent with the updated guidance for LBP.

Table 4: Summary of Original Notifications, Covenants, and Restrictions, 2002 FOST (Continued)

Notification, Covenant, and/or Restriction	Type	Applicable Parcel	Anticipated Duration	Still Valid? If not, reason to exclude
Transferee covenants and agrees to apply with the DOH within 90 days of the conveyance of the property for UIC permits for the existing dry wells located on the property. Transferee will be responsible for complying with all requirements of the UIC permits held by the Navy until transferee receives new UIC permits in its own name.	Covenant	13059-B 13059-C 13060 13064-D 13073-C	Permanent	Yes; however, the covenant has been revised to a restriction/covenant.
In the event that any sediment is removed from the dry wells, transferee shall dispose of the sediment off site in an appropriate facility in accordance with applicable laws and regulations.	Covenant	13059-B 13059-C 13060 13064-D 13073-C	Permanent	Yes; however, the covenant has been revised to a restriction/covenant.

Sources:

Environet, Inc. (Environet). 2003. *Draft 2003 Regional Groundwater System Annual Monitoring, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. August.

Notes:

ACM = asbestos-containing material

AST = aboveground storage tank

BRRM = Base Redevelopment and Realignment Manual

CSR = Coral Sea Road

DOH = State of Hawaii Department of Health

IRP = Installation Restoration Program

LBP = lead-based paint

Navy = Department of the Navy

POI = point of Interest

UIC = underground injection control

Table 5: Summary of Updated Notifications, Covenants, and Restrictions

Notification, Covenant, and/or Restriction	Type	Applicable Parcel/ Easement
All remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of such transfer. Any such additional remedial actions found to be necessary after the date of such transfer shall be conducted by the United States. Transferee will provide the United States access to the property in any case in which remedial action or corrective action is found necessary at the property after the date of such transfer.	Covenant	All
The transferee shall be notified that contamination (benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenz[a,h]anthracene, indeno[1,2,3-cd]pyrene, Aroclor-1254, Aroclor-1260, antimony, arsenic, cadmium, chromium, lead, TPH, and ACM) is present in soil, limestone bedrock, and groundwater, and that if any excavated soil, limestone bedrock, or groundwater is removed from the site, the material must be handled, tested, and disposed of in accordance with applicable federal, state, and local regulations.	Notification	13059-C
The transferee shall notify all parties performing excavation activities at IRP-01 of the potential presence of contaminants in the soil, limestone bedrock, and groundwater remaining at the site.	Notification	13059-C
The transferee shall be prohibited from using the CSR Coral Pit area (Lot 13059-C) for residential purposes or overnight stays.	Restriction/ Covenant	13059-C
Transferee will be notified that petroleum hydrocarbons are present in the groundwater beneath Lot 13073-C.	Notification	13073-C
The transferee shall ensure that any soil removed from Lot 13073-C during excavation into the water table is tested and disposed of in accordance with applicable laws and regulations.	Restriction	13073-C
The transferee is hereby notified that ACM is or may be present in some portions of the buildings on the wastewater system parcels at former NAS Barbers Point. The transferee will be responsible for managing and complying with all applicable federal, state, and local laws and regulations relating to ACM.	Notification	13064-D
The transferee is hereby notified that LBP is present in nonresidential buildings, structures, or facilities within the parcel proposed for transfer either due to actual sampling or based on the age of construction (that is, whether the building or structure was constructed before the Consumer Product Safety Commission's 1978 ban on LBP for residential use). The parcel proposed for transfer contains buildings, structures, or facilities that were built prior to 1978 and may contain LBP. LBP was identified in Buildings 843, 845, 1063, 1146, 1327, 1698, 1709, 1710, and 1721. This in turn creates the possibility, through the action of normal weathering and maintenance that there may be lead from LBP in the soil surrounding these structures. Lead from paint, paint chips, and dust can pose health hazards if not managed properly.	Notification	13059-B 13060 13064-D 13074-D
The Grantor will have no obligation under this subparagraph for the demolition of nonresidential buildings, structures or facilities built prior to 1978, which creates the potential for lead to be released to soil as a result of such activities. With respect to any such nonresidential buildings, structures, or facilities, which the transferee intends to demolish and redevelop for residential use after transfer, the transferee may, under applicable law or regulation, be required by regulatory agencies to evaluate the soil adjacent to such nonresidential buildings, structures, or facilities for soil-lead hazards, and to abate any such hazards that may be present, after demolition and prior to occupancy of any newly constructed residential structures.	Notification	13059-B 13060 13064-D 13074-D

Table 5: Summary of Updated Notifications, Covenants, and Restrictions (Continued)

Notification, Covenant, and/or Restriction	Type	Applicable Parcel/ Easement
The transferee, in its use and occupancy of the property, including but not limited to, demolition of buildings, structures or facilities and identification and/or evaluation of any LBP hazards, shall be responsible for managing LBP and LBP hazards in accordance with applicable federal, state, and local laws and other requirements relating to LBP and LBP hazards. Further, the transferee will prohibit residential occupancy and use of buildings and structures, or portions thereof, prior to identification and/or evaluation of any LBP hazards, and abatement of any hazards identified, as required.	Restriction/ Covenant	13059-B 13060 13064-D 13074-D
Transferee covenants and agrees to apply with the DOH within 90 days of the conveyance of the property for UIC permits for the existing dry wells located on the property. Transferee will be responsible for complying with all requirements of the UIC permits held by the Navy until transferee receives new UIC permits in its own name.	Restriction/ Covenant	13059-B 13059-C 13060 13064-D 13073-C
In the event that any sediment is removed from the dry wells, transferee shall dispose of the sediment off site in an appropriate facility in accordance with applicable laws and regulations.	Restriction/ Covenant	13059-B 13059-C 13060 13064-D 13073-C
Arsenic, atrazine, bis(2-ethylhexyl)phthalate, 4,4'-DDE, 4,4'-DDT, lead, lindane, and thallium were released in the Regional Groundwater System (POI-49), which lies beneath the property. The chemicals detected were at concentrations that did not require a response action.	Notification	All
The transferee is hereby notified that hazardous substances as shown in Appendix B, Table B-1 of this FOST were stored for one year or more, known to have been released, or disposed of on the property.	Notification	All

Notes:

- ACM = asbestos-containing material
- AST = aboveground storage tank
- CSR = Coral Sea Road
- DDE = dichlorodiphenyldichloroethylene
- DDT = dichlorodiphenyltrichloroethane
- DOH = State of Hawaii Department of Health
- FOST = finding of suitability to transfer
- IRP = Installation Restoration Program
- LBP = lead-based paint
- NAS = Naval Air Station
- Navy = Department of the Navy
- POI = point of interest
- TPH = total petroleum hydrocarbons
- UIC = underground injection control

Appendix A
CERCLA Hazardous Substance Notice

Notice is hereby given that the information provided below contains a notice of hazardous substances that have been stored, disposed of, or released on certain portions of the property at Former Naval Air Station Barbers Point, and the approximate dates that such storage, release(s), or disposal took place. Title 40 *Code of Federal Regulations* 373.3(b) requires that the following statement be prominently displayed in this notice. The information in this notice is required under the authority of regulations promulgated under 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or "Superfund") Title 42 of the *United States Code* 9620(h).

Table A-1: Hazardous Substances Stored, Released, or Disposed of

Building, POI Site, or Location	Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known) ¹	Stored (S), Disposed of (D), or Released (R)	Action Taken
IRP-01, CSR Coral Pit (Lot 13059-C)	Benzo(a)anthracene	56-55-3	Benz(a)anthracene; 1,2-Benzoanthracene	No	4.54	Unknown	N/A	1950 to 1994	D, R	A removal action was conducted between November 2000 and December 2001. Approximately 119,000 cy of contaminated soil, vegetative debris (i.e., wood chips), and solid relic waste debris were excavated and removed from the site and transferred to the consolidation unit (CU). All required response actions have been completed, and a record of decision (ROD) was signed in 2002 (Department of Navy [Navy] 2002). Land-use controls (LUC) have been implemented on the property for restricted future land use.
	Benzo(a)pyrene	50-32-8	3,4-Benzopyrene	No	0.454					
	Benzo(b)fluoranthene	205-99-2	None	No	0.454					
	Dibenz(a,h)anthracene	53-70-3	Dibenzo(a,h)-anthracene; 1,2,5,6-Dibenzanthracene	No	0.454					
	PCBs	1336-36-3	Aroclors	No	0.454					
	Arsenic	7440-38-2	None	No	0.454					
	Cadmium	7440-43-9	None	No	NA					
	Chromium	7440-47-3	None	No	2273					
	Lead	7439-92-1	None	No	4.54					
	Manganese	1533-93-63	None	No	NA					
Asbestos-containing material	1332-21-4	Asbestos (friable)	No	0.454 (friable only)						

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known) ¹	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-25: Fire Fighting Training Pits (Lot 13071-A)	Arsenic	7440-38-2	None	No	0.454	10,000 gallons per year	N/A	1960 to 1984	R	An RI was conducted at the Fire Fighting Training Pits from 1994 to 1995. Based on the RI data and the results of the risk assessment and data evaluation process, a restricted land use decision was made for the site. A remedial action for the site consisted of implementing LUCs to restrict use of the site to industrial. Land use controls have been implemented for the portion of the site outside of the CCHDPR property. A restricted land use ROD was signed for the Fire Fighting Training Pits in 1999 (Navy 1999).
	Lead	7439-92-1	None	No	4.54					
	PCBs	1336-36-3	Aroclors	No	0.454					
	Naphthalene	91-20-3	None	No	45.4					
	Dioxin	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	No	0.454					
	Furan	110-00-9	None	No	45.4					
POI-42: Old Engine Test Cells Area (Lot 13073-C)	Asbestos-containing material	1332-21-4	Asbestos (friable)	No	0.454 (friable only)	Unknown	NA	1981	R	A removal action was conducted at the Old Engine Test Cells Area from November 2000 to February 2001. Approximately 9,000 cy of soil mixed with ACM was excavated from 5 acres of the site. The soil mixed with ACM was disposed of in the CU. No further response action is necessary and a no-further-action ROD was signed for the site in 2001 (Navy 2001a).

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known) ¹	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-44: Soil at the former Carbine and Pistol Range (CPR) (Lot 13074-D)	Lead	7439-92-1	None	No	4.54	Unknown	NA	1940s to 1985	R	A removal action was conducted at the CPR between November 1999 and April 2000. Approximately 730 cy of soil was removed, stockpiled, and placed in the CU. A no-further-action ROD was signed for the CPR in 2001 (Navy 2001b).
	Lead	7439-92-1	None	No	4.54	Unknown	N/A	Unknown	R	Completed investigation determined no response action necessary and the site was suitable for unrestricted, residential use. A no-action ROD was signed for the MGR No. 3 in 2001 (Navy 2001b).
POI-44: Soil at the former Machine Gun Range (MGR) No. 3 (Lot 13074-D)	Antimony	7440-36-0	None	No	NA					
	Lead	7439-92-1	None	No	4.54	Unknown	N/A	Unknown	R	A removal action was conducted at the MGR No. 4 between November 1999 and April 2000 to remove lead and antimony-contaminated soil. Approximately 462 cy of soil was removed, stockpiled, and placed in the CU. A no-further-action ROD was signed for the MGR No. 4 in 2001 (Navy 2001b).
POI-44: Soil at the former Machine Gun Range No. 4 (Lots 13074-C & 13074-D)	Antimony	7440-36-0	None	No	NA					
	Lead	7439-92-1	None	No	4.54	Unknown	N/A	Unknown	R	A removal action was conducted at the MGR No. 4 between November 1999 and April 2000 to remove lead and antimony-contaminated soil. Approximately 462 cy of soil was removed, stockpiled, and placed in the CU. A no-further-action ROD was signed for the MGR No. 4 in 2001 (Navy 2001b).

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known) ¹	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-47 Dry Well Network (Lots 13059-B, 13060, and 13064-D)	Cadmium	7440-43-9	None	No	NA	Unknown	NA	Unknown	R	An RI was conducted and results of the investigation indicated that sediments in several dry wells contained hazardous substances; however, the impacted sediments posed no threat to human health or the environment because the sediments are not affecting regional groundwater quality and there is no potential for direct contact with the sediments in the dry wells. A no-action ROD was signed in 1999 (Navy 1999).
	Chromium	7440-47-3	None	No	2273					
	Lead	7439-92-1	None	No	4.54					
POI-49 Regional Groundwater System	Arsenic	7440-38-2	None	No	0.454	Unknown	NA	Unknown	R	No action required. A no-further-action decision was concurred with by EPA and DOH in 1999 as presented in the ROD (Navy 1999).
	Atrazine	1912-24-9	NA	No	NA					
	bis(2-ethylhexyl)phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester; DEHP; Diethylhexyl phthalate	No	45.4					
	4,4'-DDE (dichlorodiphenyldichloro-ethylene)	72-55-9	DDE; 4,4'(prime)-DDE	No	0.454					
	4,4'-DDT (dichlorodiphenyltrichloro-ethane)	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis (4) chloro-DDT; 4,4'(prime)-DDT.	No	0.454					

Table A-1: Hazardous Substances Stored, Released, or Disposed of (Continued)

Building, POI Site, or Location	Hazardous Substance	CAS Number	Regulatory Synonym	RCRA Waste	Reportable Quantity (kg)	Estimated Quantity	Units	Dates of Storage, Disposal, or Release (if known) ¹	Stored (S), Disposed of (D), or Released (R)	Action Taken
POI-49 Regional Groundwater System (cont'd)	Lead	7439-92-1	None	No	4.54	Unknown	NA	Unknown	R	No action required. A no-further-action decision was concurred with by EPA and DOH in 1999 as presented in the ROD (Navy 1999).
	Lindane	58-89-9	γ-BHC; Cyclohexane, 1,2,3,4,5,6-hexachloro- (1α,2α,3β,4α,5α,6β)-; Lindane(all isomers)	No	0.454					
	Thallium	7440-28-0	None	No	454					

Sources:

¹The dates listed in this column reflect the time period in which these releases may have occurred, based on the limited knowledge of site history. Specific release and storage dates were not documented.

Department of the Navy (Navy). 1999. *Record or Decision for No Action and Restricted Land Use Sites, Naval Air Station Barbers Point, Oahu, Hawaii*. April.

_____. 2001a. *Record of Decision, Old Engine Test Cells Area, Former Naval Air Station Barbers Point, Oahu, Hawaii*. September.

_____. 2001b. *Record of Decision, Three Former Firing Ranges, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. September.

_____. 2002. *Record of Decision, Coral Sea Road Coral Pit, Former Naval Air Station, Barbers Point, Oahu, Hawaii*. August.

Notes:

ACM = asbestos-containing material

AST = aboveground storage tank

CAS = Chemical Abstracts Service

CPR = Carbine and Pistol Range

CU = consolidation unit

cy = cubic yards

DOH = State of Hawaii Department of Health

EPA = U.S. Environmental Protection Agency

IRP = Installation Restoration Program

kg = kilogram

LUC = land use control

NA = not available

NFA = no further action

PCB = polychlorinated biphenyls

POI = point of interest

RCRA = Resource Conservation and Recovery Act

RI = remedial investigation

ROD = record of decision

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**APPENDIX D:
COASTAL ZONE CONSISTENCY DETERMINATION**

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Bochenek, Ronald J CTR OASN (EIE), BRAC PMO West

From: Bochenek, Ronald J CTR OASN (EIE), BRAC PMO West
Sent: Monday, March 21, 2011 12:59 PM
To: Bochenek, Ronald J CTR OASN (EIE), BRAC PMO West
Subject: FW: BPNAS Disposal & Reuse
Signed By: ronald.bochenek.ctr@navy.mil

-----Original Message-----

From: John Nakagawa [<mailto:JNakagaw@dbedt.hawaii.gov>]
Sent: Tuesday, July 29, 2008 8:02 AM
To: Bigay, John CIV NAVFAC PAC, EV2
Subject: RE: BPNAS Disposal & Reuse

John,
I checked out HCDA's Kalaeloa Master Plan. The federal transfer of parcels generally and specifically for purposes of implementing the KMP are covered by our previous CZM federal consistency concurrence.
Thanks for coordinating with us.
John Nakagawa
Hawaii Coastal Zone Management Program
(808) 587-2878

"Bigay, John CIV NAVFAC PAC, EV2" <john.bigay@navy.mil>

07/28/2008 04:50 PM To
"John Nakagawa" <JNakagaw@dbedt.hawaii.gov>
cc
Subject
RE: BPNAS Disposal & Reuse

Mahalo, John.

Have you seen the HCDA's Kalaeloa Master Plan (KMP)? That is the guiding document for reuse at Kalaeloa and it pretty generally follows the 1999 EIS, with a few changes. It is available on-line at the HCDA's website. The Plan outlines mostly passive-type uses, but does propose some residential/commercial and cultural-center development in a small, eastern portion of the area (south of existing Navy golf course/west of the private Ocean Point development. The fed transfer of the parcels would not, of course, involve any permitting, and the proposed development is long-term (the KMP says 2015-2025), so it is obviously difficult to predict what might happen that far out.

Just wanted to check to make sure that you don't have any concerns involving us from anything in the KMP.

-----Original Message-----

1

From: John Nakagawa [<mailto:JNakagaw@dbedt.hawaii.gov>]
Sent: Monday, July 28, 2008 16:36
To: Bigay, John CIV NAVFAC PAC, EV2
Subject: RE: BPNAS Disposal & Reuse

Howzit John
You got it exactly right about non-federal activities. If State, County or private developments require a federal permit, e.g., Army Corps Permit, then they have to go through the CZM federal consistency review. If there is not federal connection to the activity, then they have to be consistent with the State CZM law, as you described.

- John Nakagawa

"Bigay, John CIV NAVFAC PAC, EV2" <john.bigay@navy.mil>

07/28/2008 04:28 PM To
"John Nakagawa" <JNakagaw@dbedt.hawaii.gov> cc Subject
RE: BPNAS Disposal & Reuse

Hey, John.

I cannot recall if I asked you about how CZM relates to non-Fed developments, such as city or state development projects. They basically have to take CZM issues into consideration during their planning, construction and operational phases, too, don't they? Maybe not by fed law thru CZM directly, but via existing State law/City regs, in cooperation with your office, no?

-----Original Message-----

From: John Nakagawa [<mailto:JNakagaw@dbedt.hawaii.gov>]
Sent: Monday, July 14, 2008 16:38
To: Bigay, John CIV NAVFAC PAC, EV2
Subject: BPNAS Disposal & Reuse

John,
The CZM federal consistency concurrence that the Office of Planning issued on December 18, 1998 is still valid for the overall disposal and reuse of Barbers Point NAS. A copy of that letter is attached. If the Navy wants to update us or inform us of changes, then a letter to that effect should be sufficient.

Thanks for coordinating with us, it really helps.
It's good to hear from again, too.

John Nakagawa
Hawaii Coastal Zone Management Program

2



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

BENJAMIN A. CAYETANO
GOVERNOR
SELS F. HAYA
DIRECTOR
BRADLEY J. MOSSMAN
DEPUTY DIRECTOR
RICK EMMED
DIRECTOR, OFFICE OF PLANNING

OFFICE OF PLANNING
235 South Baretania Street, 6th Flr., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel.: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-7855

December 18, 1998

Mr. Melvin N. Kaku
Director
Environmental Planning Division
Department of the Navy
Pacific Division
Naval Facilities Engineering Command
Pearl Harbor, Hawaii 96860-7300

Dear Mr. Kaku:

**Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency
Review for the Disposal and Reuse of Naval Air Station Barbers Point, Oahu**

The Navy's proposed disposal of 2,100 acres of Navy properties at Naval Air Station Barbers Point declared surplus by the base closure, for subsequent reuse and redevelopment, has been reviewed for consistency with Hawaii's CZM Program. We concur with your determination that the activity is consistent to the maximum extent practicable based on the following conditions.

1. It is our understanding that the mitigation measures proposed in Chapter 4 of the Draft Environmental Impact Statement (EIS) to minimize the identified impacts will be implemented.
2. The EIS section on sensitive habitats (Sec. 4.2.2.4, p. 4-58) states that impacts to the seasonal wetland would include destruction of the wetland and possible introduction of pollutants and silt due to runoff from construction activities and new developments. According to the EIS, "impacts could be avoided by establishing buffer zones around the wetlands and by preventing development in wetlands." It is our understanding that mitigation measures would be developed in consultation with the U.S. Fish and Wildlife Service.
3. As indicated in the EIS (p. 4-59), consultation initiated with the Department of Land and Natural Resources, Historic Preservation Division under Section 106 of the National Historic Preservation Act, will be completed.

Mr. Melvin N. Kaku
Page 2
December 18, 1998

This CZM consistency concurrence does not convey approval with any other regulations administered by any State or County agency. Thank you for your cooperation in complying with Hawaii's CZM Program. If you have any questions, please call John Nakagawa of our CZM Program at 587-2878.

Sincerely,



Bradley J. Mossman
Director
Office of Planning

cc: U.S. Fish and Wildlife Service, Pacific Islands Ecoregion
Department of Land & Natural Resources,
Planning & Technical Services Branch
Department of Land Utilization, City & County of Honolulu



DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
(MAKALAPA, HI)
PEARL HARBOR, HAWAII 96860-7300

5090P.1F10C
Ser 2313532

25 SEP 1998

Mr. Douglas Tom
Attn: CZM Office
Office of Planning
P.O. Box 2359
Honolulu, HI 96804

Dear Mr. Tom:

Subj: FEDERAL CONSISTENCY WITH STATE OF HAWAII COASTAL ZONE
MANAGEMENT PROGRAM

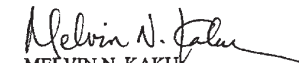
In accordance with the Federal Coastal Zone Management Act, we request your review and concurrence on our consistency determination for the proposed disposal and reuse of Naval Air Station (NAS), Barbers Point, Hawaii. Detailed information about the proposed reuse is contained in the Draft Environmental Impact Statement (DEIS) for the Disposal and Reuse of NAS Barbers Point, Hawaii, which is forwarded for your reference as enclosure (1). A separate copy of the DEIS has also been mailed to your office under separate cover for review under the National Environmental Policy Act.

In addition to this correspondence with your office, we have also initiated consultation proceedings with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and State Historic Preservation Office, whose areas of concern also include resources in the coastal zone, which may be affected by the proposed action.

The proposed action was assessed and found to be consistent with the State of Hawaii Coastal Zone Management Program to the maximum extent practicable.

We appreciate your earliest consideration of the Navy's determination. Should you have any questions, point of contact is Mr. Fred Minato (Code 231FM) at 471-9338 or by facsimile transmission at 474-5909.

Sincerely,



MELVIN N. KAKU
Director
Environmental Planning Division

Encl: (See next page)

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**APPENDIX E:
NAS BARBERS POINT – DRAFT ENVIRONMENTAL ASSESSMENT
(EA) PUBLIC COMMENT RESPONSE MATRIX**

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NAS Barbers Point – Draft Environmental Assessment (EA) Public Comment Response Matrix

Commenter	Comment	Response
State of Hawai‘i, Department of Land and Natural Resources, Land Division, Division of Aquatic Resources	(1) The coastal waters fronting Lot 13074-D classified as Class A open coastal waters. Additionally there are no drainage outfalls or other point sources of discharge on this lot.	Thank you for your comments. Changes have been made to document, see page 3-3.
	(2) The majority of the properties are within Zone D (flood zone classification). There are no streams, surface water features in or near the lots to cause potential flood hazards.	Thank you for your comments. Changes have been made to document, see page 3-4.
	(3) We request the opportunity to review the future development plans for the parcels when they become available. The Division of Aquatic Resources is particularly interested in the lots with water features or with proposed development plans that would affect the aquatic environment. Presently we are particularly interested in the future of Lot 13074-D (Beach Area) fronting the coastline.	The Hawai‘i Community Development Authority (HCDA) is responsible for the reuse of the property following disposal. To guide future development, HCDA prepared and adopted the Kalaeloa Master Plan (KMP) in 2005. Development of the plan included a public and agency review period. Contact HCDA for information on future reuse or visit their website at http://www.hcdaweb.org/ .
State of Hawai‘i, Department of Land and Natural Resources, Land Division – O‘ahu District	(4) No comments.	No changes are required.
State of Hawai‘i, Department of Land and Natural Resources, Historic Preservation Division	(5) SHPD (State Historic Preservation Division) is currently awaiting a battlefield survey report on ‘Ewa Field that has been completed by Mason Architects but not yet released by Hunt Development Group.	The Navy acknowledges that Site 5127 is eligible for listing in the National Register of Historic Places (NRHP) and consulted with SHPO and other interested parties, including the Advisory Council on Historic Preservation in accordance with Section 106 of the National Historic Preservation Act regarding the disposal of parcels that contain NRHP eligible properties. Pursuant to 36 CFR 800.5 (b) the Navy is imposing conditions in the form of protective covenants to avoid adverse effects to historic properties. SHPO and ACHP concurred and provided comments on the covenant language and agreed with the

NAS Barbers Point – Draft Environmental Assessment (EA) Public Comment Response Matrix

Commenter	Comment	Response
		<p>Navy that adequate protection measures would be imposed.</p>
	<p>(6) We note that the North-South Road and a major electrical transmission line as currently designed would bisect the Hawaiian Railway Society baseyard, ‘Ewa Field, and the aircraft revetments just west of the Navy Golf Course.</p>	<p>The Hawaiian Railway Society baseyard and the 75 aircraft revetments (constructed ca. 1942-43) are not located within the boundaries of the base realignment and closure (BRAC) property. This area was retained by the Navy and is not part of the disposal action and therefore is not covered by this EA.</p> <p>With respect to historic properties that are covered by this disposal action, the Navy will attach to the title transfer document a restrictive covenant binding on the Grantee and all subsequent land owners. The restrictive covenant will place land use controls on the property for the conservation and protection of the former Marine Corps Air Station (MCAS) ‘Ewa Field and require consultation with SHPD for any activities which would potentially impact the resource. See EA Section 3.3 and 4.3 for more information on these protective measures that were agreed to between the Navy and SHPD.</p>
	<p>(7) SHPD’s letter of April 20, 2010 notes the boundaries of Site 5127 (Ewa Field) should be expanded to include the former MCAS. The Navy’s Historic Preservation Covenants include language declaring “Actions that would affect views, including adding new structure site elements such as towers, fences, or obtrusive signs, may also be considered to materially affect the Historic</p>	<p>The 75 aircraft revetments (constructed ca. 1942-43) are not located within the boundaries of the BRAC property. This area was retained by the Navy and is not part of the disposal action and therefore is not covered by this EA.</p>

NAS Barbers Point – Draft Environmental Assessment (EA) Public Comment Response Matrix

Commenter	Comment	Response
	<p>Properties”. The same type of covenant should cover the seventy five aircraft revetments located west of the Navy’s golf course.</p>	
	<p>(8) We consider the Draft EA premature without study of the battlefield survey and relocation of the North South extension alignment.</p>	<p>As agreed to between the Navy and SHPD, to protect cultural resources following disposal, the Navy will attach to the title transfer document a restrictive covenant binding on the Grantee and all subsequent land owners. The restrictive covenant will place land use controls on the property for the conservation and protection of the former MCAS ‘Ewa Field and require consultation with SHPD for any activities which would potentially impact the resource. See EA Section 3.3 and 4.3 for more information on these protective measures.</p> <p>As documented in the SHPD letter dated April 20, 2010, Section 106 consultation for the disposal of Lot 13059-B and Lot 13058-B is complete and SHPD concurred with the Navy’s finding of ‘no effect’.</p> <p>In addition, changes have been made to the EA to bolster the description of ‘Ewa Field and include a description of the measures to protect the resource following disposal.</p> <p>Also, the Navy has determined that the former MCAS ‘Ewa Field (Site 5127) is eligible for listing on the National Register of Historic Places.</p> <p>Of note, the eastern portion of the former MCAS ‘Ewa Field, including the 75 aircraft revetments are not located within the boundaries of the BRAC property. This area</p>

NAS Barbers Point – Draft Environmental Assessment (EA) Public Comment Response Matrix

Commenter	Comment	Response
<p>State of Hawai‘i, Department of Land and Natural Resources, Division of Forestry and Wildlife</p>	<p>(9) To ensure the proper reuse, a management plan should be developed by the Navy and be associated with the land transfer discussed in this EA with sufficient funds for implementation. For example, proposed uses will likely involve development of the remaining range of the species, including a Photo Voltaic project, which will use a sizable portion of the site and current habitat. In order to mitigate those impacts, the Navy should become an active participant in future efforts to preserve the species by providing funding assistance and alternate mitigation sites for maintenance and restoration of the species.</p>	<p>will be retained by the Navy and is not part of the disposal action and therefore is not covered by this EA.</p> <p>The Navy will require that a conservation and management plan approved by State of Hawai‘i Department of Land and Natural Resources (DLNR) be in place prior to conveyance of the parcel. The Navy will not transfer ownership of Lot 13058-D until the management plan is in place and approved by DNLNR.</p> <p>In addition, the Navy will attach to the title transfer document a restrictive covenant binding on the Grantee and all subsequent land owners. The restrictive covenant will place land use controls on the property for the conservation and protection of the ‘akoko. See EA Section 4.2.</p> <p>Based on a discussion between the Navy, HCDA, and DNLNR on June 8, 2011, it is understood by the Navy, that DNLNR and HCDA will work together to prepare and approve an ‘akoko conservation and management plan. The plan will identify site locations and measures to protect the ‘akoko in the event that photovoltaic infrastructure is developed on Lot 13058-D.</p> <p>Base closure funding is not available to support natural resource management activities following transfer of BRAC property out of federal ownership.</p>
	<p>(10) Additionally, numerous mention was made of populations of the ‘akoko within Lot 13058-D. The consultant survey and report for these populations was not included within the draft EA. This information would be useful in providing comments for the transfer, giving more background</p>	<p>On June 8, 2011 the Navy provided DNLNR copies of relevant ‘akoko studies and reports maintained by the BRAC office. The BRAC office is working to obtain copies of other relevant reports for DNLNR.</p>

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	<p>information concerning the areas where current individuals and populations are found. Other useful information would be reports from the five year conservation actions, the result of U.S. Fish and Wildlife Service (USFWS) consultation in 2003, and the specific goals achieved by these actions. This information will provide management information needed by a conservation and management plan.</p>	
<p>State of Hawai‘i, Department of Land and Natural Resources, Division of Boating & Ocean Recreation</p>	<p>(11) No Comments</p>	<p>No changes are required.</p>
<p>State of Hawai‘i, Department of Land and Natural Resources, Division of State Parks</p>	<p>(12) No Comments</p>	<p>No changes are required.</p>
<p>State of Hawai‘i, Department of Land and Natural Resources, Engineering Division</p>	<p>(13) Take note that the project site is located in Zone D, an area where flood hazards are undetermined.</p>	<p>Thank you for your comments. Changes have been made to document, see page 3-3.</p>
<p>State of Hawai‘i, Department of Health</p>	<p>(14) No Comments</p>	<p>No changes are required.</p>
<p>City and County of Honolulu, Department of Planning and Permitting</p>	<p>(15) Lots 13058-B and 13074-D are in the process of being transferred from the National Park Service to the City and County Department of Parks and Recreation. This transfer should occur imminently.</p>	<p>The City and County of Honolulu Department of Parks and Recreation has requested conveyance of Lots 13058-B and 13074-D from the National Park Service as a Public Benefit Conveyance. The Navy will be able to assign these Lots to the National Park Service for such transfer upon completion of the National Environmental Policy Act (NEPA) process.</p>
	<p>(16) Reference to the adopted Kalaeloa Redevelopment Plan, dated December 2000, and its role in the disposal process should be included in the final</p>	<p>A reference to and brief description of the Kalaeloa Redevelopment Plan and its relevance to the community’s reuse planning process has been added to the EA, see pages ES-1 and 1-1.</p>

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	<p>document, especially as it references the agencies that were intended to receive Lots 13058-G and 13058-D. These two lots were intended to be transferred to the Department of Land and Natural Resources and the DPR, respectively for heritage and park uses. A discussion of the events that occurred since December 2000 regarding the disposal of these two lots should be included as part of the Environmental Impact Statement would be helpful to document their proposed transfer history.</p>	<p>The purpose of this EA is to assess the potential impacts resulting from disposal of surplus federal property by the Navy and its subsequent reuse by the local community in a manner consistent with the State-approved KMP. A discussion or analysis of previous reuse options, the reuse planning decision process made by a non-federal entity (i.e., HCDA and local community), and a detailed history of former reuse proposals is considered outside the scope of the EA.</p>
	<p>(17) We believe the surplus parcels are not within the Navy Retained areas and therefore, are not covered by Kalaeloa’s 1.5 mgd allotment. This would mean that the subject parcels do not have sewer capacity reservation.</p> <p>Furthermore, the existing Kalaeloa sewer system is owned and operated by a private, 3rd party entity and not the City.</p>	<p>The existing potable water distribution and wastewater collection system (e.g., easements, infrastructure, discharge rights, etc.) is owned by the Navy. The General Service Administration (GSA), on behalf of the Navy, is preparing to auction the existing system to a private owner/provider via a public sale in the near future. The new owner would provide fee-based water and wastewater service to all end-users located on the former NAS Barbers Point property.</p>
	<p>(18) Future transfers of title of Lots 13058-D, 13058-F and 13073-A to non-Federal entities will require the responsible Federal Agency, prior to actual transfer of title to such lands, to submit to the Department of Planning and Permitting a letter requesting recognition of said lots by the City.</p>	<p>Federal land transfer authorities do not require local permitting or approval.</p>
	<p>(19) Planned roadways within the surplus</p>	<p>Thank you for your comment. The Navy is only</p>

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	<p>property areas designated for disposal and reuse should be retained or preserved for roadway infrastructure use.</p>	<p>responsible for disposing of the surplus federal property. The HCDA is responsible for the subsequent reuse.</p>
<p>United States Fish and Wildlife Service</p>	<p>(20) The DEA (Draft Environmental Assessment) does not adequately address the potential impacts to the federally endangered ‘akoko.</p> <p>The DEA refers to development of a State approved Plan, without any Federal involvement. However, until the plan is finalized, there is not enough information to fully evaluate the risk of a land transfer and how that new ownership will affect the last wild population of ‘akoko.</p>	<p>The Navy has concluded that the disposal of Lot 13058–D from federal ownership would have ‘no effect’ on the ‘akoko plant or its habitat. The parcel would be disposed of via special legislation to the HCDA. Transfer of legal title of the property by the Navy to HCDA does not, in itself, affect the ‘akoko.</p> <p>The Navy will require that a conservation and management plan approved by the State of Hawai‘i DLNR be in place prior to conveyance of the parcel.</p> <p>To ensure compliance with the conservation and management plan, the Navy will attach a restrictive covenant to the land transfer deed that will place controls on Parcel 13058-D that will require all future land owners to continually have in place a conservation and management plan. The restrictive covenant will place land use controls on Parcel 13058-D for the conservation and protection of the ‘akoko plant (also known as [aka] <i>kalaeloana</i> or <i>Chamaesyce skottsbergii</i>). The Grantee and any successor in interest to all or a portion of Parcel 13058-D will be required to continually comply with a covenant, for so long as subject ‘akoko is listed by the Federal Government or Hawai‘i State Government as an endangered or threatened species, to abide by the terms of a conservation and management plan for the ‘akoko (aka <i>Chamaesyce skottsbergii</i> var. <i>kalaeloana</i>) at Lot 13058-D, Kalaeloa, O‘ahu, Hawai‘i, entered into between HCDA and DNLR, unless or until such time as either said plan is superseded by a conservation and management plan approved in writing by HCDA and</p>

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		<p>DNLR, in consultation with the USFWS, or until such time as the subject ‘akoko is no longer listed by both the Federal Government and the Hawai‘i State Government as either an endangered or threatened species.</p> <p>The timing of the plan is immaterial to the effects of the action. The conservation and management plan, whether completed now or in the future, serves only to ensure the protection and conservation of the species following transfer and is not needed to analyze the impacts of the proposed action and non-federal reuse of the property. The status of the final conservation and management plan would not change the Navy’s effect determination.</p> <p>The Navy has considered the future land use (i.e., in a manner consistent with the KMP) and ownership (i.e., HCDA) of the property in making its effects determination. Future use of the property following disposal, would be regulated by the KMP as prepared by the HCDA and approved by the State of Hawai‘i; the Kalaeloa Community Development District Rules; and applicable local and state laws and land use controls, permitting requirements, and zoning regulations.</p> <p>In addition, the future use of the land will require review by the state as authorized by State’s ESA and the regulations which implement and enforce it. Accordingly, the HCDA and/or any other private, State, or subsequent non-Federal owner is bound by the State’s ESA. After transfer, the State would have the authority to enforce compliance with the terms of the conservation and management plan and the Navy would have authority to enforce compliance with the restrictive deed covenant. Any proposed actions that may affect the ‘akoko after transfer out of Navy’s ownership would be reviewed as</p>

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		<p>provided by State legislation, regulation, and policy and would, accordingly, be enforceable to the extent of those laws, regulations, and policies. The State of Hawai‘i ESA prohibits the take of individual listed plants, whether by the State or by any other non-Federal entity, without State review and authorization.</p> <p>For these reasons (i.e., proposed future land use and measures to protect the species including a conservation and management plan, restrictive deed covenants, application of state regulations and policies, and the future land use plan and regulations) the Navy concluded that the Proposed Action would have “no effect” on the ‘akoko or its habitat. As already stated, the Navy will not transfer Lot 13058-D until HCDA has prepared this conservation and management plan and it is approved by DLNR.</p>
	<p>(21) Uplifted coral habitat is disappearing from O‘ahu due to the cumulative impacts of development, particularly in the ‘Ewa Plains. This population, as well as the remaining habitat ‘akoko requires for survival, must be conserved. As it stands, the potential adverse environmental impacts from this action are of sufficient magnitude that the DEA should not proceed as currently proposed.</p>	<p>The Navy has considered the future use and ownership of the property in making its effects determination. All future use of the property following disposal, would be regulated by the KMP as prepared by the HCDA and approved by the State of Hawai‘i; the Kalaeloa Community Development District Rules; and applicable local and state laws and land use controls, permitting requirements, and zoning regulations.</p> <p>Lot 13058-D is located within the KMP’s ‘OS-3’ and ‘3A’ planning area. The OS-3 planning area is identified as a future open space/recreation area (preserve/cultural park). The 3A planning area is identified for future moderate intensity mixed use development. The draft Kalaeloa Community Development District Rules also identifies the OS-3 planning area as a ‘T2 Rural Zone’. The T2 zone is defined as primarily agricultural with woodlands and wetlands. Development in this planning</p>

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		<p>area would be restricted. Combined, the KMP, district rules, and local and state building and land use regulations would govern all development and use of properties and limit the future use of the land.</p> <p>For these reasons (i.e., proposed future land use and measures to protect the species including a conservation and management plan, restrictive deed covenants, application of state regulations and policies, and the future land use plan and regulations) the Navy concludes that the Proposed Action would have “no effect” on the ‘akoko or its habitat. As already stated, the Navy will not transfer Lot 13058-D until HCDA has prepared this conservation and management plan and it is approved by DLNR.</p>
	<p>(22) Given the aforementioned issues, it is not clear how a NEPA determination of “Finding of No Significant Impact “(FONSI) can be supported.</p> <p>We contend this action warrants an Environmental Impact Statement (EIS) due to the controversial nature of the action and the potential that your action may lead to the extirpation of the last wild population of the species.</p> <p>Alternately, we suggest you withhold the final NEPA document until after the development of the Plan, so that you may determine whether an EA or EIS is most appropriate to adequately address the impacts of the project. There is not a reasonable basis for the</p>	<p>As stated above, the Navy has concluded that the disposal of Lot 13058–D from federal ownership would have ‘no effect’ on the ‘akoko plant or their habitat. The parcel would be disposed of via special legislation to the HCDA. Transfer of legal title of the property by the Navy to HCDA does not, in itself, affect the ‘akoko. The Navy will require that a conservation and management plan approved by the State of Hawai‘i DLNR be in place prior to conveyance of the parcel.</p>

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	<p>Navy to rely on an undeveloped Plan to support a determination of no effect pursuant to Section 7 of the ESA.</p> <p>Your effect determination should include a thorough analysis of the effects of interrelated and interdependent activities pertaining to the land transfer. The Plan should be part of your proposed action and include the following measures:</p> <ul style="list-style-type: none"> • The Plan needs to be developed in coordination with the Service; • It should contain specific, adequate, and binding language for the conservation of the ‘akoko population; • Assurances that it will be sufficiently funded; and • A specific restrictive covenant that includes binding assurances for the protection of the ‘akoko population and must be enforceable. Please note that a deed restriction may not include the same benefits as a conservation easement and does not ensure that your proposed action will not jeopardize the continued existence of the ‘akoko. 	

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	(23) In conclusion, we contend your “no effect’ determination is premature and does not fulfill your obligations pursuant to the requirements of section 7(a)(2) of the ESA regarding the effect of the land transfer to the last extant natural population of this species in Hawai‘i.	Please see above Responses. Thank you for your comments, no changes are required to the EA.