



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

January 13, 2023

Programs and Project Management Division
Military/Interagency and International Services Branch

Mark Bernath
Public Works Director
Brevard County
Building A Room 201
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Mr. Bernath:

The U.S. Army Corps of Engineers (Corps) has evaluated Brevard County's concerns on the right-of-entry form for the Naval Air Station Banana River Off-Base Disposal Area Remedial Investigation/Feasibility Study. The following paragraphs list Brevard County's concerns, provided via email on December 13, 2022, in bold followed by the Corps response.

1. **The County is requesting that staff from the Brevard County Public Works Department be present during any testing performed, subject to the need for the Corps and its contractor to implement the Accident Prevention Plan ("APP") and Uniform Federal Policy for Quality Assurance Project Plan ("UFP-QAPP") to limit County presence due to unsafe conditions. A copy of the APP and UFP-QAPP will be made available to the County prior to the start of field work. Based on the amount of County-owned property within the area to be studied, the Corps or its contractor shall provide no less than two weeks advance notice for the work to be conducted.** Brevard County staff may be present during investigation field work within the county right-of-way as requested. The Corps requested and received the Florida Department of Environmental Protection's concurrence with starting the geophysical investigation (ground penetrating radar) while regulatory review of the complete UFP-QAPP continues. The Corps will publish an abbreviated UFP-QAPP (with APP) and host a drop-in community meeting prior to the start of field work. As stated in the right-of-entry form, the Corps will coordinate activities at least fourteen days prior to the start of work.
2. **The County is requesting that the Corps communicate directly with the Director of Public Works Department, the Director of Natural Resources Management, and designated staff members as it relates to work in the designated area(s).** The Corps will communicate directly with the personnel identified.
3. **The County is requesting support via briefings and Question and Answer and/or Frequently Asked Question handouts. With the Corps consent, the County will encourage those asking questions to directly contact the Corps. County personnel interested in keeping up-to-date with the project will send an email to FUDS.Florida@usace.army.mil in order to be added to the email distribution list.**

The Corps can provide support via briefings and Question and Answer and/or Frequently Asked Question handouts. Such materials are already posted on the project website, and others will be added as necessary. We agree that those with questions should contact us directly. The Corps is responsible for communicating with the general public, and we focus our communication toward those who own property within the Off-Base Disposal Area and those who have requested to be kept informed. We communicate via email (for those who requested emails) and U.S. mail. The project website is www.saj.usace.army.mil/BananaRiver. We can be reached directly at 800-710-5184 or FUDS.Florida@usace.army.mil.

4. **The County is requesting that any damage caused to the County's property as a result of any work conducted under the Right-of-Entry be repaired, replaced, or otherwise returned to its pre-investigation condition to the standards established under the Brevard County Code and Florida Department of Transportation standards, including, but not limited to, the asphalt roadway open cut – pavement removal and replacement [specifications].** Subject to the terms and conditions in the right-of-entry form, the Corps will restore property to the pre-investigation condition and will consider specifications and standards such as those from the Brevard County Code and Florida Department of Transportation.
5. **While it is understood this is largely a study, there is language in the Right-of-Entry form regarding "digging test pits and/or selected objects". The County requires the Corps to submit a plan for the County's review and concurrence regarding its official notification and coordination process with the County as well as how it plans to address/remediate any contamination in the event it is uncovered during this phase.** Brevard County can review and provide comments for Corps consideration on project documents as they are made available to the public. The investigation is being conducted in accordance with the National Contingency Plan (NCP) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Corps is the lead executing agency for the Formerly Used Defense Sites (FUDS) program, as such the Corps is not required to obtain concurrence from property owners in conducting environmental responses.

Digging test pits and/or selected objects is necessary to characterize the nature and extent of military-related impacts during the Remedial Investigation phase. Once the field work is complete, the Corps will analyze the data and prepare a Remedial Investigation report which includes human health and ecological risk assessments. Should the data indicate unacceptable risk to human health and/or the environment, the Corps will prepare a Feasibility Study to evaluate remedial alternatives. The Corps will summarize the Remedial Investigation/Feasibility Study (if required) in a Proposed Plan which will summarize the field work results and present the Preferred Alternative. Brevard County (and the public) will have a minimum of 30 days to comment on the Proposed Plan. Following the Proposed Plan public comment period, the Corps will prepare a Record of Decision with the selected remedy.

The Corps communications with property owners and the public is guided by our Community Relations Plan. The plan is available on our public website at www.saj.usace.army.mil/BananaRiver.

If you have any questions regarding this letter or other project related matters, please contact me at Andrew.J.Rebman@usace.army.mil or 904-232-1430.

Sincerely,

REBMAN.ANDREW.J.1376729431
W.J.1376729431

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Andrew J. Rebman
Project Manager
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Division