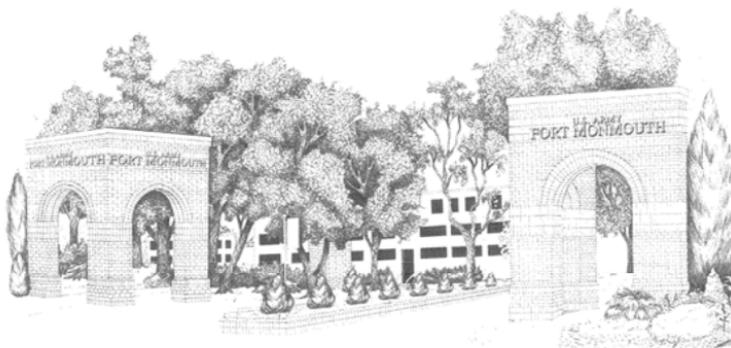




Finding of No Significant Impact

Environmental Assessment of the Disposal and Reuse of Fort Monmouth, New Jersey



FEBRUARY 2010

Finding of No Significant Impact
Environmental Assessment of the Disposal and Reuse
of Fort Monmouth, New Jersey

Pursuant to the Council on Environmental Quality regulations (Title 40 of the *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the procedural provisions of the National Environmental Policy Act of 1969 (42 *United States Code* 4321 et seq.) and 32 CFR Part 651 (*Environmental Analysis of Army Actions*), Fort Monmouth has prepared an environmental assessment (EA) of the potential environmental and socioeconomic effects associated with disposing of the 1,126 acres of improved lands of Fort Monmouth in accordance with the recommendations of the Base Closure and Realignment Commission (BRAC Commission).

Proposed Action

The proposed action is to dispose of the 1,126 acres of improved lands of Fort Monmouth.

Alternatives

The Army has identified two disposal alternatives (accelerated and traditional) and a caretaker status alternative. Under accelerated disposal, the Army would take advantage of various property transfer and disposal methods that allow the reuse of the property to occur before environmental remedial action has been finalized. Under traditional disposal, the Army would transfer or dispose of property after environmental remediation is complete for individual parcels of the installation. Under caretaker status—which would arise if the Army is unable to dispose of all or portions of its surplus BRAC property within the period of time defined for initial caretaking of the property—the Army would reduce maintenance to levels consistent with federal government standards for excess and surplus properties.

Three reuse scenarios, based on medium, medium-low, and low intensity uses, encompass the community's reuse plan and are evaluated as secondary actions. In the context of Fort Monmouth, a medium intensity reuse would be represented by use of existing facilities in the same way as they have been used in the recent past. A medium-low intensity reuse in the context of Fort Monmouth would represent a lower level of use intensity, perhaps from not reusing some existing facilities. A low-intensity reuse could represent a level of activity that might be found in uses requiring only minimal numbers of buildings, with park or recreation functions occurring over substantial portions of the installation.

The Army's preference is the accelerated disposal alternative. The Army expresses no preference with respect to reuse scenarios because decisions implementing reuse will be made by other entities. Each of the disposal alternatives and reuse scenarios is evaluated in detail in the EA. Consistent with guidance issued by the Council on Environmental Quality, the No Action Alternative is also evaluated.

Factors Considered in Determining that No Environmental Impact Statement is Required

The EA, which is attached hereto and incorporated by reference into this Finding of No Significant Impact (FNSI), examined in detail the potential effects of the proposed action and alternatives and the No Action Alternative on areas of environmental and socioeconomic concern: land use, transportation, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics (including environmental justice and protection of children), aesthetics and visual resources, utilities, and hazardous and toxic materials.

Implementation of the proposed action would be expected to result in a mixture of short- and long-term minor adverse effects and short- and long-term minor beneficial effects on the subject environmental resources and conditions, but not significant adverse effects. The proposed action would, in addition, be expected to not have an effect on many resources. Implementation of the proposed action, however, would be undertaken in accordance with existing regulations and policies. Such regulatory- and policy-driven actions to reduce, avoid, or compensate for adverse effects would include, for example, following

all applicable laws and regulations for handling all hazardous materials and wastes, completing all site remediation responsibilities as required by Army policy and regulation and the New Jersey Department of Environmental Protection (NJDEP), and following all recommendations and requirements contained in the *Programmatic Agreement Among the United States Army and the New Jersey State Historic Preservation Officer for the Closure and Disposal of Fort Monmouth, New Jersey (October 2009)*. The Programmatic Agreement is incorporated into this FNSI as Attachment A.

Public Comment

Interested parties were invited to review and comment on the Final EA and draft FNSI from April 27, 2009 through May 27, 2009. A Notice of Availability was published in the *Asbury Park Press* of Neptune, New Jersey, on April 27, 2009. Copies of the Final EA and draft FNSI were available from the Fort Monmouth Public Affairs Office and from the BRAC Division Web site at www.hqda.army.mil/acsim/brac/env_ea_review.htm. A copy of the Final EA and draft FNSI was also provided to the Monmouth County Library, Eastern Branch. The Army delayed the issuance of this FNSI until the Programmatic Agreement was signed by all Parties.

During the 30-day comment period, the Army received comments from 15 public reviewers, consisting of 10 private citizens (writing on their own behalf or on the behalf of citizen associations) and five agencies or government entities: Fort Monmouth Economic Revitalization Planning Authority (FMERPA), Borough of Eatontown, Borough of Tinton Falls, Monmouth County Board of Health, and NJDEP. Public comments primarily addressed concerns over site contamination and remediation, though other issues raised included the treatment of cultural resources, utilities, biological resources, water quality, and socioeconomics. Two commenters rejected the Army's decision to issue a FNSI and stated that an Environmental Impact Statement (EIS) should be prepared. Comments received on the EA and Army responses are incorporated into this FNSI as Attachments B and C. Additionally, a letter and comments from the State of New Jersey on the Community Environmental Response Facilitation Act (CERFA) Report and Environmental Condition of Property (ECP) Report for Fort Monmouth are provided as Attachment D.

Finding of No Significant Impact

Based on the EA, which is herewith incorporated, and consideration of all comments received on the EA, it has been determined that implementing the proposed action will have no significant adverse effects on the quality of the human or natural environment (see Table 1). Because no significant environmental impacts will result from implementing the proposed action, an EIS is not required and will not be prepared. This concludes the NEPA compliance effort for this proposed action.


George Fitzmaier
Garrison Manager
Base Transition Coordinator

09 Feb 2010
Date

Table 1
Summary of findings of effect

Resource area	Basis of finding of no significant effect	
	Disposal	Reuse
Land use	Disposal would not create land use conflicts	FMRPA would ensure land use compatibility ^a
Aesthetics and visual environment	Disposal would not alter the existing aesthetic environment	A well-developed reuse plan would ensure aesthetic and visual compatibility among landscape elements
Air quality	Cessation of activities at Fort Monmouth would reduce air emissions and the Army or some other DoD component may be entitled to use credits associated with this reduction	New owners would perform a regulatory analysis to determine whether air permitting would be required, permitting would keep new air emissions within regulatory limits
Noise environment	Cessation of activities at Fort Monmouth would reduce sources of noise; remedial activities would not exceed noise thresholds	The reuse plan does not envision noise-intensive uses; under reuse, the noise environment would be typical for a suburban metropolitan area; construction noise would cease once construction was completed
Geology and soils	Completion of remedial activities would improve soil quality	Reuse would affect soils only during construction
Water resources	Remedial activities would improve water quality, particularly groundwater	Implementation of reuse would comply with state water resource protection laws and regulations; at medium-intensity reuse, the quantity of impervious ground would be similar to baseline conditions or slightly higher, but within CAFRA limits (Main Post area) ^b
Biological resources	Disposal would not affect biological resources	Implementation of reuse would comply with state and federal laws and regulations protecting listed species; the reuse plan envisions the inclusion of a green belt
Cultural resources	Minor effects only due to discontinuing federal ownership; the Programmatic Agreement would mitigate for those impacts and ensure resource protection	The Programmatic Agreement would provide deed restrictions mandating the protection of historic properties by new owners as a condition of sale or transfer
Socioeconomic environment	Cessation of activities at Fort Monmouth would have adverse economic effects	Although there will be short-term impacts, as envisioned, reuse would largely offset the economic impact of closure in the long run
Transportation	Cessation of activities at Fort Monmouth would reduce local traffic	As envisioned, under medium-intensity reuse the local traffic conditions would be similar to baseline conditions; traffic system improvements are planned
Utilities	Cessation of activities at Fort Monmouth would reduce demand on all local utility systems	System improvements are anticipated for many of the utility systems owned by Fort Monmouth upon transfer to local utility entities
Hazardous and toxic substances	Cessation of activities at Fort Monmouth would reduce the use of hazardous substances on the property; remedial activities would reduce on-site contamination	New users would be required to comply with state and federal laws and regulations governing the use, storage, and disposal of hazardous substance

^a FMRPA: Fort Monmouth Economic Revitalization Planning Authority

^b CAFRA: Coastal Area Facility Review Act (N.J.S.A. 13:19)

ATTACHMENT A

*Programmatic Agreement Among the United States Army and the New
Jersey State Historic Preservation Officer for the Closure and Disposal of
Fort Monmouth, New Jersey*



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES, HISTORIC PRESERVATION OFFICE

PO Box 404, Trenton, NJ 08625

TEL: (609) 984-0176 FAX: (609) 984-0578

www.state.nj.us/dtp/hpo

MARK N. MAURIELLO

Acting Commissioner

JON S. CORZINE

Governor

December 2, 2009
HPO-L2009-8 PROD
07-0835-13

Wanda Green
BRAC Environmental Coordinator
U.S. Army – Fort Monmouth
173 Riverside Drive
Fort Monmouth, NJ 07703

**Re: Monmouth County, Eatontown Borough, Oceanport Borough, Tinton Falls Borough
Fort Monmouth Programmatic Agreement (PA)**

Dear Ms. Green:

I have signed the attached PA and am returning it to you as requested. Thank you for your substantial efforts to complete the Section 106 Review process.

If you have any questions, please contact me at (609) 633-2397.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

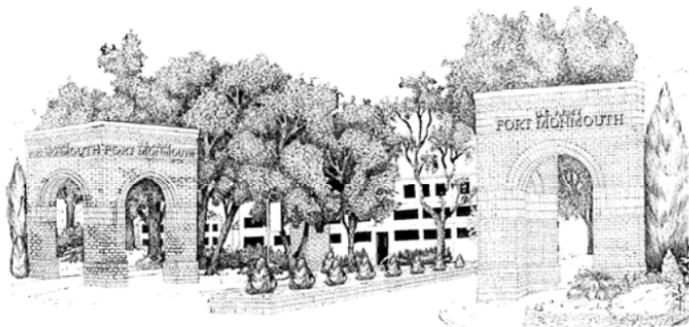
HPO-L2009-8-McA



07-0835-13

PROGRAMMATIC AGREEMENT

Among the
United States Army
and the
New Jersey State Historic Preservation Officer
for the
Closure and Disposal of Fort Monmouth, New Jersey



OCTOBER 2009

Programmatic Agreement

Among the
United States Army
and the
New Jersey State Historic Preservation Officer
for the
Closure and Disposal of Fort Monmouth, New Jersey

October 2009

WHEREAS, the United States Army (Army) is responsible for implementation of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Pub. L. No. 100-526, 10 U.S.C. § 2687 note) and the Defense Base Closure and Realignment Act of 1990 (Pub. L. no. 101-510, 10 U.S.C. § 2687 note, as amended) and is proceeding with the closure of Fort Monmouth and consequent disposal of excess and surplus property by September 15, 2011, in a manner consistent with the requirements of the 2005 Defense Base Closure and Realignment Commission (BRAC) Recommendations; and

WHEREAS, the Area of Potential Effect (APE) of this undertaking is the entire real property of the installation; and

WHEREAS, The Fort Monmouth Economic Revitalization Planning Authority (FMERPA), a non-profit corporation, is the single entity responsible for identifying local redevelopment needs and preparing a redevelopment plan for the Army to consider in the disposal of installation property; and

WHEREAS, all references to FMERPA within this agreement shall be meant to equally apply to its unnamed successor as implementing local reuse authority; and

WHEREAS, the Army has determined that historic property, including an historic district, all of which are eligible for listing on the National Register of Historic Places (NRHP) are contained in the disposal of all or portions of Fort Monmouth as proposed under the FMERPA Reuse and Redevelopment Plan; and

WHEREAS, the disposal of such historic property (including the historic district) will have an adverse effect upon historic properties that are listed on or designated as eligible for listing on the NRHP, and has consulted with the New Jersey State Historic Preservation Officer (NJSHPO) pursuant to the provisions of the National Historic Preservation Act (NHPA), as amended, 16 U.S.C. § 470 et seq, and the implementing regulations codified at 36 CFR Part 800; and

WHEREAS, the Army and the NJSHPO concur that archeological identification efforts shall be completed as stipulated herein and the inclusive list of archeological properties at Fort Monmouth are listed in Attachment A; and

WHEREAS, the Army and the NJSHPO concur that architectural identification efforts are complete and historic properties identified are as listed in Attachment A; and

WHEREAS, historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior, including artifacts, records, and remains that are related to and located within such properties; and

WHEREAS, the Army and NJSHPO agree that this Programmatic Agreement (“PA”) will apply to all historic property at Fort Monmouth, of which select historic properties as identified in Attachment A (hereafter the “Select Historic Properties”) shall be preserved with covenants; and

WHEREAS, the Army identified federally recognized Indian tribes as shown in Attachment C that may attach traditional religious and cultural importance to properties in the Area of Potential Effect (APE) and were notified of the undertaking and no tribe contacted chose to consult on a nation-to-nation basis to address tribal concerns; and

WHEREAS, interested members of the public have been provided opportunities to comment and consult on the effects this base closure may have on historic properties at Fort Monmouth through Section 106 consultation meetings, publication of this agreement on Fort Monmouth and FMERPA websites; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) was invited to consult on this undertaking and has chosen not participate; and

WHEREAS, the Army, in consultation with the NJSHPO, has invited FMERPA and the Boroughs of Eatontown, Tinton Falls and Oceanport, to consult in this agreement; and

WHEREAS, consistent with the DoD BRAC Implementation Regulation and Base Redevelopment and Realignment Manual (BRAC Manual), the Army chooses to protect historic properties primarily through zoning, deed restrictions and/or covenants; and

WHEREAS, in carrying out the disposal of excess and surplus property the Army will comply with all applicable laws and regulations, including 36 CFR Part 79, Curation of Federally Owned and Administered Archeological Collections; and

WHEREAS, the Army has completed an Environmental Assessment under NEPA and coordinated Section 106 public involvement with NEPA through public comments; and

WHEREAS, the Army has completed compliance under the National Historic Preservation Act (NHPA) for Capehart and Wherry Era Housing and World War II Temporary Wooden Buildings through the Program Comment for Capehart and Wherry Era Army Family Housing and Associated Structures and Landscape Features (1949-62), approved on 31 May 2002 by the ACHP; and the Programmatic Memorandum of Agreement between the DoD, ACHP, and the National Conference of State Historic

Preservation Officers (NCSHPO) regarding demolition of World War II Temporary Buildings, signed in July 1986, and amended in May 1991; and

NOW, THEREFORE, the signatory parties agree that the undertaking described above shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties and fulfills the Army's responsibilities under Section 106 and 110 of the NHPA.

Stipulations

The Army will ensure that the following measures are carried out:

I. Archeological Identification

- A. Additional testing for VSR-2. The Army shall complete additional Phase II archeological testing of the VSR-2 area as shown in Attachment B within six months of signing this agreement.
- B. Phase II testing for VSR-2 shall consist of larger excavation units preceded by tighter interval shovel testing to adequately characterize the size and nature of the identified Native American site. The excavation units and interval testing shall be established in coordination with the NJSHPO.
- C. The Army shall also ensure that an archeological site form and SITS number is obtained from the New Jersey State Museum for VSR-2.
- D. Through consultation with NJSHPO, should additional testing establish NRHP eligibility for any portion of VSR-2, archeological covenants as shown in Attachment E shall be incorporated in the instruments of transfer.
- E. With completion of identification efforts for VSR-2, all archeological identification efforts for this undertaking are complete.
- F. If site VSR-2 is determined eligible for listing on the New Jersey and National Registers of Historic Places, a plan must be in place within 12 months of the eligibility determination for all artifacts, field records, reports, etc. to be prepared for curation in accordance with 36 CFR Part 79 and curated in a repository that meets 36 CFR Part 79.9, such as the NJ State Museum.

II. Mitigation

A. Popular Report. Mitigation for the overall loss of Fort Monmouth as a military entity will consist of a compilation of documentation of the history of the installation from its inception to its closure. Within 24 months of the signing of this agreement, the Army will prepare a popular report based upon previously developed historic contexts. The popular report will be hardbound in full color and generously illustrated with maps, current and historic photographs of the installation. Copies (250) will be printed and distributed to area libraries and institutions.

B. Mitigation for Historic Properties Not Receiving Covenants or Zoning Protection. The following historic properties listed in Attachment A not receiving covenants or protective zoning under Stipulations III A & B shall be documented by the Army within 24 months of the signing of this agreement:

1. Hexagon Complex. Buildings 2700, 2701 (Electrical Substation) and 2750 (Dymaxion Deployment Unit). Recordation to Historic American Building Survey Level II standards.
2. Squier Hall. Bldg. 283. Recordation to Historic American Building Survey Level II standards.
3. Kronenburg Mural (Interior of 2540). Recordation to Historic American Building Survey Level II standards.

These mitigation measures shall mitigate for the loss of all historic properties not receiving covenants under Stipulation IV B.

C. Revised Fort Monmouth New Jersey and National Register Historic District Nomination. The Army shall ensure the preparation of a complete and sufficient New Jersey and National Registers of Historic Places nomination for the Fort Monmouth Historic District within 24 months of the signing of this agreement.

The Army shall ensure that the Fort Monmouth Historic District has been presented to the New Jersey State Review Board for consideration for the New Jersey Register of Historic Places prior to transfer of any parcel containing select historic properties.

III. Treatment of Select Historic Properties Prior to Transfer from Federal Control

A. Property Maintenance. The Army will ensure the provision of caretaker building maintenance, security, and fire protection pending the disposal of Select Historic Properties (Properties listed in Appendix A) at Fort Monmouth in accordance with 32 CFR 174.14, relating to facilities operations, maintenance and repair for BRAC facilities.

B. Mothballed Properties. The Army shall undertake reasonable measures to preserve unused Select Historic Property (Properties listed in Appendix A) through mothballing.

1. The Army shall mothball Select Historic Property that has been or will remain vacant for twelve (12) months or if there is no planned use for them.
2. Mothballing shall be according to guidance found in the National Park Service *Preservation Brief 31: Mothballing Historic Buildings*.

IV. Treatment of All Historic Properties Upon Transfer from Federal Control

The Army shall avoid adverse effects on historic properties by placing covenants on Select Historic Properties, reduce adverse effects by encouraging protective zoning by the FMERPA and local Boroughs and mitigate any adverse effects on properties not receiving covenants in Stipulation II.

A. Development of Zoning Regulations in the Fort Monmouth National Register Historic District. To reduce adverse effects of the closure, the Army shall work with the FMERPA and the Boroughs of Eatontown, Oceanport and Tinton Falls in their efforts to develop historic overlay zoning regulations for the Select Historic Properties within the Revised National Register Historic District as shown in Attachment A.

B. Covenants on Select Historic Properties. To avoid adverse effects of the closure on historic architectural properties, the Army will ensure that Select Historic Properties listed in Attachment A shall receive covenants containing the language shown in Attachments D (Architectural) or E (archeological), as applicable. These covenants will be included in the instruments of transfer and will be made binding on the transferee and all future transferees.

C. Information Transferred Upon Disposal of Fort Monmouth Historic Property. In disposing of real property and improvements that contain the Select Historic Properties, the Army's bid solicitation will contain the following information:

1. Information on the property's historic, archeological, and/or architectural significance, identifying elements, or other characteristics of the property that should be given special consideration in planning; including the revised Fort Monmouth National Register nomination.
2. Information on financial incentives for rehabilitation of historic structures by private entities such as federal tax credits.

V. Non-BRAC Undertakings

On non BRAC-related actions, the Army shall continue to consult under 36 C.F.R. §800 on all federal undertakings prior to transfer.

VI. Disposition of Miscellaneous Material Culture

Any non-real estate material culture not addressed under Army Regulation and not under the purview of the Army Museum such as artifacts, signage, monuments, textual records, displays, etc. may be considered by the Army for disposition to a local entity.

VII. Modification to Facilitate Transfer

If the Army cannot transfer any of the Select Historic Properties pursuant to the any of the provisions set forth herein, then the Army will consult with the signatories, and the prospective transferee(s) to determine what steps are necessary in order to complete transfer of the property(ies) within established disposal timelines. Such modifications shall be limited to those that are reasonably necessary in order to effect transfer of, or effectively market, the concerned property within established timelines.

VIII. Environmental Remediation

Environmental remediation by the Army that occurs after the transfer of the Select Historic Property out of federal control shall constitute a separate undertaking under the NHPA and shall be coordinated under 36 C.F.R. Part 800.

IX. Inadvertent Discoveries

A. NAGPRA Related Discoveries. If Native American human remains and/or objects subject to the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), i.e., burials, associated and unassociated funerary objects, sacred objects and objects of cultural patrimony, are encountered before the transfer of Fort Monmouth, the Army shall notify and consult with the appropriate federally recognized Tribe(s) to determine appropriate treatment measures for these human remains in agreement with 36CFR800.13. It shall be the responsibility of the Army to either preserve in place or repatriate these humans remains, depending on the agreed upon determination of the tribe(s). If remains / objects subject to NAGPRA are encountered prior to completion of the transfer, the rules of NAGPRA disposition will be followed by the Army. Nothing in this agreement should be construed to contradict this stipulation.

B. Non-NAGPRA Discoveries. In the event of inadvertent discovery of archaeological materials not subject to NAGPRA, work shall immediately stop in the area of discovery and the Army shall comply with 36 CFR 800.13(b) to notify and consult with the NJSHPO, Federally recognized Indian tribes that might attach significance to the property, and the Advisory Council on Historic Preservation.

X. Anti-Deficiency Act

The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs the Army's ability to implement the stipulations of this agreement, the Army will consult in accordance with the amendment and termination procedures in this agreement. All stipulations in this agreement ensured by the Army are subject to the availability of funds.

XI. Status Reports

Until such time as all Fort Monmouth and historic and/or archeological-site properties have been transferred from Army control in accordance with the terms of this agreement, the Army will provide an annual status report to the NJSHPO for review implementation of the terms of this agreement and to determine whether amendments are needed. If amendments are needed, the signatories to this agreement will consult, in accordance with stipulations of this agreement, to make such revisions. The first status report will be submitted to the consulting parties six months after the date this agreement is ratified.

XII. Dispute Resolution

Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Army shall consult with such party to resolve the objection. If the Army determines that such objection cannot be resolved, the Army will:

- A. Forward all documentation relevant to the dispute, including the Army's proposed resolution, to the ACHP. The ACHP shall provide the Army with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Army shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Army will then proceed according to the Army's final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the Army may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Army shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide them and the ACHP with a copy of such written response.
- C. The Army's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XIII. Amendments

This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIV. Termination of Agreement

- A. Pursuant to 36 C.F.R. §800.6(c)(8), if any signatory determines that the terms of this PA cannot be, or are not, being carried out, the signatories shall consult to seek amendment of the PA. If the PA is not amended, any signatory may terminate it providing 30 days written notice to all other signatories. The Army shall either execute a new PA with signatories pursuant to 36 C.F.R. §800.6(c)(1) or request the comments of the ACHP under 36 C.F.R. §800.7(a)(1).
- B. In the event of termination, the Army will comply with 36 C.F.R. Part 800 with regard to individual undertakings associated with the BRAC disposal action at Fort Monmouth.
- C. The parties agree that this PA will terminate upon the disposal of the last parcel at Fort Monmouth containing historic property as defined herein, or when the Army has completed its obligations under this PA, whichever is last occurring.
- D. The effective date of this PA shall be the date of the last signature of a signatory party.
- E. Execution and implementation of this PA evidences that the Army has taken into account the effects of the undertaking on historic properties and has afforded the ACHP a reasonable opportunity to comment on the closure and disposal of excess and surplus property at Fort Monmouth. Execution and compliance with this PA fulfills the Army's Section 106 responsibilities regarding the closure and disposal of Fort Monmouth upon a signed copy of the agreement filed with the ACHP.

Signatory Parties:

DEPARTMENT OF THE ARMY

By: 
Stephen M. Christian
Colonel, U.S. Army
Commanding

Date: 19 Oct 09

NEW JERSEY HISTORIC PRESERVATION OFFICER

By:

Daniel D. Saunders

New Jersey Deputy State Historic Preservation Officer

Date:

12/2/2009

Concurring Parties:

**FORT MONMOUTH ECONOMIC REVITALIZATION PLANNING
AUTHORITY**

By:

Frank C. Cosentino, Executive Director

Fort Monmouth Economic Revitalization Authority

Date:

BOROUGH of EATONTOWN, NEW JERSEY

By:

Gerald J. Tarantolo, Mayor

Borough of Eatontown, New Jersey

Date:

BOROUGH of OCEANPORT, NEW JERSEY

By:

Michael J. Mahon, Mayor

Borough of Oceanport, New Jersey

Date:

BOROUGH of TINTON FALLS, NEW JERSEY

By:

Michael Skudera, Mayor

Borough of Tinton Falls, New Jersey

Date:

ATTACHMENT A

Definitive List of Historic Properties at Fort Monmouth and Map Showing the Fort Monmouth National Register Historic District

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth					
Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
115	Main Post	WWII MON/MEMORIAL	1952	YES	CE – Fort Monmouth HD
None-Parade Field	Main Post	Parade Field - including triangular landscaped area in front of Building 286	1927	YES	CE – Fort Monmouth HD
206	Main Post	ADMIN GENERAL PURPOSE	1927	YES	CE – Fort Monmouth HD
207	Main Post	ENLISTED Unaccompanied Personnel Housing	1927	YES	CE – Fort Monmouth HD
208	Main Post	ENLISTED Unaccompanied Personnel Housing	1927	YES	CE – Fort Monmouth HD
209	Main Post	ADMIN GENERAL PURPOSE	1928	YES	CE – Fort Monmouth HD
211	Main Post	Family Housing for COL.	1929	YES	CE – Fort Monmouth HD
212	Main Post	Family Housing for COL.	1929	YES	CE – Fort Monmouth HD
213	Main Post	Family Housing for COL.	1929	YES	CE – Fort Monmouth HD
214	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
215	Main Post	Family Housing for COL.	1931	YES	CE – Fort Monmouth HD
216	Main Post	Family Housing for COL.	1931	YES	CE – Fort Monmouth

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
218	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
219	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
220	Main Post	Family Housing for COL.	1935	YES	CE – Fort Monmouth HD
221	Main Post	Family Housing for GENERAL OFFICE	1931	YES	CE – Fort Monmouth
222	Main Post	Family Housing for COL.	1935	YES	CE – Fort Monmouth HD
223	Main Post	Family Housing for COL.	1935	YES	CE – Fort Monmouth HD
224	Main Post	Family Housing for GENERAL OFFICE	1931	YES	CE – Fort Monmouth HD
225	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
226	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
227	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
228	Main Post	Family Housing for COL.	1932	YES	CE – Fort Monmouth HD
229	Main Post	Family Housing for COL.	1931	YES	CE – Fort Monmouth HD
230	Main Post	Family Housing GENERAL OFFICE	1936	YES	CE – Fort Monmouth HD
233	Main Post	Family Housing for NCOs	1929	YES	CE – Fort Monmouth HD
234	Main Post	Family Housing for	1931	YES	CE – Fort

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
		NCOs			Monmouth HD
235	Main Post	Family Housing for NCOs	1931	YES	CE – Fort Monmouth HD
236	Main Post	Family Housing for NCOs	1931	YES	CE – Fort Monmouth HD
237	Main Post	Family Housing for NCOs	1931	YES	CE – Fort Monmouth HD
238	Main Post	Family Housing for NCOs	1931	YES	CE – Fort Monmouth HD
239	Main Post	Family Housing for NCOs	1931	YES	CE – Fort Monmouth
240	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
241	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
242	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
243	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
244	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
245	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
246	Main Post	Family Housing for NCOs	1932	YES	CE – Fort Monmouth HD
247	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
248	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
249	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
250	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
251	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
252	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
253	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
254	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
255	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth
256	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
258	Main Post	Family Housing for NCOs	1934	YES	CE – Fort Monmouth HD
260	Main Post	SEWAGE LIFT STATION	1930	YES	CE – Fort Monmouth HD
261	Main Post	Family Housing for LTC/MAJ	1930	YES	CE – Fort Monmouth HD
262	Main Post	Family Housing for LTC/MAJ	1930	YES	CE – Fort Monmouth HD
263	Main Post	Family Housing for LTC/MAJ	1930	YES	CE – Fort Monmouth HD
264	Main Post	Family Housing for LTC/MAJ	1931	YES	CE – Fort Monmouth HD
265	Main Post	Family Housing for LTC/MAJ	1932	YES	CE – Fort Monmouth

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
266	Main Post	Family Housing for LTC/MAJ	1932	YES	CE - Fort Monmouth HD
267	Main Post	Family Housing for LTC/MAJ	1931	YES	CE - Fort Monmouth HD
268	Main Post	Family Housing for LTC/MAJ	1931	YES	CE - Fort Monmouth HD
269	Main Post	Family Housing for LTC/MAJ	1930	YES	CE - Fort Monmouth HD
270	Main Post	ARMY LODGING, ADMIN GENERAL PURPOSE	1930	YES	CE - Fort Monmouth HD
271	Main Post	UOQ MILITARY	1934	YES	CE - Fort Monmouth HD
275	Main Post	MUSEUM SPT BLDG	1934	YES	CE - Fort Monmouth HD
282	Main Post	FIRE STATION	1935	YES	CE - Fort Monmouth HD
283	Main Post	ADMIN GENERAL PURPOSE, AUDITORIUM GP/ Squier Hall	1935	NO COVENANTS - HABS LEVEL RECORDATION	Fort Monmouth HD; I
286	Main Post	ADMIN GENERAL PURPOSE	1936	YES	CE - Fort Monmouth HD
287	Main Post	ENLISTED Unaccompanied Personnel Housing	1927	YES	CE - Fort Monmouth HD
301	Main Post	Family Housing Garage	1932	YES	CE - Fort Monmouth HD
302	Main Post	Family Housing Garage	1932	YES	CE - Fort Monmouth HD
303	Main Post	Family Housing Garage	1932	YES	CE - Fort Monmouth

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
					HD
304	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
305	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
306	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
307	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
308	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
309	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
310	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
312	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
313	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
314	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
315	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
316	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
317	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
318	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD

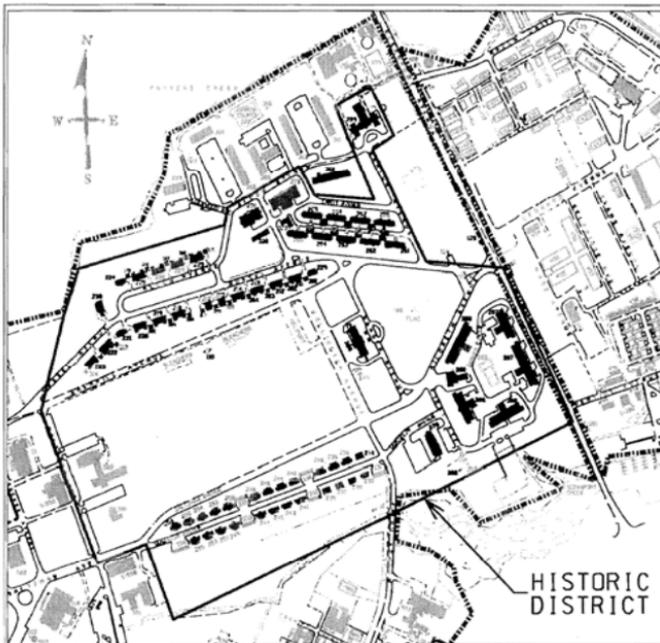
NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
319	Main Post	Family Housing Garage	1932	YES	CE – Fort Monmouth HD
320	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
321	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
322	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
323	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
324	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
325	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
326	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
327	Main Post	Family Housing Garage	1934	YES	CE – Fort Monmouth HD
328	Main Post	Family Housing Garage	1937	YES	CE – Fort Monmouth HD
2000	Golf Club Charles Wood Area	Officers Open Dining	1926	YES	CE – Charles Wood HD
2020	Golf Club Charles Wood Area	SWIM POOL	1935	YES	CE – Charles Wood HD
2700	Charles Wood Area	ADMIN GENERAL PURPOSE/ "The Hexagon"	1955	NO COVENANTS – HABS LEVEL MITIGATION	I
2701	Charles Wood Area	Support Electrical Substation for the Hexagon	1943/1955	NO COVENANTS – HABS LEVEL	I

NRHP Eligible Buildings, Structures and Objects at Fort Monmouth

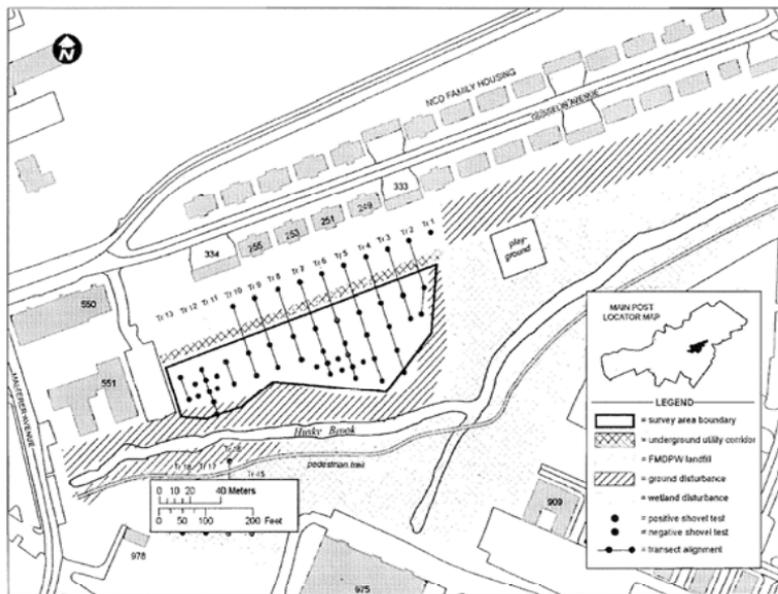
Building ID	Area	DPW Description	Year Built	Select Historic Property (Preservation Covenant Upon Transfer)	Eligibility Status (Individual (I) or Historic District (HD) Contributing Element (CE))
				MITIGATION	
2750	Charles Wood Area	Storage - Dymaxion Deployment Unit (On top of 2700)	1943/1955	NO COVENANTS-HABS LEVEL MITIGATION	I
2540 (Mural Only)	Charles Wood Area	Kronenburg Mural (Inside of 2540)	2000	NO COVENANTS-HABS LEVEL MITIGATION	Individual
None	Charles Wood Area	Select Areas of the Golf Course	N/A -- Potential Archeological Sites.	Select Areas Shall Receive Archeological Preservation Covenants Per Attachment E	Unknown -- Protected by Covenants

FORT MONMOUTH NATIONAL REGISTER DISTRICT



Map of Fort Monmouth Historic District - 7/22/2009 2:08:30 PM

ATTACHMENT B
VSR-2 Area to Receive Phase II Survey in Red



ATTACHMENT C

Federally Recognized Indian Tribes That May Attach Traditional Religious and Cultural Importance to Fort Monmouth Properties

1. Delaware Nation, Oklahoma (formerly Delaware Tribe of Western Oklahoma)
 - a. Edgar French, President
Delaware Nation P.O. Box 825
Anadarko, OK 73005
Phone: 405-247-2448
 - b. David M. Scholes, NAGPRA
Delaware Nation P.O. Box 825
Anadarko, OK 73005
Phone: 405-247-2448, x-162
2. Delaware Tribe of Indians, Oklahoma
 - a. Larry Joe Brooks, Chief
Delaware Tribe of Indians
220 NW Virginia Avenue
Bartlesville, OK 74003
Phone: 918-336-5272
 - b. Dr. Brice Obermeyer, NAGPRA
Dept. Soc. & Anthropology, Emporia State University
Roosevelt hall, Room 121
1200 Commercial, Box 4022
Emporia, KS 66801
3. Stockbridge-Munsee Community, Wisconsin
 - a. Robert Chicks, President
Stockbridge-Munsee Community
N8476 Mo He Con Nuck Rd
Bowler, WI 54416
Phone: 715-793-4111
 - b. Sherry White, NAGPRA
Stockbridge-Munsee Tribe
P.O. Box 70
N8510 Mo He Con Nuck Rd.
Bowler, WI 54416
Phone: 715-793-3970

ATTACHMENT D

Standard Preservation Covenant For Conveyance Of Property That Contains Historic Buildings And Structures

1. In consideration of the conveyance of certain real property hereinafter referred to as (name of property), located in the (name of county), (name of state), which is more fully described as: (Insert legal description), (Name of property recipient) hereby covenants on behalf of (himself/herself/itself), (his/her/its) heirs, successors, and assigns at all times to the (name of NJSHPO parent organization) to preserve and maintain (name of property) in accordance with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service 1992 (This and updates can be found at www2.cr.nps.gov/tps/tax/rhb , as available on 22 November 2004)) in order to preserve and enhance those qualities that make (name of historic property) eligible for inclusion in/or resulted in the inclusion of the property in the National Register of Historic Places. If (Name of property recipient) desires to deviate from these maintenance standards, (Name of property recipient) will notify and consult with the (name of state) Historic Preservation Officer in accordance with paragraphs 2, 3, and 4 of this covenant.
2. (Name of property recipient) will notify the appropriate (name of state) Historic Preservation Officer in writing prior to undertaking any construction, alteration, remodeling, demolition, or other modification to structures or setting that would affect the integrity or appearance of (name of historic property). Such notice shall describe in reasonable detail the proposed undertaking and its expected effect on the integrity or appearance of (name of historic property).
3. Within thirty (30) calendar days of the appropriate (name of state) Historic Preservation Officer's receipt of notification provided by (name of property recipient) pursuant to paragraph 2 of this covenant, the NJSHPO will respond to (name of property recipient) in writing as follows:
 - a. That (name of property recipient) may proceed with the proposed undertaking without further consultation;
 - b. That (name of property recipient) must initiate and complete consultation with the (name of state) Historic Preservation office before (he/she/it) can proceed with the proposed undertaking.If the NJSHPO fails to respond to the (name of property recipient)'s written notice, as described in paragraph 2, within thirty (30) calendar days of the NJSHPO's receipt of the same, then (name of property recipient) may proceed with the proposed undertaking without further consultation with the NJSHPO.
4. If the response provided to (name of property recipient) by the NJSHPO pursuant to paragraph 3 of this covenant requires consultation with the NJSHPO, then both parties

will so consult in good faith to arrive at mutually-agreeable and appropriate measures that (name of property recipient) will implement to mitigate any adverse effects associated with the proposed undertaking. If the parties are unable to arrive at such mutually-agreeable mitigation measures, then (name of property recipient) shall, at a minimum, undertake recordation for the concerned property—in accordance with the Secretary of Interior's standards for recordation and any applicable state standards for recordation, or in accordance with such other standards to which the parties may mutually agree—prior to proceeding with the proposed undertaking. Pursuant to this covenant, any mitigation measures to which (name of property recipient) and the NJSHPD mutually agree, or any recordation that may be required, shall be carried out solely at the expense of (name of property recipient). The mandatory recordation and documentation of structures proposed for demolition or substantial alteration will be archived in an appropriate repository designated by the NJSHPD.

5. The (name of NJSHPD parent organization) shall be permitted at all reasonable times to inspect (name of historic property) in order to ascertain its condition and to fulfill responsibilities hereunder.

6. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the (name of NJSHPD parent organization) may, following reasonable notice to (name of recipient), institute suit to enjoin said violation or to require the restoration of (name of historic property). The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorneys fees.

7. In the event that the (name of historic property) (i) is substantially destroyed by fire or other casualty, or (ii) is not totally destroyed by fire or other casualty, but damage thereto is so serious that restoration would be financially impractical in the reasonable judgment of the Owner, this covenant shall terminate on the date of such destruction or casualty. Upon such termination, the Owner shall deliver a duly executed and acknowledged notice of such termination to the (name of NJSHPD parent organization), and record a duplicate original of said notice in the (name of county) Deed Records. Such notice shall be conclusive evidence in favor of every person dealing with the (name of historic property) as to the facts set forth therein.

8. (Name of recipient) agrees that the (name of NJSHPD parent organization) may at its discretion, without prior notice to (name of recipient), convey and assign all or part of its rights and responsibilities contained herein to a third party.

9. This covenant is binding on (name of recipient), (his/her/its) heirs, successors, and assigns in perpetuity, unless explicitly waived by the (name of NJSHPD parent organization). Restrictions, stipulations, and covenants contained herein shall be inserted by (name of recipient) verbatim or by express reference in any deed or other legal instrument by which (he/she/it) divests (himself/herself/itself) of either the fee simple title or any other lesser estate in (name of property) or any part thereof.

10. The failure of the (name of NJSHPO parent organization) to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

11. The covenant shall be a binding servitude upon (name of historic property) and shall be deemed to run with the land. Execution of this covenant shall constitute conclusive evidence that (name of recipient) agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

ATTACHMENT E
**Archeological Covenant and Map of Golf Course Areas to Receive Covenants
and
Standard Preservation Covenant For Conveyance Of Property That Includes
Archeological Sites**

In consideration of the conveyance of the real property that includes the (official number(s) designation of archeological site(s)) located in the County of [name of county], New Jersey, which is more fully described as [insert legal description], (Name of property recipient) hereby covenants on behalf of [himself/herself/itself], [his/her/its] heirs, successors, and assigns at all times to the (name of NJSHPO parent organization), to maintain and preserve [official number(s) designation of archeological site(s)], by carrying out measures as follows:

1. These archeological sites have been determined by the NJSHPO to be eligible for the National Register of Historic Places. No disturbance of the ground surface or any other thing shall be undertaken or permitted to be undertaken for these sites which would affect the physical integrity of these sites without the express prior written permission of the NJSHPO, signed by a fully authorized representative thereof. Should the NJSHPO require, as a condition of the granting of such permission, that (Name of property recipient) conduct archeological data recovery operations or other activities designed to mitigate the adverse effect of the proposed activity on an archaeological site, (Name of property recipient) shall at its own expense conduct such activities in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and such standards and guidelines as the NJSHPO may specify, including but not limited to standards and guidelines for research design, conduct of field work, conduct of analysis, preparation and dissemination of reports, disposition of artifacts and other materials. (Name of property recipient) shall also consult with Native American governments having standing regarding disposition of funerary and human remains.
2. If Native American human remains are encountered at any time on these archeological sites, (Name of property recipient) shall notify and consult with the (appropriate) affiliated Federally recognized Indian tribe (s) to determine appropriate treatment measures for these human remains in agreement with 36 CFR 800.13(b). It shall be the responsibility of (Name of property recipient) to either preserve in place or repatriate these human remains, depending on the agreed upon determination of the tribe(s).
3. (Name of property recipient) shall make every reasonable effort to prevent any person from vandalizing or otherwise disturbing these National Register eligible archaeological sites. (Name of property recipient) will follow any recommendation by the State Historic Preservation Officer to protect these sites. Any such vandalism or disturbance shall be promptly reported to the State Historic Preservation Officer and the (appropriate) tribe(s).

4. The State Historic Preservation Officer and the (appropriate) tribe(s) shall be permitted at all reasonable times to inspect (the property) to ascertain if the above conditions are being observed.

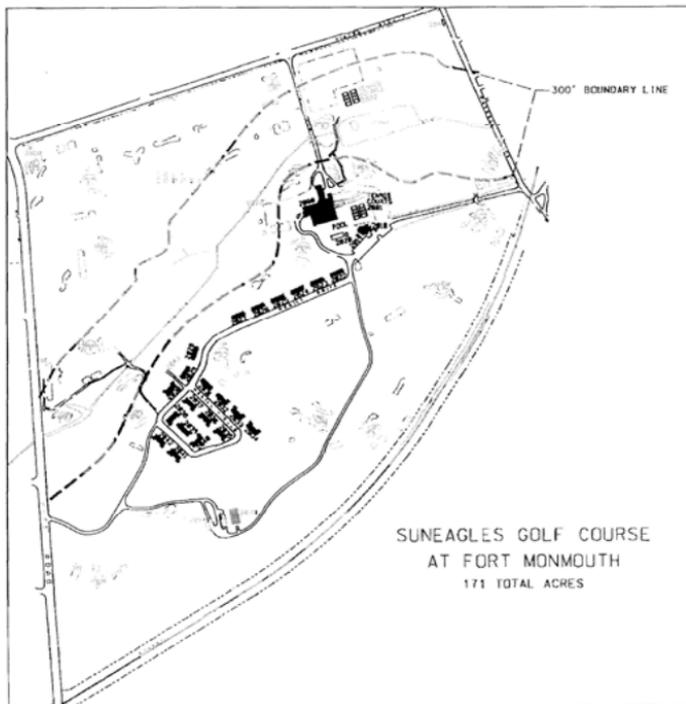
5. In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the State Historic Preservation Officer may, following reasonable notice to (Name of property recipient), institute suit to enjoin said violation or to require the restoration of any archaeological site affected by such violation. If successful, the State Historic Preservation Officer shall be entitled to recover all costs or expenses incurred in connection with such suit, including all court costs and attorney's fees.

6. This covenant is binding on (Name of property recipient), its heirs, successors and assigns in perpetuity. Restrictions, stipulations, and covenants contained herein shall be inserted by (Name of property recipient) verbatim or by express reference in any deed or legal instrument by which it divests itself of either the fee simple title or any other lesser estate in (the part of the property containing the subject archeological sites) or any part thereof.

7. The failure of the State Historic Preservation Officer to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any right or remedy or the use of such right or remedy at any other time. (Name of property recipient) agrees that the (name of NJSHPO parent organization) may, at its discretion and without prior notice to (Name of property recipient), convey and assign all or part of its rights and responsibilities contained in this covenant to a third party.

The covenant shall be a binding servitude upon the real property and shall be deemed to run with the land. Execution of this covenant shall constitute conclusive evidence that (name of property recipient) agrees to be bound by the foregoing conditions and restrictions and to perform to obligations herein set forth.

MAP OF AREAS TO RECEIVE ARCHEOLOGICAL COVENANTS



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ATTACHMENT B

Public and Agency Comments and Army responses

Fort Monmouth BRAC Environmental Assessment Public and Agency Comments and Army Responses

Comment and Response Organization

To aid decision makers and the reviewing public, comments made on the *Environmental Assessment of the Implementation of Base Realignment and Closure at Fort Monmouth, New Jersey* and responses to the comments have been grouped according to the issue(s) they raise. The commonly raised issues are as follows:

- Environmental Condition of Property (ECP) Report/contaminated sites (Section 1)
- Economic analysis (Section 2)
- Incomplete/inaccurate information used for analysis (Section 3)
- Adequacy of analysis (Section 4)
- Finding of no significant impact (FNSI) and need for an Environmental Impact Statement (EIS) (Section 5)
- Other issues raised (Section 6)

Some of the comments and responses are linked and, therefore, must be considered together to gain the full context of the Army's responses to the substantive and common issues raised. For example, many people commented on contaminated sites and the ECP, the adequacy of the analysis, and the Environmental Assessment's (EA's) FNSI in ways that interrelate, such as whether more investigation and analysis of contaminated sites might lead to a finding of significant impacts.

Section 1. Environmental Condition of Property Report

Comments Received

Birdsall Services Group, for Borough of Eatontown: During Phase II ECP, an additional 27 AOCs were identified which are not addressed.

Clean Ocean Action: The EA does not include the Phase 2 Environmental Condition of Property (ECP) Assessment.

Friends of Clearwater: The Army chose to include only the Phase I ECP when addressing hazardous or toxic materials (see EA Section 4.13.1). As a case in point of the previous note on ignoring the early 2008 Phase II ECP, there were 24 additional UST found.)

Army Response

The Phase II ECP/Site Investigation Report (SIR) (July 2008) does not identify any new areas of concern (AOCs). The Executive Summary of the SIR states the purpose of the investigations on which it reports:

Using the results of the Phase I ECP Report, site investigation (SI) sampling recommendations were developed for 21 specific parcels and two areas of concern where no existing data or insufficient data were present to fully evaluate the environmental condition of the property. Six parcels are within the CWA [Charles Wood Area] (Figure ES-1), and the remaining 15 parcels are located within the MP [Military Police] (Figure ES-2).

The purpose of this SI is to move forward with the recommendations made as part of the Phase I ECP to determine whether hazardous substances or petroleum products have been disposed or released on the property and to obtain defensible evidence that confirms or denies that releases have occurred. The goals of the SI are to further assess the level of environmental liability of each parcel and to close data gaps that were identified during the Phase I ECP. (SIR, page ES-1 to ES-2)

The Phase II ECP geophysical surveys identified 24 suspected underground heating oil tanks, and two suspected septic features (one suspected septic tank and one suspected septic distribution box). The Army has volunteered to investigate these anomalies and remove the tanks if found. To date, the Army has positively identified and removed seven of the suspected tanks and conducted a soil investigation at each site, in accordance with New Jersey Department of Environmental Protection (NJDEP) requirements. The schedule for conducting the investigation was given during the July 2009 Restoration Advisory Board (RAB) Meeting and to the members of the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) Environmental Advisory Committee. An update of the investigation is given to the FMERPA Office biweekly.

Section 2. Contaminated Sites

Comment Received

Birdsall Services Group, for Borough of Eatontown: Some of the IRP sites that are listed as "response complete" are still being monitored for compliance with environmental standards. How does the EA deal with these and other uncertainties?

Army Response

As stated in Sections 4.2.2.2 and 4.13.2.1, the Army will continue to monitor these sites and transfer or dispose of them only after an environmental remedy has been ensured to be operating properly and successfully.

Section 3. Economic Analysis

Comments Received

Birdsall Services Group, for Borough of Eatontown: The EA does not reflect the Borough's cost to maintain public areas.

Birdsall Services Group, for Borough of Eatontown: Was the historic status of buildings or sites considered in the economic impact modeling or estimating real property tax revenue?

Birdsall Services Group, for Borough of Eatontown: The EA does not address the environmental and economic impact of poorly maintained or inadequate infrastructure on redevelopment. (Does the economic analysis include the cost of repairing/replacing the sanitary sewer infrastructure together with proper abandonment of existing sewer mains and structures? Does the economic analysis include the cost of repairing/replacing the storm sewer infrastructure? Does the economic analysis include the cost of new electrical power infrastructure? Do the re-use alternatives take into consideration a scheduling lag in re-use or occupancy due to the lack of electrical or other utilities?)

FMERPA: Recommend that Subsection 4.10, Socioeconomics, be reviewed and made current in light of the current economic circumstances and influences.

Army Response

The estimate for the economic cost of redevelopment of Fort Monmouth was obtained from the FMERPA Fort Monmouth Reuse and Redevelopment Plan presentation, dated May 8, 2008. The plan does not specify whether the historic status of buildings or sites and their property tax revenue was considered in the estimated cost, nor does it specify whether infrastructure improvement/replacement costs were included. But it does note that infrastructure improvements would be needed on the potable water, wastewater, and electric systems.

As stated in Section 1.2 of the EA, Section 4 describes the baseline conditions of the affected environment as of November 2005, the date the BRAC Commission's recommendations became binding. Attempting to revise the EA on the basis of *current economic circumstances and influences* would involve continuous updates and is not practical.

Comment Received

FMERPA: Table 1-Summary of findings of effect: a) The statements with regard to socioeconomic environment sidestep the enormity of the economic impact as well as the length of time for any recovery to be in place.

Army Response

Section 4.10 and Appendix F of the EA provide details of the economic impact analysis in the EA. The reuse and redevelopment construction would occur over a 20-year period, and the EA evaluates the economic impact of reuse and redevelopment. But it does not evaluate the effect of closure with no reuse or redevelopment. The reuse and redevelopment scenarios evaluated in the EA are based on those provided by FMERPA in the Final Reuse Plan. On the basis of the EIFS model results in Appendix F of the EA, the statement in Table 1 (i.e., that reuse would largely offset the economic impact of closure) is accurate.

Section 4. Incomplete or Inaccurate Information Used for Analysis

Comment Received

FMERPA: Section 3, subsection 3.2.3, p. 3-4: Reference is made to the existence of groundwater contamination below several parcels of Fort Monmouth. Correspondingly, there is no on-post use of groundwater, which would carry a similar prohibition in the subsequent transfer of property. There needs to be a clear statement of what remedial plans and actions are being or will be undertaken.

Army Response

The EA is not the document for providing details on remedial plans and actions for individual parcels on the installation. The information on groundwater contamination and use presented in the EA is limited to that which is sufficient to arrive at a determination of potential effect, which is the purpose of the EA.

Information regarding Fort Monmouth groundwater restrictions are in the Monmouth County Library in Shrewsbury, New Jersey, and posted on the Fort Monmouth BRAC Web site at <https://cecom100.monmouth.army.mil/usagfmima/sites/local/brac.asp>. Fort Monmouth is in the process of submitting Classification Exception Areas for each site identified during the remedial action investigations, requiring restricted groundwater use.

Comment Received

EMERPA: Section 4, subsection 4.7.1.2, p. 4-34: Statement is made starting on line 11 that five (5) groundwater-supplied irrigation wells have been active on the Charles Wood Area Golf Course (Suneagles). This seems to contradict an earlier statement that there is no use of groundwater on the facility. Please clarify, as this is important to the reuse of the golf course.

Army Response

Clarification: There is no on-post use of groundwater for drinking water. The golf course has used groundwater as a source of irrigation water.

Comment Received

EMERPA: Table 4-16 World War II temporary structures, p. 4-43: Reference to NJSHPO's evaluation of building 900 as needed for concurrence is incorrect.

Army Response

Because Building 900 has been already evaluated as having no significance related to Cold War associations, the building is covered under the 1986 PMOA, and no individual mitigation recordation is necessary. The New Jersey State Historic Preservation Office has concurred with the PMOA as noted in the signed October 2009 Programmatic Agreement.

Comment Received

EMERPA: Section 4.12, Subsection 4.12.1.1, pp. 4-65 & 66: The comments on the potable water supply lead one to believe that the system is without problems and that "FMERPA presumes the system to be in fairly reliable condition." FMERPA makes no such presumption, and, in fact, anticipates that the quality of water and the system needs further study to determine its acceptability.

Army Response

The Fort Monmouth Reuse and Redevelopment Plan (*Technical Memorandum: Infrastructure Systems*. Prepared for Fort Monmouth Economic Revitalization Planning Authority, by STV, Inc. and ED&W, Inc., September 14, 2007) was the source of the information, "Presently, the potable water system is presumed to be in fairly reliable condition" (Page 3, last paragraph.)

Comment Received

EMERPA: Section 4.12, Subsection 4.12.1.4.4, p. 4-67: It is our understanding that new boilers have been installed recently in individual buildings on Main Post, and that the older boiler plant, Building 1220, has been decommissioned. This information is contradictory to the referenced subsection.

Army Response

The boilers at buildings 1220 have been removed. Building 2700 has two boilers that are inactive. The two boilers in building 2706 are used to supply building 2700.

Comment Received

Borough of Tinton Falls: As indicated by members of the Environmental Commission of the Borough of Tinton Falls and upon a preliminary review of the 188 pages of materials and supporting documents published 30 days prior to the end of comment period, it is clear that additional environmental concerns that have been raised throughout public hearings, detected by local environmental commissions, known by the Department of the Army and/or its vendors are

not included for study, analysis, remediation, socioeconomic effects and are unsupported by the conclusions reached in the Final Environmental Assessment Report of the Corps of Engineers.

Army Response

The Fort Monmouth Environmental Information Repository has been made available to the public at the Monmouth County Library in Shrewsbury, New Jersey; at the BRAC Web site <https://cecom100.monmouth.army.mil/usagfmima/sites/local/brac.asp>; and provided to the RAB and FMERPA. The RAB hosted two public open house events to present the history and status of each installation restoration program (IRP) site. The public open houses, quarterly RAB meetings, and the BRAC Web site are venues where public questions are asked and answered. The Army will continue to inform the public of the status of all restoration sites via these venues, until transfer of the property.

Investigations on environmental issues at Fort Monmouth will continue for some time. However, section 2904(a) of BRAC law (Public Law 101-510, as amended) provides that the Army must,

...initiate all closures and realignments no later than two years after the date on which the President transmits a report [by the BRAC Commission] to the Congress ... containing the recommendations for such closures or realignments; and ... complete all such closures and realignments no later than the end of the six year period beginning on the date on which the President transmits the report....

The president took the specified action on September 15, 2005, and the Army, therefore, must initiate all realignments no later than September 14, 2007, and complete all realignments no later than September 14, 2011. The Army, therefore, is not at liberty to wait until all environmental investigations at Fort Monmouth have been completed to initiate closure actions, of which the EA is part. The information available at the time that the EA was prepared, however, was deemed sufficient to determine whether the closure and disposal/reuse of the installation would result in significant adverse environmental or socioeconomic impacts.

Comment Received

Friends of Clearwater: The Fort and the Army has again mischaracterized the source of pollution of the streams blaming the Tinton Falls municipal complex as polluting the Wampum/Mill Creeks. It is the opposite.

Army Response

The information on the source of water quality degradation in main post surface waters is the Phase I ECP report, pages 4-47 to 4-48.

In order to monitor surface water quality at FTMM [Fort Monmouth], quarterly surface water sampling has been conducted throughout the MP since April 1997. The monitoring program includes surface water sampling locations entering the MP, locations exiting the MP, and locations associated with MP IRP sites. The analytical program includes volatile organic compounds +15, PCBs and metals. Long-term monitoring of groundwater and surface water is currently performed on a quarterly basis, in conjunction with groundwater remediation systems to treat VOCs at IRP sites FTMM-02, FTMM-03, and FTMM-05. The long-term monitoring program is a key component of the selected remedial alternatives. Throughout the monitoring period (1997 to present), concentrations of chlorinated solvents entering MP have gone down. However, measurable amounts of chlorinated solvents still enter MP in Husky Brook. In the spring 2006 monitoring round, a sample of Husky Brook surface water contained measurable amounts of vinyl chloride

and cis-1,2-dichloroethene. The vinyl chloride concentration was in excess of the NJDEP surface water quality criterion. Concentrations of chlorinated solvents in Husky Brook are greatest in surface water entering MP and go down as the creek flows through MP. None of the FTMM landfills contribute to the degradation of surface water quality.

Based on the historical assessments of MP surface water discussed above and recent surface water monitoring data, the most severe impacts to surface water were the result of historical discharge from industrial sites upstream of FTMM.

Information regarding sampling conducted at Fort Monmouth is at the Monmouth County Library in Shrewsbury, New Jersey, or on the BRAC Web site at <https://cecom100.monmouth.army.mil/usagfmima/sites/local/brac.asp>.

Comment Received

Friends of Clearwater: The Army's EA and other documentation have never identified their pollution's impacts to food chain and environment downstream in the Shrewsbury.

Army Response

The analysis in the EA is based on existing information, that is, information that is available for incorporation into the analysis. The Army plans to perform a Baseline Ecological Evaluation (BEE), as recommended by NJDEP. The objective of the BEE is to assess whether the presence of constituents of concern in sediments, surface water, soil, and groundwater on MP and CWA has the potential for adverse effects on biological receptors. The assessment will be made through examination of the site for the co-occurrence of (1) contaminants of potential ecological concern, (2) environmentally sensitive areas, and (3) chemical migration pathways to these sensitive areas. The objective will be reached by completing these tasks: a data and literature review, a qualitative site visit, limited field sampling, and data analysis and ecological hazard characterization. NJDEP is reviewing a draft BEE Work Plan.

Comment Received

Friends of Clearwater: The statement, "[NJDEP] did not take issue with any of the parcels designated as uncontaminated" is taken out of context and is absolutely wrong. RAD members have never seen a blanket statement like this before. This is either a mistake or an overstatement of the facts out of context.

Army Response

Fort Monmouth received correspondence from NJDEP dated April 17, 2007, signed by Mr. Larry Quinn. The letter is in response to the Community Environmental Response Facilitation Act (CERFA) Report and the ECP Report. Mr Quinn states, "NJDEP disagrees with the classification of several parcels on both the Main Post and the Charles Wood Area. Therefore, we don't concur with the CERFA and ECP Reports in the current form. However, we have not taken issue with any of the parcels that were designated as uncontaminated property." A copy of the letter is Attachment D of the FNSI.

Comment Received

Clean Ocean Action: The EA includes several public health and environmental concerns and yet lacks any summary data to support and justify claims of only "minor" short- and long-term impacts.

Army Response

The EA contains summaries of efforts previously conducted to assess the environmental conditions at Fort Monmouth. It provides details on the IRP, Military Munitions Response Program, Underground Storage Tank/Aboveground Storage Tank management program and fuel storage tank removal efforts, asbestos surveys, PCB surveys and removal efforts, lead-based paint risk assessment, and other known potential hazards. The EA notes that an ECP report has been prepared and investigations continue at the installation. The EA does not provide raw results of sampling because the EA is not intended to provide such information; it is intended to provide a summary analysis on the basis of that type of background information. With relevance to issues of environmental contamination, the EA clearly states (Section 4.13.2.1), "Regardless of the type of disposal—accelerated, traditional, or caretaker—the Army is under a mandate to characterize contamination, define the appropriate remediation in coordination with regulatory agencies, and conduct the required remediation." The conclusion of no significant impact is based on the reasonable assumption that the Army will comply with this mandate.

Archival reports prepared by U.S. Army Center for Health Promotion and Preventive Medicine were reviewed as part of the ECP process. Those reports contain information on assessments made of workers and the public. The industrial hygiene reports went back to the mid 1950s and documented the types of processes, amount and type of chemicals used in the workplace, whether engineering controls (ventilation) were in place, and what personal protective equipment the workers were using. In many cases, that information formed the basis for determining what buildings needed further study as part of the site investigation portion of the follow-up to the ECP. There is no record of any pollutant release at Fort Monmouth that could have affected the health and safety of local community residents, base workers, or military personnel.

Section 5. ADEQUACY OF ANALYSIS

Comment Received

Borough of Tinton Falls: Please note our objection to the sufficiently, reliability, accuracy and content which underlie the unfortunately inaccurate conclusion reached by the US Army Corps of Engineers as to the lack of any significant environmental impact based on the various consequences detailed in Section 5.0 of its report.

Contained in the 188 pages of supporting material, the U.S. Army Corps of Engineers has relied on inaccurate data, preliminary concept plans and economic models not adopted by the Ft. Monmouth Economic Revitalization Planning Authority; therefore, the conclusions reached in the Final Environmental Assessment, dated March 2009, are both flawed and inaccurate. More particularly, I call your attention to the concordance of errors such as the inclusion of a train station and additional exit from the New Jersey parkway onto the subject property. These two concepts were conceived and considered during the public hearing portion of the Ft. Re-Use Plan, were shelved prior to the adoption of any Final Concept Plan and the Final Re-use Report of the Ft. Monmouth Economic Revitalization Planning Authority (FMERPA). These are just two of the many examples contained in the Final Environmental Assessment prepared by the U.S. Army Corps of Engineers which indicates the lack of careful review of the Final Report of FMERPA and inclusion of both inaccurate and unsupported data in its report.

Army Response

Data used for the analysis in the EA were obtained from or provided by Fort Monmouth, the State of New Jersey, Monmouth County, and the Boroughs of Eatontown, Oceanport, and Tinton Falls, and they were presumed to be reliable and accurate. The economic model used for the

socioeconomic analysis in the EA is that adopted by the U.S. Army Corps of Engineers for all 2005 BRAC analysis.

The example provided implies that the EA should be constantly updated to reflect the most recent changes in reuse planning (e.g., it should exclude items such as a train station and additional exit from the New Jersey parkway onto the subject property because they have been removed from the plan). However, the EA tries to capture not the current, changing situation based on ongoing planning and discussion, but the 'worst-case' or 'greatest-effect' scenario so that the analysis can present the greatest range of effects. For this reason, elements once part of but later removed from plans are retained in the EA analysis to provide a larger range of potential effect. This is necessary precisely because planning is ongoing and the 'current' plan constantly changes. Section 3.5 of the EA provides a detailed rationale for the selection of the reuse alternatives used.

Comment Received

Clean Ocean Action: The Phase I remediation efforts for the landfills at least are inadequate and unclear as to what the capping plans will be. The remedial actions and recommendations are not evident but needed based on the results of the Phase 2 Assessment. Since the Baseline Ecological Evaluations (BEEs) have not yet occurred, the remediation necessary from these further evaluations remains undetermined. Given this lack of information, the EA has no basis for determining that mitigation measures are not necessary.

Army Response

Clean Ocean Action has confused *mitigation measures* in the context of a National Environmental Policy Act (NEPA) analysis and mitigation measures in general. Certainly, as BEEs are completed and further investigations are conducted at Fort Monmouth, mitigating actions will be required at individual sites to protect human health and the environment. However, in the context of a NEPA analysis, mitigation measures are those undertaken by the proponent of an action to reduce, avoid, or compensate for significant adverse effects (see Section 4.15 of the EA). Because the EA concludes that no significant adverse effects would result from implementation of the proposed action, no mitigation measures (in the NEPA sense) are called for.

Comments Received

Clean Ocean Action: No summary monitoring data is provided on the specific contaminants present, their concentrations, or what remediation actions are necessary in the EA. More summary information on recent monitoring data is needed in the EA. To characterize hazardous contamination of and explosives at Fort Monmouth, the EA states that only a "preliminary investigation" has been conducted to date (p.4-71). More comprehensive investigations are clearly needed.

Clean Ocean Action: The EA states that "Three closed/inactive ranges were recommended for additional evaluation by the 2006 Historical Records Review" (Section 4.13.1.4). However, there is no evidence that these evaluations ever happened and no results are provided.

Clean Ocean Action: Soil contamination by lead-based paint was identified as occurring above the action level, however the EA does not provide the necessary information to support that the impacts are minor.

Clean Ocean Action: The EA refers to 22 locations which include "open areas" where radioactive materials were "used, stored, or potentially disposed of." However, no analysis is provided on the risks of or remediation plans for these sites.

Clean Ocean Action: The EA section 4.13.16.2 on polychlorinated biphenyls (PCBs) does not mention or include any supplementary environmental data on the PCBs, such as those that have been identified in samples from two onsite landfills in the Phase I Assessment.

Clean Ocean Action: The EA recognizes that the waters near the installation are impaired but does not directly address this issue.

Army Response

More comprehensive investigations on contaminated parcels at Fort Monmouth are being conducted, but the EA is not the document that is intended to provide details of monitoring data, specific details on the contaminants present on individual parcels nor detailed plans for remediation on individual parcels. The summary of that information provided in the EA is sufficient to determine whether a significant adverse environmental effect would result if the proposed action were to be implemented, which is precisely the purpose of an EA.

Information regarding sampling conducted at Fort Monmouth is at the Monmouth County Library in Shrewsbury, New Jersey, or on the BRAC Web site <https://cecom100.monmouth.army.mil/usagfmima/sites/local/brac.asp>.

Comment Received

Clean Ocean Action: The EA fails to recognize that waters surrounding Fort Monmouth have been identified as bald eagle foraging habitat and are designated as critical environmental sites, which is required in section 4.8.1.3 summarizing impacts on threatened or endangered species. These areas are shown in NJDEP's iMAP geographic information system data. This foraging area was also referred to in recent Fort Monmouth landfill stabilization permit applications. These waters may have already been or could be impacted by contaminated groundwater as well as by both leachate from and erosion of the landfills many of which are located in the flood plain near waterways. The letter from the NJDEP included in the EA Appendix E dated February 23, 2009 indicates the presence and state status of bald eagle foraging habitat (endangered species), least tern (endangered species), great blue heron (species of special concern), and wood thrush (species of special concern) on the site. In fact, this NJDEP letter contradicts the EA statement that "No preserves, officially designated critical habitats, or special habitats for endangered, threatened, or rare species occur on the site (U.S. Army 2007; USACE, Mobile District 1999)."

Army Response

The EA specifically refers to federal endangered and threatened species (4.8.1.3, *Threatened and Endangered Species*: "No federally listed threatened or endangered species are known to occur at Fort Monmouth"). The EA statement referred to in the comment would have been more accurately written to reiterate that the text refers to federal listed species, and the comment would have been more accurate by stating that it was referring to species' statuses as determined by New Jersey.

Comments Received

Clean Ocean Action: The Final Environmental Assessment of the Implementation of Base Realignment and Closure at Fort Monmouth, New Jersey (EA) that reviewed the potential environmental and socioeconomic effects associated with transferring 1,126 acres of Fort Monmouth is incomplete, minimizes impacts without justification, lacks due diligence, and is arbitrary and capricious.

Clean Ocean Action: Transfer, or "disposal," of the Fort Monmouth property would be arbitrary and capricious without an EIS and comprehensive remediation plans.

Army Response

The responses to more specific comments above demonstrate that the EA is complete, justifies its characterization of impacts, is based on due diligence, and that its conclusions are neither arbitrary nor capricious.

Section 6. Finding of No Significant Impact (FNSI), Need for an Environmental Impact Statement (EIS)

Comments Received

Birdsall Services Group, for Borough of Eatontown: In order to provide the receiving communities with complete information, the issuance of a finding of no significant impact should be postponed until a comprehensive environmental impact statement can be prepared and reviewed.

Clean Ocean Action: The EA simply does not "provide[s] sufficient evidence and analysis of impacts to determine... [a] finding of no significant impact" as required by federal regulations (40 CFR 1508.9).

Personal email messages: To know whether the closure of Fort Monmouth will result in significant adverse environmental impacts, an environmental impact statement is needed.

Army Response

The EA was prepared using all information available at the time it was prepared and within the time constraints determined for preparing it. Preparing an EIS would not provide a more thorough or better analysis, and the conclusion of the EA does not support the need for preparing an EIS. Investigations at Fort Monmouth will continue for some time, and the Army will ensure that it makes new information readily available to the RAB, FMERPA, and the public.

Comment Received

Borough of Tinton Falls: Please note our objection to the conclusions and findings that note that under Section 5-1 that no significant long-term environmental impact will occur based on the consequences of any of the alternative measures noted therein (Section 5.1 through 5.4). This objection is provided and based on the review of the underlying environmental impact studies and economic models used by the Ft. Monmouth Economic Revitalization Planning Authority, which over the course of several years surveyed the potential economic reuses of the property. Such studies were based on a two to five year real estate socioeconomic and financial study prior to the preparation and drafting of the report and, in light of the significant economic downturn and collapse of the real estate market at present, represents an inaccurate model with which to base the conclusions now contained in the Final Environmental Assessment Report.

Army Response

As stated in Section 1.2 of the EA, Section 4 describes the baseline conditions of the affected environment as of 2005, the date the BRAC Commission's recommendations became binding.

Section 7. OTHER COMMENTS

Comment Received

Monmouth County Board of Health: Comments of the Monmouth County Board of Health do not specifically raise concerns with the analysis in the EA or the merits of the alternatives, but instead provide information on the status of investigations at Fort Monmouth or results of recent

investigations at the installation and other studies without actually raising concerns about the EA itself.

Army Response

No response is required. The information provided and concerns raised by the board would better be addressed by the RAB.

Comment Received

EMERPA: Section 3, subsection 3.5.4, p. 3-9: In the final paragraph, starting on the third line down, change the percent set aside to 20 percent.

Army Response

The commenter is correct. The Council of Affordable Housing calls for an affordable housing set-aside of at least 20 percent of the residential units.

Comment Received

Clean Ocean Action: In Section 14.13.1.3, the EA lists 17 active Installation Restoration Program (IRP) sites and 26 as "response completed" for a total of 43 identified contaminated sites based on the 2007 report that summarized the Phase I Environmental Condition of Property (ECP) assessment. It is not clear what "response completed" means.

Army Response

The following definition for *Response Complete* is taken from *The Environmental Site Closeout Process Guide* found on the U.S. Environmental Protection Agency Web site. The guide consolidates the existing statutory and regulatory requirements affecting the closeout of sites under the Defense Environmental Restoration Program. An installation must meet all four criteria below to be eligible for Response Complete (EPA's site completion):

1. Cleanup levels specified in the record of decision are met and all cleanup actions and other measures identified in the record of decision are successfully implemented
2. The constructed remedies are operational and performing according to engineering design specifications
3. The installation is protective of human health and the environment
4. The only remaining activities, if any, at the installation are long-term monitoring

Comment Received

Birdsall Services Group, for Borough of Eatontown): It is unclear who would bear the costs of continued monitoring or any future remediation work on the property.

Army Response

Who would bear the cost is not factored into the economic analysis in the EA. The EA analyzes the overall cost of disposal/reuse, irrespective of who would be responsible for the individual actions that comprise the disposal/reuse.

ATTACHMENT C

State Comments and Army Responses

Fort Monmouth BRAC Environmental Assessment State Comments and Army Responses

General Note on Comments Received from the State

Regulations from the Council on Environmental Quality (Section 1503.3) on implementing the National Environmental Policy Act provide that comments on a final environmental document may address either the adequacy of the analysis or the merits of the alternatives discussed or both. The comments provided by the New Jersey Department of Environmental Protection (NJDEP) provide additional information that was not in the Environmental Assessment (EA) and clarification of minor points, but the comments do not indicate that the analysis in the EA is inadequate or that one or more alternatives do not have merit. As such, the comments do not change the conclusion of the EA (that no significant effects would be realized from the closure of Fort Monmouth).

COMMENTS ON SITE REMEDIATION

Comment on Installation Restoration Program

NJDEP Bureau of Design and Construction: Section 4.13.1.3, Environmental Cleanup – Installation Restoration Program. This section should discuss the 9 existing landfills at Fort Monmouth (8 on Main Post, 1 on Charles Wood), as they stand out in significance in considering the future use of IRP sites. All of the landfills contain low-level contaminants in soil and all have caused low-level ground water contamination. Most importantly, the surface soils at all 9 landfills have contamination in excess of New Jersey's residential Soil Remediation Standards, and pose a direct-contact threat to humans. According to Section 2.3.2 of the EA, Cleanup of Contaminated Sites, the Army will take all necessary remedial actions prior to transfer of property. Therefore, remedial action to address the direct contact threat at the landfills will be necessary before the landfill parcels are transferred. Fort Monmouth has proposed the placement of one additional foot of soil cover on all landfill surfaces to address the direct-contact threat. Measures to restrict physical access, such as fencing, may also be required prior to transfer. The Fort Monmouth Economic Redevelopment Planning Authority (FMERPA) reuse plan calls for the landfills to be designated as passive open space.

Army Response

Fort Monmouth chose to limit the discussion of the Installation Restoration Program (IRP) to a very brief description because of the extensive background information that would have had to have been included to deal with the issue in detail. A lengthy discussion would not have changed the conclusion of the EA, i.e., that no significant effects would be realized from closure of Fort Monmouth. As mentioned in the comment, the Army will take all necessary remedial actions before transferring the property.

Comment on Military Munitions Response Program and Comment on Petroleum and Petroleum Products

NJDEP Bureau of Design and Construction: Section 4.13.1.4, Military Munitions Response Program. The first sentence of this section states "there are 16 active ranges at Fort Monmouth"

and the first 3 sentences repeatedly use the word “range” or “ranges.” It would be better to use the term “gun range” or “firing range,” to distinguish between gun ranges and bombing ranges.

NJDEP Bureau of Design and Construction, Section 4.13.1.5, Petroleum and Petroleum Products. This section should state that environmental investigation and/or cleanup activities are ongoing at 12 current or former petroleum storage locations (Buildings 699, 290, 296, 80/166, 108, 1122, 283, 812, 886, 2567, and 800 Area USTs #9 and #12).

Army Response

The information provided in the comments is accurate. However, the EA has been finalized, and the text of the document cannot be changed. Comment 2 provides a clarification and does not specifically correct errors in the EA. Comment 3 is accurate and provides information at a level of specificity greater than that provided in the EA, but again, the information would not have changed the conclusion of the EA. A deliberate effort was made to limit the EA to the information essential to arriving at a conclusion of significance or no significance.

COMMENT ON CULTURAL RESOURCES

NJDEP: The NJDEP’s Historic Preservation Office has been involved in ongoing Section 106 consultation with the Department of the Army, Fort Monmouth Economic Revitalization Planning Authority (FMERPA), and other consulting and interested parties, in order to finalize a Programmatic Agreement for the treatment of cultural resources impacted by the Base Realignment and Closure (BRAC) of Fort Monmouth.

As discussed in the submitted FEA, the Programmatic Agreement currently in development will be the guiding document for this undertaking pertaining to cultural resources (identification of historic properties, effects determinations, and stipulated treatments/mitigation measures.) It should be noted that cultural resource related consultation has occurred since March 2009 (date of the EA), which has modified some of the information contained within the submitted document.

Army Response

While it is true that cultural resources-related consultation has occurred since the EA was finalized, the EA cannot be changed. If the Programmatic Agreement is signed before the EA is signed, it will be noted in the FNSI.

COMMENT ON LAND USE REGULATION

NJDEP: The NJDEP’s Land Use Regulation Program’s (LURP) review of the FEA is still pending. Comments on Land Use issues for the BRAC closure of Fort Monmouth will be sent in addendum to the comments presented in this letter once the LURP review is complete.

Army Response

Fort Monmouth looks forward to receiving NJDEP’s LURP review of the federal consistency review.

ATTACHMENT D

*State Letter and Comments on the
CERFA Report and ECP Report*



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Remediation Management & Response
P.O. Box 413
Trenton, New Jersey 08625-0413

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

April 17, 2007

Colonel Ricki L. Sullivan
U.S. Army Garrison, Fort Monmouth
286 Sanger Avenue
Fort Monmouth, NJ 07703-5101

RE: Community Environmental Response Facilitation Act (CERFA) Report and
Environmental Condition of Property (ECP) Report
Fort Monmouth, NJ

Dear Colonel Sullivan:

The NJDEP Division of Remediation Management & Response (DRMR) has reviewed the following reports on Fort Monmouth:

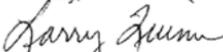
1. Community Environmental Response Facilitation Act (CERFA) Report dated 29 January 2007,
2. Environmental Condition of Property (ECP) Report dated 29 January 2007.

Our comments are attached. NJDEP did not review the entire ECP Report and Appendices. Our review concentrated on the classification of properties in the CERFA Report, which is based upon the ECP Report. As you will see, NJDEP disagrees with the classification of several parcels on both the Main Post and the Charles Wood Area. Therefore, we don't concur with the CERFA and ECP Reports in their current form. However, we have not taken issue with any of the parcels that were designated as "uncontaminated property".

Thank you for the opportunity to comment on the CERFA and ECP Reports. I look forward to continuing to work with your staff to address the remaining site remediation areas of concern at Fort Monmouth.

You or your staff may contact me at 609-633-0766 with any questions on the enclosed comments, or any other site remediation matters at Fort Monmouth.

Sincerely,

Handwritten signature of Larry Quinn in cursive script.

Larry Quinn, P.E., CHMM, Case Manager
Bureau of Case Management

Attachment

C:

Joseph Fallon, DPW, Fort Monmouth

NJDEP COMMENTS ON CERFA REPORT & ECP REPORT
FORT MONMOUTH SITE

1. ECP Parcel Category Definitions: NJDEP has the following concerns regarding the category definitions:
 - a) Category 2 is defined as "Areas where **only** release or disposal of petroleum products has occurred" (emphasis added). That language could lead outside parties to conclude that such areas are of no environmental concern, when in fact, sites where gasoline has been released can be of great environmental concern. This category also gives no indication that response actions have been initiated or completed, as the hazardous substance categories do.
 - b) Category 7 is defined as "Areas that are not evaluated or require additional evaluation" (emphasis added). The "or" creates uncertainty, as the category could be read as simply "Areas that are not evaluated", with no further action taken. A clearer definition would be "Areas that require further evaluation".
2. FTMM-4 and FTMM-14 Landfills: NJDEP concurs with these AOCs as Category 5. However, they shouldn't be grouped with "NFA sites" in Section 5.2.1.2 of the ECP report. NJDEP hasn't prepared official written comments yet, but based upon preliminary reviews, NFA won't be issued for these sites in their present condition.
3. FTMM-15 (Parcel 78, Water Tank) and FTMM-16 (Parcel 81, Former Pesticide Storage Area): These are both designated as Category 4 in the ECP. They should both be changed to Category 5, pending submission and approval of the RA Reports, as it is possible that additional sampling or cleanup will be needed at these AOCs.
4. FTMM-20 (Parcel 75, Pre-1941 Former Main Post STP): This AOC is designated as Category 3. Category 7 would be more appropriate, pending NJDEP review of the NFA request.
5. FTMM-47 (Buildings 1002, 1208, 1209 Former PCB Transformer Sites): This AOC is designated as Category 2 (Building 1002) and Category 1 (Buildings 1208 & 1209). Since the report text states that the minor PCB source areas will be addressed when the transformers are replaced or removed from service, all 3 areas should be Category 5. Also, we found no confirmation of the statement on Page 5-64 of the ECP Report that "NFA determination was approved by the NJDEP."
6. Parcel 53 (700 Area): This AOC is designated as Category 4. NJDEP has recently determined that ground water sampling and additional delineation of soil contamination are required at this AOC. Therefore, Category 5 is the appropriate classification.

NJDEP COMMENTS ON CERFA REPORT & ECP REPORT
FORT MONMOUTH SITE

7. Parcel 56 (800 Area): This AOC is designated as Category 4. NJDEP has recently determined that ground water sampling and additional delineation of soil contamination are required at this AOC. Therefore, Category 5 is the appropriate classification.
8. Parcel 82: The ECP Parcel Summary in Appendix A states that PCB contaminated soil was excavated at this small AOC within the 400 Area. However, no description of such a cleanup could be found in the text. The narrative on "Site Number 12, Buildings 121, 122 & 123" in Section 5.5.2 appears to discuss this area, but with no mention of a cleanup. NJDEP is therefore unable to concur with the Category 4 designation for Parcel 82. We would concur if all soils with PCBs greater than 0.49 mg/kg were removed and ground water wasn't impacted.
9. FTMM-23 (CW-2 Wastewater Treatment Lime Pit): This AOC is not specifically shown on CERFA Figure 1, but falls within Parcel 15, which is designated as Category 7. This AOC should be shown on Figure 1 and designated as Category 5, pending NJDEP review of the NFA request.
10. FTMM-28 (Parcel 7, CW-6 Former Pesticide Storage Building): This AOC is designated as Category 4. Category 5 would be more appropriate, pending NJDEP review of the NFA request.
11. FTMM-29 (Parcel 12, CW-7 Former PCB Transformer Location): This AOC is designated as Category 4. NJDEP has recently determined that PCBs in soil greater than the RDCSCC of 0.49 mg/kg were left at this AOC, so Category 5 is the appropriate classification.
12. Radiological AOCs: The Final "Historical Site Assessment and Addendum to Environmental Condition of Property Report" dated January 2007, by Cabrera Services addresses potential radiological areas of concern. Section 5.8 of the ECP Report summarizes the findings of that report. Neither report definitively states what future actions will be taken at the identified radiological AOCs. The ECP Report states on page 5-75 "The buildings and survey areas found to be potentially impacted include building Nos. 275, 283, 292, and 2540," yet nothing is said about future actions. Those 4 buildings should be fully investigated and remediated if necessary, and should also be Category 5 in the CERFA Report.