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**Commentaries from the Local Communities of Ceiba to the Environmental  
Assessment performed by the United States Navy Regarding the Disposition of the  
Naval Activity in Puerto Rico (former Naval Station Roosevelt Roads)**

To:

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From:

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## **I. Introduction**

Pursuant to the National Environmental Policy Act (NEPA) of 1969, the Council of Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations 1500-1508) and Navy regulations implementing NEPA procedures (32 CFR 775), the Navy prepared an Environmental Assessment to evaluate the potential environmental impacts associated with the disposal of Naval Activity Puerto Rico (NAPR) of the former Naval Station Roosevelt Roads (NSRR) in Ceiba Puerto Rico. Said Environmental Assessment (EA) is now open for comments in accordance to 40 CFR Section 1501.4.

In response of this call for comments, the Local Communities of Ceiba (LCC), through its representatives in the Implementation Local Redevelopment Authority (Implementation LRA), Rogelio Figueroa and Héctor Nieves, are thus submitting the following comments. The purpose of this submission is to convince the Navy of the need and requirement to perform an Environmental Impact Statement (EIS) instead of an EA for the transfer of real property for the implementation of the Redevelopment Plan of the Department of Economic Development and Commerce (DEDC). The request is for an EIS for the Redevelopment Plan of the DEDC since the Navy used this document (the plan of the DEDC) as the basis for its environmental evaluation.

Summarizing the findings to be exposed next, the LCC through consultation with legal and environmental experts have reached the conclusion that the actions necessary to implement the DEDC redevelopment plan, and analyzed in this EA *constitute a major federal action that will significantly affect the quality of the human environment within the Naval Activity Puerto Rico (NAPR) borders, the surrounding communities and the whole Eastern Region of Puerto Rico*. Thus, a complete evaluation of the environmental impacts is necessary and the need of evaluation can only be carried out through an EIS.

The LCC firmly believes that the decision not to make an EIS is unreasonable. The proposed actions in this EA are analyzed in a manner which undermines the real environmental impact of the proposed actions to the human environment. Moreover, the scope of the EA is not in accordance with CEQ regulations. These regulations foster comprehensive planning and consideration of long term goals and effects. An environmental evaluation document, in this case an EA, should not be segmented if the process will affect a holistic analysis which will reflect all the environmental effects.

Under the Redevelopment Plan of the DEDC there are a number of proposed actions that can cause irretrievable and irreversible commitments to the environment and the wellbeing of the neighboring communities. In this case it is a wiser and responsible action to consider all the effects presently rather than years down the road when it is too late to change the decisions and its effects. An EIS will allow for broader impacts and preventive measurements considerations, both in the short and long term.

The inherent impacts to the environment and wellbeing of the surrounding communities by the proposal in the Redevelopment Plan of the DEDC make necessary a deeper evaluation of the environmental condition at NAPR, and a transparent process of community involvement in the environmental and cleaning activities. This is established in the Defense Base Closure and Realignment Act of 1988<sup>1</sup> (BRAC), as amended<sup>2</sup>.

Even when the community participation in the environmental and cleaning process is established in many federal laws and regulations, there are a large a number of residents of the local communities that have communicated their interest in participating in these activities, with no avail of the DEDC. Among those, there are a number of Roosevelt Roads ex-employees that are contaminated with heavy metals and other health threatening chemicals, related to the activities performed as employees of the Roosevelt Roads Naval Base. There is great concern among these and other community members regarding a less than thorough evaluation of the environmental conditions at NAPR, because of the potential risks to future workers, residents and visitors.

This need of transparency, participation and collaboration of ex-workers, actual workers and the community in general cannot be addressed with a simple Environmental Evaluation. It cannot be either addressed with continued obstruction to participation and denial of information established by the DDEC and denounced many times to the Navy BRAC process representatives. We have been for months requesting participation in the environmental and cleaning activities related to NAPR, participation in the Restoration Advisory Boards or BRAC Cleanup Teams, with no answer. The lack of participation in the environmental and property cleaning processes combined with the imposition of the more pollution to our communities can be considered, the start of a *de-facto* an environmental injustice action.

The Navy has a mission under BRAC to work with and assist communities that are adversely affected by the closure of a base to identify an implement means of revitalizing such communities and the means of such communities. (Base Closure Community and Assistance Act of 1993 (Subtitle A of Title XXIX of Pub.L. 103-160) §2901 (4). This law states that:

The Secretary of Defense shall consider *locally or regionally delineated economic development needs and priorities into the process* by which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military station involved.

Base Closure Community and Assistance Act of 1993 (Subtitle A of Title XXIX of Pub.L. 103-160) §2903 (c).

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<sup>1</sup> Title II of Pub. L. 100-526; 10 U.S.C. 2687

<sup>2</sup> Title XXIX of Pub. L. 101-510; 10 U.S.C. 2687

The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation and with local governments *and other interested persons in communities located near the installation* in implementing the entire process of disposal of the real property and personal property at the installation.

Base Closure Community and Assistance Act of 1993 (Subtitle A of Title XXIX of Pub.L. 103-160) §2903 (d).

(Emphasis added)

## **II. The Importance of preparing and EIS for NAPR**

NEPA, 42 USCS 4321 et seq., requires preparation of an Environmental Impact Statement (EIS) whenever a proposed major federal action will significantly affect the quality of the human environment, 42 USC 4332 (2) (c). Whenever a federal agency needs to determine the nature of the environmental impact from a proposed action and whether an EIS will be required, it must prepare an environmental assessment, 40 CFR 1501.4(b) & (c). If on the basis on the Environmental Assessment (EA) the agency finds that the proposed action will produce “no significant impact” on the environment, then an EIS need not be prepared, 40 CFR 1501.4(e).

In this particular case, the Navy states that it prepared EA rather than an EIS because the proposed actions is are expected to have the potential to significantly affect the quality of the human environment. This is done based on the following allegations:

- Development and reuse of a majority of the 8,435-acre property would be limited to low-density, residential and recreational land uses, aimed at maximizing the use of existing infrastructure and minimizing impacts on natural resources.
- Commercial/industrial development projected for reuse under the preferred alternative would be restrictive to previously altered and developed commercial/industrial areas.
- All proposed development projects would be subject to review and approval by the Puerto Rico Planning Board and subject to Commonwealth environmental protection laws. (EA, Section 1 page 1-8)

## **III. Our response to the premises used by the Navy to dispose real property at NAPR with an EA instead of an EIS**

The LCC in the implementation LRA, disagrees with the above conclusions and therefore kindly requests the preparation of an EIS for the property disposal at NAPR. The LCC has identified several areas of significant impacts on the environment which compounded

with a series of irregularities during the preparation of the Reuse Plan, call for the preparation of an EIS to both address the potential damage to the environment and the health of the residents of the neighboring communities and allows for collaborative participation of community members in the restoration and cleaning determinations.

**A. The low-density, residential and recreational land uses proposed in the majority of the 8,435-acre property will have a significantly negative impact on natural resources, the environment and the adjacent communities.**

The established premise that “low density housing does not have environmental impacts” is incorrect. In fact, low density housing has been the model of development used in Puerto Rico for years and it has led to a significant amount of urban sprawl and intense impacts like sedimentation, topographical modifications, dead of coral reefs and other negative effects on rivers and the ocean. According to a study performed by the Metropolitan University in Puerto Rico and Estudios Técnicos, Inc., in 2001, entitled *Puerto Rico, En Route Towards a Smart Development. Recommendations to Halt Urban Sprawl in the San Juan Metropolitan Area*, if current patterns of development continue the available land in Puerto Rico will be developed and covered with cement within 75 years.

Other experts such as urban planners, sociologists and environmentalists also agree that Puerto Rico should avoid urban designs based on low density single homes and medium density suburban multiple family buildings or “walk ups” which are located away from urban centers and depend on individual automobiles as means of transportation. The reason being that this model results in heavy topographic modifications, car dependency, individualism, traffic jams, high levels of energy consumption, and very high living costs. Moreover, this development model negatively impacts traditional urban centers.

The premise that no development will be done in slopes over 15% is also a wrongful one. In Puerto Rico is common to build single family homes in areas with slopes higher than 15%. It is precisely from this kind of construction that most environmental damage comes from due to the high amounts of sediments and dust generated by the dramatic topographical modifications related to the houses and roads at lands with steep slopes. The Redevelopment Plan does not evaluate the environmental impacts of proposed activities at over 1000 acres of green areas with the premise of slopes over 15%.

The DEDC Redevelopment Plan proposes mainly the construction of a high-end homes in housing complexes similar to the closed community of Palmas del Mar Resort in Humacao. The Reuse Plan (Page 60, Zone 5A, 5B, 5C, 5D) proposes closed, resort-like “master planned residences”, a concept that has been strongly opposed by the communities of Ceiba due to its environmental and socioeconomical impacts. These kinds of housing concepts are mostly based on second homes and vacation homes that do not result in better economy for neighboring communities but to impoverishment, marginalization and lack of water. This treat is particularly important for the community of Daguao, a mostly black community that has been marginalized from the complete redevelopment effort, even when Daguao is one of the Local Communities of NAPR.

The LCC has proposed a different type of development based on the concept of “smart development” which will include a mass transportation system, alternative energy uses, a habitable town with bicycle paths, plenty of walkways so that the use of automobiles will be limited, and thus the environmental effects of air pollution and energy use based on non-renewal sources, such as petroleum, will be limited. This model also incorporates the idea of maximizing all the already developed areas and preserving the green and undeveloped areas. The evaluation of this model (by the LCC) as an alternative to the present DEDC plan will be only possible through an EIS.

In conclusion, CEQ regulations establish that a significant impact on the quality of the human environment must be analyzed according to context or area considered and intensity of effects in the area. The LCC considers that the context of an EA or EIS for this type of development cannot be limited to the context of the NAPR area for certain subjects. In relation to land use, the context of the EA or EIS must strongly consider the communities adjacent to the NAPR and the patterns and experience with urban sprawl in the whole Island of Puerto Rico.

**B. The Reuse Plan is not restricted to the previously disturbed and developed commercial/industrial areas. New commercial and industrial developments will have a significant negative impact on the quality of the human environment of the neighboring communities.**

First of all, NARR property has never held any industrial activity in the zones proposed for industrial uses under the plan of the DEDC. Therefore, it is wrong to conclude that the proposed industrial activity will have no significant impact because it will be held in areas “already altered by industrial development”.

To the contrary, the industrial development proposed in Zone IB will be held in undeveloped areas and has the potential to significantly impact the communities adjacent to NAPR. The industrial area proposed in zones IB are located upwind from the communities of Ceiba, which means that these communities will receive all the combined pollution released from this industrial zone and the commercial airport. The northeastern winds will blow over industrial zone, airport, and other industrial zone prior to reach the communities like *Parcelas Aguas Claras* and *Quebrada Seca* spread along the NAPR northwest border.

Zone IB is currently a buffer zone and forest which would be deforested if this industrial area is created. Currently, this forest area, located between the Ceiba Town and the airport serves as a visual, noise, and air pollution barrier, protecting the local communities from activities within the airport. The removal of such buffer zone, compounded with the increased air traffic that will suppose the conversion of the airport from military to a commercial and freight airport will cause a significant environmental impact in our communities. the Community of Quebrada Seca, in Ceiba, Puerto Rico is already impacted by the airport to the northeast and a turbine electric power plant at the south therefore it is necessary to evaluate the combined air quality effect of the proposed industrial zones.

The Reuse Plan (Page 67) proposes a new car-oriented shopping center at the southwest of the base even when it is only 5 minutes by road of the economically depressed Ceiba

Urban Center. The Association of Business Owners of Ceiba has strongly opposed the development of new suburban shopping Centers in the area. This shopping center will also have a significant environmental impact considering that it will be constructed in green area.

Another proposed use exposed in the Redevelopment Plan of the DEDC is the creation of a Convention Center and a Biotechnology Research Center on zone 7. These two projects have the potential to have a high environmental impact by themselves and a compounded environmental impact when the extensive new infrastructure required for these two projects is considered. The environmental impact of neither one of these redevelopment proposals are evaluated in this EA.

The Reuse Plan (Page 61, Zone 7B), proposes a “250 room conference center” which is actually a hotel, and another hotel in Zones 7C, 7D and 7E as “sleeping rooms” of the conference center. The wrongful presentation of this hotel is highly questionable since it seems the redevelopment plan and the EA creators are avoiding the analysis of this structure under NEPA since its construction will affect a Coastal Scrub dry Forest located at Punta Puerca. The construction of a hotel in such a sensitive area will undoubtedly have a significant environmental impact which, again, should be analyzed under a more detailed EIS.

In zone 3 an 88-acre expansion of the golf course must also be analyzed. Golf courses use great amounts of pesticides and herbicides which can impact the soil water sources and eventually the manatee, an endangered species.

**C. The Navy is responsible to make its own determinations irrespective of the fact that all proposed development projects would also be subject to review and approval by the Puerto Rico Planning Board and subject to Commonwealth environmental protection laws.**

The EA mentions its reliance on local environmental laws and land use regulations in order not to make an EIS. NEPA clearly states that the responsible federal agency is in charge of making the pertinent environmental analysis. This analysis cannot be delegated under the premise of state laws and regulations.

In fact, the Navy leaves a significant amount of lands (over 1000 acres of the about 8600 acres of the total area of NAPR) outside the scope of this analysis under the premise that these lands will be part of Phase III and IV of the Redevelopment Plan, and thus subject to state review. This approach of not evaluating what will come later does not apply in the case of NAPR since the proposed activities in phases III and phase IV are established in the Redevelopment Plan.

**D. Major Federal Actions Significantly Affecting the Quality of the Human Environment.**

An EIS is needed for Major federal actions that will significantly affect the quality of the human environment. The following analysis demonstrates why an EIS is needed in this case.

### **1. The Action is Major and Federal**

What actions are major is a threshold question that has been interpreted broadly by courts. Major can mean the size of the project, the amount of money spent, the intensity and the long term and short effects. Based on the prior statement, the disposition and redevelopment of NAPR following the DEDC Redevelopment Plan in an area that covers about 8,435 acres is indeed a major federal action. Plus a project that is so big that has four different stages is without a doubt major. The action of disposition is performed by the Navy so it is a federal action.

### **2. The Action Significantly Affects the Quality the of the Human Environment**

The context and the intensity of some of the actions proposed, such as the commercial airport, possible effects to endangered species, the construction of hundreds of new single unit housing, two new industrial complexes with a great portion of them in undeveloped portions of the property, are sufficient to justify the completion of an EIS.

### **III. Conclusion**

We understand that the Navy as responsible for this major action and must complete an EIS to better understand the effects to the proposed actions to the environment and the local communities. We firmly believe that if the Navy chooses not to perform an EIS this action would be arbitrary. Based on the statements above, denying the local communities of Ceiba and Daguao an EIS for the redevelopment of NAPR, would result in that many of the potential impacts of the projects contained within the DEDC Redevelopment Plan to their environment and well-being would never be considered, opening a door towards a major environmental injustice towards these communities.



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