



**FINAL**

**Finding of Suitability to Transfer  
(FOST) Parcel 1B and Addendum to  
Final Parcel 1A FOST**

**Former Naval Air Facility  
Adak Island, Alaska**

**May 28, 2003  
Revision 0**

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## ACRONYMS AND ABBREVIATIONS

AAC	Alaska Administrative Code
AAR	After Action Report
ACBM	asbestos-containing building materials
ACM	asbestos-containing material
ADEC	Alaska Department of Environmental Conservation
ADCRA	Alaska Department of Community and Regional Affairs
AHRS	Alaska Heritage Resources Survey
ANCSA	Alaska Native Claims Settlement Act
ARC	Adak Reuse Corporation
BLM	Bureau of Land Management
BRAC	Base Realignment and Closure Act
CAD	cartridge-actuated device
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERFA	Community Environmental Response Facilitation Act
CFR	Code of Federal Regulations
DDESB	Department of Defense Explosives Safety Board
DoD	Department of Defense
DOI	Department of Interior
EBS	Environmental Baseline Survey
ECP	Environmental Condition of the Property
EODMU	Explosive Ordnance Disposal Mobile Unit
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESRP	Explosive Safety Remediation Plan
FCR	Field Change Request
FOST	Finding of Suitability to Transfer
FR	Federal Register
FS	Feasibility Study
HE	high explosive
HARP	Historic and Archaeological Resource Protection
HUD	Housing and Urban Development
IC	Institutional Controls
ICMP	Institutional Control Management Plan

## ACRONYMS AND ABBREVIATIONS (Continued)

LBP	lead-based paint
LRA	Local Reuse Authority
LTA	Land Transfer Agreement
MAUW	Modified Advanced Underwater Weapons
MOU	Memorandum of Understanding
NAD	North American Datum
NAVFAC	Naval Facility
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NHPA	National Historical Preservation Act
NOFA	No Further Action
NOSSA	Naval Ordnance Safety and Security Activity
NPL	National Priorities List
OE/UXO	Ordnance and Explosives/Unexploded Ordnance
OPNAVINST	Naval Operations Instruction
OPS	operating properly and successfully
OU	Operable Unit
PCB	polychlorinated biphenyl
PL	Public Law
PLO	Public Land Order
RASO	Radiological Affairs Support Office
RADWP	Remedial Action Design Work Plan
RI	Remedial Investigation
ROD	Record of Decision
SAERA	State-Adak Environmental Restoration Agreement
SWMU	Solid Waste Management Unit
TAC	The Aleut Corporation
TAPS	Temporary Accumulation Points
USFWS	U.S. Fish and Wildlife Service

## **1. INTRODUCTION AND PURPOSE**

### **1.1 INTRODUCTION**

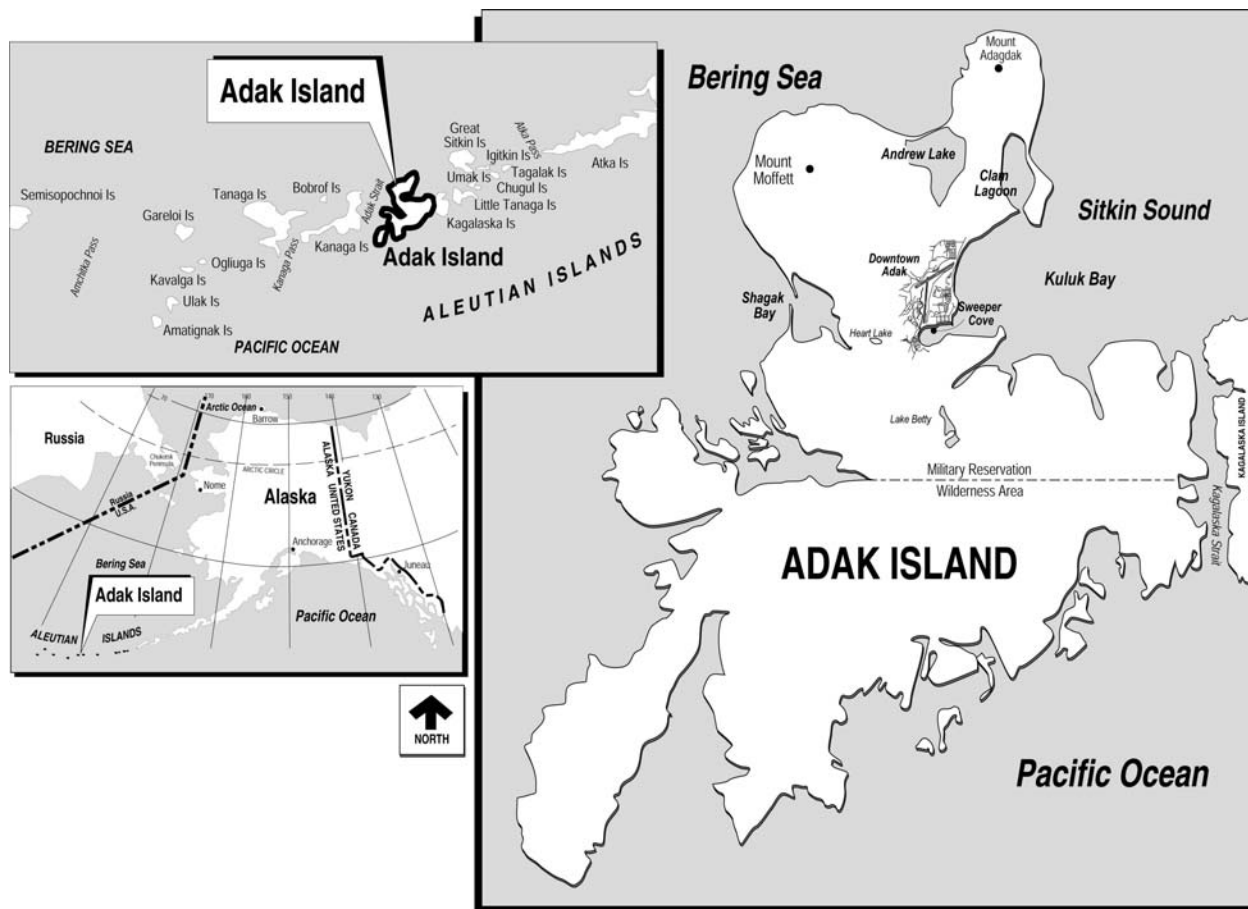
The former Naval Air Facility (NAF), Adak, Alaska (hereinafter called the former NAF Adak), operationally closed on March 31, 1997. The former NAF Adak comprises approximately 76,800 acres of the northern portion of Adak Island, and is used by the Navy for military purposes, as authorized by Public Land Order (PLO) 1949. Now that its need for military use of the property has ended, the Navy plans to relinquish its public land withdrawal on Adak Island.

Adak Island (Figure 1-1) was first identified as federal property in 1867 when the United States acquired Alaska from Russia. Since 1913, Adak Island has been a federal wildlife refuge. In 1980, Adak Island was designated as a part of the Alaska Maritime National Wildlife Refuge. The former NAF Adak still remains a part of the wildlife refuge.

The United States, acting by and through the Department of Interior (DOI) and the Department of the Navy, has entered into a land exchange agreement with The Aleut Corporation (TAC), a Native Regional Corporation authorized pursuant to the Alaska Native Claims Settlement Act (ANCSA). This agreement would result in conveyance of approximately 47,150 acres of the former NAF Adak property to TAC. This Finding of Suitability to Transfer (FOST) applies to Parcel 1B, comprising 13,781 acres, which is a portion of the property to be conveyed to TAC under the agreement.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that each deed for property transferred by the United States include a covenant warranting that all remedial actions were taken that were necessary to protect human health and the environment with respect to any hazardous substance remaining on the property and that these actions were taken before the date of transfer. Any additional remedial action found necessary after the date of such transfer (as a result of Department of Defense [DoD] activities) shall be conducted by the United States (CERCLA § 120(h)(3)). The Community Environmental Response Facilitation Act (CERFA) was enacted in 1992 as Public Law (PL) 102-426. This statute amends § 120 of CERCLA to direct federal agencies to evaluate all Base Realignment and Closure Act (BRAC) properties, identify uncontaminated buildings and properties, and facilitate the lease or transfer of remediated properties upon construction of the approved remedy and demonstration to the U.S. Environmental Protection Agency (EPA) that the remedy is “operating properly and successfully” (OPS).

As noted in the Final FOST for Parcel 1A (April 2002), remedial actions at sites C3-01 and FB-03 were to be certified as completed through an addendum to the Final FOST for Parcel 1A. This addendum is provided as Chapter 6 of this document.



**Figure 1-1.** Location of Adak Island, Alaska

## 1.2 PURPOSE

For properties where release or disposal of hazardous substances or petroleum products has occurred, DoD policy states that the head of the DoD component with accountability over the property (or a designated representative) shall assess, determine, and document when these properties are suitable for transfer by deed. This assessment and determination will be based on an Environmental Baseline Survey (EBS) and will be documented in a FOST. In accordance with DoD's guidance pertaining to FOST documentation, this FOST also includes (1) a declaration that the Parcel 1B property is suitable for transfer (Section 10); (2) any

restrictions on future use (Section 7); (3) results of the analysis of the intended future use (Section 5); and a statement of the notice, covenant, and access clauses (Section 10 and Exhibit 1).

### 1.3 REFERENCES

This FOST incorporates (by reference) information contained in the documents described in Section 11, including DoD and EPA guidance specifically addressing transfer of BRAC property subject to CERCLA.

### 1.4 DOCUMENT OUTLINE

The FOST is organized in the following manner:

**Section 1, Introduction**—provides the background information related to the site, and defines the scope, purpose, and organization of the FOST.

**Section 2, Description of Parcel 1B**—identifies the location and size of the real property being transferred.

**Section 3, Property Disposition**—describes the manner in which the real property will be conveyed and how provisions of the National Environmental Policy Act (NEPA) have been met.

**Section 4, Environmental Condition of the Property**—defines the environmental condition of the property (by reference) of each site encompassed by the property transfer.

**Section 5, Remediation of FOST Parcel**—addresses the nature and extent of contamination, analyzes intended future use, and presents a risk analysis for the property being transferred.

**Section 6, Addendum to Final FOST for Parcel 1A** – provides documentation necessary to certify completion of all remedial actions required under the ROD for OU B-1 for sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04, and LJ-05 within Parcel 1A (Final FOST Parcel 1A, April 2002)

**Section 7, Use Restrictions and Notifications**—provides notifications required under CERCLA and Housing and Urban Development (HUD) Title X, as well as language suitable for incorporation in the deed conveyance documents regarding any land use restrictions and institutional controls.

**Section 8, Public Comment**—documents the date and venue of public notice of availability of the FOST and references comments and responses generated during the public comment period.

**Section 9, Coordination with Regulators**—documents notification of EPA Region 10 and Alaska Department of Environmental Conservation (ADEC) of the Intent to Transfer the Property and Issue the FOST.

**Section 10, Finding of Suitability to Transfer**—documents the basis for execution of the covenant under CERCLA 120 (h)(3)(A)(ii)(I).

**Section 11, References**—lists the CERCLA decision documents, BRAC technical support documents, and DoD and EPA guidance documents that provide the foundation for supporting the transfer of real property at the former NAF Adak.

## 2. DESCRIPTION OF PARCEL 1B

The property included in the military withdrawal on Adak Island is divided into five parcels, only one of which, Parcel 1B, is the subject of the current FOST (Figure 2-1). These parcels are described as follows:

- Parcel 1A comprises approximately 31,895 acres of Adak Exchange Lands in Operable Unit (OU) B-1. This parcel also encompasses 58 CERCLA sites that have been cleaned up and 128 petroleum sites that are in the process of being cleaned up under the State-Adak Environmental Restoration Agreement (SAERA) between the Navy and the State of Alaska. The CERCLA and petroleum sites for which institutional controls or ongoing monitoring are required comprise approximately 31,895 acres of Parcel 1A.
- Parcel 1B comprises approximately 13,781 acres of Adak Exchange Lands in OU B-1 that have been cleaned up as set forth in the CERCLA OU B-1 Record of Decision (ROD) (U.S. Navy, EPA, and ADEC 2001).
- Parcel 2 comprises approximately 3,500 acres in the Mt. Reed Exclusion Zone.
- Parcel 3 comprises approximately 22,000 acres as the Remainder of PLO-1949.
- Parcel 4 comprises approximately 5,624 acres as the Solid Waste Management Unit (SWMU) Exclusion Zone to be retained by the Navy pending further ordnance characterization and remediation.

These parcels were developed to facilitate land transfer by segregating properties anticipated to have different ownership in the future (TAC vs. USFWS). The delineation of boundaries also reflects the phased completion of ordnance clearance activities (Parcels 1A, 1B, and 4) and the desire to recognize special property use (Parcel 2, which was intended to facilitate management and protection of the threatened Aleutian shield fern).

A FOST for Parcel 1A was completed in April 2002. An addendum to the Final FOST for Parcel 1A is included as Section 6 of this document to certify the completion of remedial actions at sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04 and LJ-05 within Parcel 1A. Parcels 2 and 3 will be transferred to another federal agency and have been documented separately pursuant to Navy guidance applicable to such transfers. Parcel 4 includes areas with documented OE/UXO contamination near Lake Andrew. Remediation for ordnance and explosives/unexploded ordnance (OE/UXO) contamination is

not yet complete for Parcel 4. Parcel 4 is being retained in its entirety by the Navy and will be addressed in a separate FOST, or other appropriate documentation, when remediation necessary to support transfer has been completed. A complete description of the FOST for Parcel 1B and facilities on this parcel is provided in the EBS (Foster Wheeler Environmental 2003a). A summary table of boundary corners from the legal description of Parcel 1B is shown in Table 2-1. Boundary corners are shown in Figure 2-2.

**Table 2-1.** Boundary Corner Summary Table from the Parcel 1B Legal Description

<b>Point ID</b>	<b>Easting</b>	<b>Northing</b>	<b>Latitude</b>	<b>Longitude</b>
1	3117887.75	354413.44	51 58 06.87048	176 43 21.73526
2	3121398.00	352737.97	51 57 50.69187	176 42 25.42803
3	3127461.50	349640.18	51 57 20.71950	176 40 48.16066
4	3122948.38	349601.91	51 57 19.91485	176 42 00.18980
5	3122942.78	348934.84	51 57 13.33596	176 42 00.17559
6	3121616.22	348947.93	51 57 13.33716	176 42 21.35020
7	3121538.86	339710.57	51 55 42.23452	176 42 21.13738
8	3118905.66	339736.31	51 55 42.23126	176 43 03.14474
9	3118883.32	337098.93	51 55 16.22032	176 43 03.08122
10	3116263.12	337124.43	51 55 16.21181	176 43 44.87430
11	3116233.61	333823.30	51 54 43.65464	176 43 44.81097
12	3120176.12	333855.59	51 54 44.36264	176 42 41.95046
13	3120164.37	332475.58	51 54 30.75250	176 42 41.92014
14	3126764.28	332409.59	51 54 30.73276	176 40 56.67870
15	3126745.25	335713.02	51 55 03.30802	176 40 57.48232
16	3132889.50	335649.78	51 55 03.24826	176 39 19.48675
17	3121804.25	319504.13	51 52 22.99308	176 42 13.74861
18	3119504.75	322263.31	51 52 49.97926	176 42 50.81989
19	3115290.25	322297.16	51 52 49.89479	176 43 57.98013
20	3115304.75	326402.50	51 53 30.38112	176 43 58.41594
21	3105489.00	326518.16	51 53 30.50563	176 46 34.88057
22	3100408.00	332275.31	51 54 26.73047	176 47 56.88195
23	3098018.00	339896.13	51 55 41.61883	176 48 36.35641
24	3102393.00	349840.13	51 57 20.16171	176 47 28.31567
25	3106616.00	353254.53	51 57 54.28585	176 46 21.49787
26	3109345.75	352720.13	51 57 49.30281	176 45 37.82859
27	3114586.25	354680.78	51 58 09.17631	176 44 14.49009

### **3. PROPERTY DISPOSITION PLAN**

CERFA Parcel 1B is a portion of the military reservation that was withdrawn from the public domain for use by the Navy for military purposes by PLO 1949, dated August 15, 1959 (24 Federal Register (FR) 6872). The Navy will submit a Notice of Intent to Relinquish PLO 1949 (except Parcel 4) to the Department of the Interior, Bureau of Land Management (BLM). The BLM will then convey to TAC Parcels 1A and 1B of the Adak property in exchange for TAC's relinquishment of a similar acreage of prioritized, valid ANCSA surface and subsurface estate in accordance with § 14(h)(8) selections and associated entitlements described in the Land Transfer Agreement (LTA) (TAC, DOI, and Navy 2000). The Interim Conveyance will contain all of the required CERCLA covenants with regard to the FOST parcel.

An environmental analysis of the relinquishment of the Navy public land withdrawal to DOI is not required under Navy regulations implementing the National Environmental Policy Act (NEPA) (Naval Operations Instruction [OPNAVINST] 5090.1B 1999a).

#### **4. ENVIRONMENTAL CONDITION OF THE PROPERTY**

Environmental Condition of Property (ECP) classifications developed under BRAC by the DoD are assigned to FOST Parcels. Classifications are assigned both on the basis of the type of chemical releases (hazardous substances or petroleum) found at the properties and the status of the properties' cleanup activities. These ECP classifications include the following (DoD 1996):

- ECP 1 Areas where no release or disposal of hazardous substances or petroleum products has occurred (including migration from adjacent areas).
- ECP 2 Areas where only the release or disposal of petroleum products has occurred.
- ECP 3 Areas where release, disposal, or migration of hazardous substances has occurred but at concentrations that do not require removal or remedial response.
- ECP 4 Areas where release, disposal, or migration of hazardous substances has occurred and all removal or remedial actions to protect human health and the environment have been taken.
- ECP 5 Areas where release, disposal, or migration of hazardous substances has occurred and removal or remedial actions are underway but all required remedial actions have not yet been taken.
- ECP 6 Areas where release, disposal, or migration of hazardous substances has occurred but required remedial actions have not yet been implemented.
- ECP 7 Areas that are not yet evaluated or that require additional evaluation.

Individual sites with ECP classifications of 1, 2, 3, or 4 are designated as being currently suitable for transfer or lease. Those with ECP classifications of 5, 6, or 7 are not currently suitable for transfer but may be suitable for lease.

Locations and classifications of individual sites are included as site maps and summary tables in the EBS (Foster Wheeler Environmental 2003a). All of the property outside of individually listed sites has been assigned an ECP classification of 1. All sites and remaining property comprising Parcel 1B are assigned an ECP classification of 1, 2, 3, or 4. Accordingly, Parcel 1B is suitable for transfer.

## 5. REMEDIATION OF FOST PARCEL

For purposes of environmental investigation and remediation, Adak has been divided into three OUs. OU A addresses soil, sediment, surface water, and groundwater contamination by CERCLA hazardous substances, pollutants, or contaminants (hereinafter, collectively referred to as hazardous substances) and by petroleum products. OU A is composed of 58 CERCLA sites and 128 petroleum sites and encompasses only Parcel 1A since there are no hazardous substance or petroleum sites with Parcel 1B. OU B addresses OE/UXO areas of concern. OU B has been divided geographically into OU B-1 (163 sites) and OU B-2 (31 sites).

Parcel 1B contains all of, or portions of, 27 of the OU B-1 sites. Eleven of these sites (MM-04, MM-10E, MM-11, MM-12, MM-13, MM-15, MM-16, MM-18, MM-19, MM-21, and C1-03) straddle the boundary between Parcel 1B and Parcel 4. Remedial action is not yet complete in the portions of MM-10E and MM-11 that lie within Parcel 4. All portions of these 11 sites lying within Parcel 4 are included in OU B-1 but they are not included in CERFA Parcel 1B and will not be transferred until remedial actions at all Parcel 4 sites are complete.

The RI/FS (U.S. Navy 2001a) and ROD (U.S. Navy, EPA, and ADEC 2001) have been completed for OU B-1. The ROD for OU B-1 was finalized in December 2001. Remedial actions set forth in the OU B-1 ROD for sites within Parcel 1B were completed in 2002.

In 1995, the State of Alaska, through the Alaska Department of Community and Regional Affairs (ADCRA), established a temporary Local Reuse Authority (LRA) consisting of stakeholders with potential reuse interest in Adak. The first conceptual reuse plan, prepared for the LRA in 1996 by Tryck Nyman Hayes, Inc. (TNH), presented three reuse scenarios: low use, middle use, and high use (Tryck Nyman Hayes, Inc. 1996).

Thereafter, the Adak Reuse Corporation (ARC) was established to take the role of the LRA. A "revised final" plan was prepared for ARC by ASCG Consultants and released in August 1998 (ASCG 1998). This plan was further refined (ASCG 2000) and describes the future land uses envisioned for Adak as (1) residential housing and school facilities; (2) industrial and port facilities, including fishing fleet support, seafood processing, wastewater treatment, power plant operation, and domestic landfill operations; (3) administration of U.S. Fish and Wildlife Service (USFWS) facilities; and (4) recreational activities, including fishing, hunting, hiking, and eco-tours. Parcel 1A comprises the primary reuse property that will be

transferred to TAC for residential, recreational, commercial, and industrial purposes. It contains virtually all of the buildings, utilities, and other improvements comprising the former NAF Adak. Future land uses in Parcel 1B are expected to be a combination of recreation, subsistence, and wildlife management.

## **5.1 NATURE AND EXTENT OF CONTAMINATION AND OTHER ENVIRONMENTAL ISSUES**

Beginning in 1986 and continuing through various environmental agreements and regulatory programs, the Navy has identified Adak sites that have been contaminated by releases of hazardous substances or petroleum (or sometimes both). The former NAF Adak was placed on the CERCLA National Priorities List (NPL) in May 1994.

Military activities on Adak that may have had environmental consequences in Parcel 1B included disposal of ammunition and ordnance and military field training. Also assessed were materials necessary to support Navy operations on Adak that have been stored, used, or disposed of on the property.

Environmental media in Parcel 1B affected by releases of hazardous substances were surface and subsurface soils.

**Ordnance.** Ordnance response, investigation, and clearance of ordnance contamination have been conducted since 1945 in the course of several major efforts, including the following:

- Navy Explosive Ordnance Disposal (EOD) Incident Responses (1945-1995) (Foster Wheeler Environmental 1998a).
- EOD survey of four OE sites as part of the initial CERCLA investigation (1996).
- Downtown Adak surveys (1997-98) (Foster Wheeler Environmental 1997 and 1998).
- Potential minefield investigations and clearance of SWMU 2 (training minefield north of Clam Lagoon 1998 and 2000) (Larson [SSPORTS] 1999, Foster Wheeler Environmental 1999, U.S. Navy 2001b).
- Remote area investigations (1999-2001) for the OU B Preliminary Assessment/Site Investigation (PA/SI) (Foster Wheeler Environmental 2000) and the RI/FS (U.S. Navy 2001b).

- Remedial actions for OU B-1 sites during the 2001 field season (After Action Report [ECC 2002]).
- RI/FS for OU B-2 sites (Foster Wheeler Environmental 2003b).
- Remedial actions for OU B-1 sites during the 2002 field season (After Action Report [Foster Wheeler Environmental 2003c]).

During the course of these investigations and cleanup activities on Adak, a wide variety of ordnance items, including small arms ammunition (.22 through .50 caliber), anti-aircraft munitions (20mm, 37mm, 40mm), grenades (both hand and rifle-fired), mortars (60mm, 81mm), large-caliber artillery rounds (105mm, 155mm), torpedoes, and bombs (incendiary, practice, and high explosive [HE]) were discovered, removed, and disposed of by the Navy and its contractors. Most, if not all, of these items were stored and managed on the island during and after WWII. Use of live ordnance on Adak was primarily limited to training ranges and their associated impact areas during the WWII era.

All plans for investigative and cleanup activities to address OE/UXO contamination in Parcel 1B have been reviewed and approved by Naval Ordnance Safety and Security Activity (NOSSA) and/or DoD Explosives Safety Board (DDESB), prior to initiation of field work. NOSSA and/or DDESB also reviewed post-investigation and cleanup reports to ensure that OE/UXO clearance was conducted as required to support current and future land uses within the parcel. A summary of NOSSA and DDESB reviews and recommendations is included in Table 5-1. NOSSA/DDESB approval of the FOST for Parcel 1B with respect to OE/UXO contamination is included as Exhibit 2.

**Table 5-1.** Summary of Ordnance Investigation and Clearance Activities and Associated NOSSA and DDESB Approvals

<b>Ordnance Investigation or Clearance Activity</b>	<b>Year Performed</b>	<b>Approval Authority</b>	<b>Approval Action</b>	<b>Reference</b>
EOD Incident Responses	1945-1995	None	NA	Foster Wheeler 1998a
EODMU Eleven Detachment Whidbey survey of 4 sites as part of OU A RI/FS	1996	None	NA	NA
Downtown OE/UXO surveys	1997-1998	DDESB	Priority I/II areas are “safe for human habitation”; allows for interim lease	DDESB Memo, dated 5/1/98
		NOSSA	Agreement with DDESB’s endorsement for Priority I/II reuse	NOSSA correspondence 8020 SerN7112/327 (5/18/98)
		NOSSA	Description of conditions for approval of commercial and residential use in Priority III area	NOSSA 8020 Ser N7112/403 (4/17/00)
Superintendent of Shipbuilding, Conversion, and Repair, Portsmouth, Virginia (SSPORTS) clearance of Clam Lagoon minefield	1998	NOSSA	Approval of SWMU #2 clearance workplan	NOSSA 8020 Ser N7112/211 (4/2/98)
Site reconnaissances of potential minefields	1998-2000	NOSSA	Approval of workplans to investigate potential minefields	NOSSA 8020 Ser N7112/529 (8/10/98)
		DDESB/NOSSA	Approval for use of potential minefields for “recreational and related purposes”	DDESB correspondence (3/10/99) NOSSA 8020 Ser N7112/197 (3/31/99)
		DDESB/NOSSA	Approval of removal of restrictions at Clam Lagoon minefield site	DDESB correspondence (no date) NOSSA 8020 Ser N7112/96 (2/3/00)

**Table 5-1.** Summary of Ordnance Investigation and Clearance Activities and Associated NOSSA and DDESB Approvals (continued)

<b>Ordnance Investigation or Clearance Activity</b>	<b>Year Performed</b>	<b>Approval Authority</b>	<b>Approval Action</b>	<b>Reference</b>
Remote area investigations	1999-2000	DDESB/ NOSSA	Review and approval of work plans	DDESB correspondence (11/4/99) NOSSA 8020 Ser N7112/174 (11/19/99)
		NOSSA	PA/SI “complies with reporting requirements of Ch.12 DOD Std 6055.9”	NOSSA 8020 Ser N7112/229 (3/8/00) and NOSSA 8020 Ser N7112/270(3/16/00)
		NOSSA	Approval of OU B RI/FS workplans	NOSSA 8020 Ser N7112/540 (5/15/00)
Remedial Action Design Workplans	2001	NOSSA	Approval of Remedial Action Design Workplans (RADWPs) and Field Change Requests (FCRs)	NOSSA 8020 Ser N7112/8155 and 8153
Explosive Safety Remediation Plan (ESRP)	2001	NOSSA	Approval of ESRP	Complete, but not required
Submittal of AAR for OU B-1 (2001 field season)	2001	DDESB/ NOSSA	Approval of AAR	NOSSA 8020 Ser N7112/2058 (3/13/02)
Remedial Action Design Workplans	2002	DDESB/ NOSSA	Approval of RADWP	NOSSA 8020 Ser N7112/2058 (3/13/02)
Submittal of AAR for OU B-2 (2002 field season)	2002	DDESB/ NOSSA	Approval pending (submitted Jan. 2003)	NOSSA 8020 Ser N7112/3273 (4/14/03)
Submittal of Draft FOST Parcel 1B and Addendum to Final Parcel 1A FOST	2003	DDESB/ NOSSA	Approval of Draft FOST Parcel 1B and Addendum to Final Parcel 1A FOST	NOSSA 8020 Ser N7112/3282 (4/17/03)

**Asbestos.** There are no asbestos-containing structures in Parcel 1B.

**Lead-Based Paint.** There are no structures containing lead-based paint in Parcel 1B.

**Hazardous Materials/Waste Management.** There are no hazardous materials/waste management sites in Parcel 1B.

**Radon.** There are no structures suitable for human occupation located in Parcel 1B and thus no concerns regarding radon.

**Radionuclides.** No radiological sources of concern were identified in this comprehensive report.

**PCBs.** There are no known PCB-contaminated sites in Parcel 1B.

**Endangered Species.** There are no known plant or wildlife species present in Parcel 1B that are designated under the federal Endangered Species Act (ESA).

**Archaeological Resources.** The Navy has entered into a Memorandum of Understanding (MOU) that documents consultation pursuant to Section 106 of the National Historical Preservation Act (NHPA) (U.S. Navy 1997). There are no known archeological sites in Parcel 1B.

**Historic Resources.** There are no historic resources in Parcel 1B.

## 5.2 ANALYSIS OF INTENDED FUTURE USE

Parcel 1B currently contains undeveloped remote areas, some of which were used as impact areas for training ranges during WWII. Land use following transfer to TAC is expected to be a combination of recreation, subsistence, and wildlife management (ASCG 2000).

## 5.3 RISK ANALYSIS

Remedial actions for all CERCLA ordnance sites in Parcel 1B have been completed in accordance with ROD requirements to support current and future land uses, which are comprised of recreation, subsistence, and wildlife management uses. Details are included in the OU B-1 RI/FS (ECC 2001), an After Action Report (AAR) (ECC 2002), and an AAR by Foster Wheeler Environmental (2003c).

#### **5.4 DEMONSTRATION OF THE REMEDIAL ACTIONS' "OPERATING PROPERLY AND SUCCESSFULLY"**

CERCLA §120(h)(3) allows federal agencies to provide the requisite deed covenant once a remedial action is completely constructed and installed, but prior to achieving cleanup objectives, *if* the agency can demonstrate to the EPA (Regional) Administrator that the remedial action is "operating properly and successfully" (OPS) (EPA 1996). This term has been interpreted by EPA to mean that the remedial action is functioning in such a manner that it is expected to adequately protect human health and the environment when completed.

EPA Region 10 has advised the Navy (see Exhibit 3) that there are no sites on Adak that require an OPS determination. Removal and remedial actions have been completed at the Parcel 1B ordnance sites (Exhibit 2). These actions consisted of the following:

- Clearance of identified OE.
- Development and administration of an island-wide ordnance awareness educational program.

EPA and ADEC have accepted the OU B-1 AAR for 2001 field work and have commented on the draft version of the 2002 AAR. Comments received on the draft 2002 AAR from EPA and ADEC (email from ADEC dated 2/27/2003 and email from EPA dated 3/7/2003) provide the Navy with documentation necessary for completion of all remedial actions for OU B-1 sites within Parcel 1B.

## 6. ADDENDUM TO FINAL FOST FOR PARCEL 1A (APRIL 2002)

### 6.1 DESCRIPTION OF THE SITES

The property included in the Addendum for the Parcel 1A FOST includes sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, FB-03, LJ-03, LJ-04, and portions of C8-05B and LJ-05 lying outside of Parcel 4. These 12 sites (or portions of sites) are shown on Figure 6-1.

As of the end of the 2001 field season, remedial actions necessary to support a finding of suitability to transfer C3-01A, C3-01E, and FB-03, which lie within the current boundary of Parcel 1A, had yet to be completed. This remediation work was completed during the 2002 field season. The Final FOST for Parcel 1A acknowledged the need for an addendum to document that all remedial action necessary to support a finding of suitability to transfer these sites had been completed.

Following the submittal of the Final FOST for Parcel 1A in April 2002, the boundaries of Parcel 1A were revised to include sites C8-01, C8-02, C8-03, C8-04, C8-05A, LJ-03, LJ-04, and portions of C8-05B and LJ-05. All remedial actions necessary to support a finding of suitability to transfer have been completed at these sites. Descriptions of these sites are provided below, along with a brief summary of the remedial status for each site. This addendum provides the necessary documentation to support the finding of suitability to transfer all sites mentioned above.

**C3-01A.** This site is an approximately 18-acre area located on the southeast side of Heart Lake. The terrain is flat along the lakeshore with a steep, high bank rising up from the lake to the east. Due to the quantities of abandoned ordnance and ordnance scrap found in this area, it was not possible to complete the observational approach for remediation during the 2001 field season when other Parcel 1 sites were remediated. Remedial action was completed during the 2002 field season.

**C3-01E.** This site is located east of downtown Adak near the south end of Heart Lake. The site was originally a 30-meter by 30-meter square encompassing about 0.2 acre. The terrain is relatively flat compared to other outback areas on Adak. This area was thought to be part of a larger disposal site based upon the 1999 investigation data. However, data from the 2000 RI suggested that the single abandoned tail fuze found in this area might have been a lone item. During the 2000 field season, the area was investigated using the approved observational

approach. The original boundaries of the site were expanded nine times; however, the investigation was not completed. Further expansion of the site boundaries to satisfy the buffer zone requirement for the approved observational approach for this site was performed in 2002, and the work is now complete.

**C8-01.** This approximately 0.2 acre site is located within Combat Range #8 north of downtown Adak and east of Lake Jean. The terrain in the vicinity of the site is moderately steep and rolling, with interspersed flat areas. This site was investigated during the 1999 field season and again in 2000. Ordnance-related items were found and removed from the site. The approved investigation methodology was applied, and the site was completed in 2000. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**C8-02.** This 30- by 30-meter site is located within Combat Range #8 north of downtown Adak and east of Lake Jean. The terrain in C8-02 is relatively flat compared with other outback areas of Adak. This site was investigated in both 1999 and 2000. During the 1999 investigation, a single 37mm projectile was found. During the RI in 2000, this area was investigated a second time using the prescribed bound and characterize pattern for AOCs containing a single piece of AO (100 percent geophysical survey and intrusive investigation). No OE/UXO or related scrap was found. Work at the site was completed in 2000. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**C8-03.** This site is located within Combat Range #8 north of downtown Adak and east of Lake Jean. The site was originally a small, square area encompassing approximately 0.6 acre. The terrain at the site is moderately steep. This site was initially investigated in 1999, and several AO items were found. During the 2000 RI, additional ordnance items were found; however, the investigation was not completed. During the 2001 field season, additional remedial action was performed. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**C8-04.** This 30- by 30-meter site is located within Combat Range #8 north of downtown Adak and east of Lake Jean. The terrain in C8-04 is relatively flat compared with other outback areas of Adak. This site was investigated in both 1999 and 2000. During the 1999

investigation, a cache of small arms ammunition was found abandoned at the site. During the RI in 2000, this area was investigated a second time using the prescribed bound and characterize pattern for AOCs containing lone pieces of AO. No other OE/UXO-related items were found, and the site was completed in 2000. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**C8-05A.** This site is a 30- by 30-meter portion of Combat Range #8 located north of downtown Adak and east of Lake Jean. The terrain in this area is moderately steep. This area was investigated during 1999, and no ordnance items were found. The area was re-investigated in 2000, and a single AO item was found, resulting in the need for follow-on during the 2001 field season. No additional ordnance-related items were found, and investigation was completed in 2001. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**C8-05B.** This site encompasses the majority of the historical Combat Range #8 north of downtown Adak and east of Lake Jean. The site is approximately 150 acres and includes moderate to steep rolling terrain interspersed with relatively flat areas. The area was investigated during 1999 and again in 2000. No ordnance items were found, and the field work at this site is complete. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the majority of the property within this site was transferred from Parcel 4 to Parcel 1A.

**FB-03.** This 31-acre site is located south of downtown Adak near Finger Bay. It was reported to be a historical impact area for mortars used in live firepower demonstrations. The terrain in the area is generally very steep. The site was investigated during both the 1999 site investigation and the 2000 RI. No OE/UXO was found; however, numerous pieces of scrap associated with mortars were found. Since no additional investigation in the form of X-Ts or minigrids was completed at this site during the 2000 RI, the Navy agreed to reevaluate several individual targets to ensure that UXO is not present in a previously unidentified location within this area of concern (AOC). This work was started during the 2001 field season and completed in 2002.

**LJ-03.** This 30- by 30-meter site is located north of downtown Adak near the eastern shoreline of Lake Jean. The terrain of the site is relatively flat. This site was investigated in both 1999 and 2000. During 1999, no OE/UXO or related scrap was found. During the RI in 2000, this area was investigated a second time using the prescribed search pattern. Ordnance-related items were found and removed. The site work was completed in 2001. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**LJ-04.** This 30- by 30-meter site encompassing approximately 0.2 acre is located north of downtown Adak near the eastern shoreline of Lake Jean. The terrain of the site is relatively flat. This area was investigated in both 1999 and 2000. During 1999, a single piece of OE scrap was found at this site. During the RI in 2000, this area was investigated a second time using the prescribed search pattern for an AOC containing a lone ordnance-related item (100 percent geophysical survey and intrusive investigation). No OE/UXO or additional frag was found. The site work was completed in 2000. This site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the site was transferred from Parcel 4 to Parcel 1A.

**LJ-05.** This approximately 60-acre site encompasses about 85 percent of the historical Lake Jean Ammunition Complex north of downtown Adak. The site was investigated in both 1999 and 2000. No ordnance items were found, and the area was approved for NOFA in 2000. Most of this site was placed in land transfer Parcel 4 (non-transferable) after the 2001 field season even though work was complete. Following the 2002 field season and the completion of the Parcel 1A FOST, the majority of the property within this site was transferred from Parcel 4 to Parcel 1A.

## **6.2 PROPERTY DISPOSITION PLAN**

These three sites will be transferred to TAC as part of the Parcel 1A and 1B property disposition described in Section 3 of this document.

## **6.3 ENVIRONMENTAL CONDITION OF THE PROPERTY**

Sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04, and portions of C8-05B and LJ-05 lying outside of Parcel 4 are in ECP categories 1, 2, 3, or 4, indicating that they are now suitable for transfer. Areas in this category are sites where

release, disposal, or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.  
(See Section 4 of this document for more details on ECP classifications.)

#### **6.4 REMEDIATION OF PARCEL 1A FOST ADDENDUM SITES**

All plans for investigative and cleanup activities to address OE/UXO contamination in sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04, and LJ-05 have been reviewed and approved by NOSSA and/or the DDESB, prior to initiation of field work. NOSSA and/or DDESB also reviewed post-investigation and cleanup reports to ensure that OE/UXO clearance was conducted as required to support current and future land uses within the parcel.

##### **6.4.1 Analysis of Intended Future Use**

Sites C3-01A, C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04, and LJ-05 currently contain undeveloped remote areas, which were used as disposal sites for waste ordnance (C3-01A and C3-01E), as impact areas for training ranges during WWII (FB-03), or had other unspecified potential ordnance-related uses (C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, LJ-03, LJ-04, and LJ-05). Land use following transfer to TAC is expected to be a combination of recreation, subsistence, and wildlife management (ASCG 2000).

##### **6.4.2 Risk Analysis**

Remedial actions for all sites or portions of sites listed in this addendum to the Parcel 1A FOST have been completed in accordance with ROD requirements to support current and future land uses, which are comprised of recreation, subsistence, and wildlife management uses. Details are included in the OU B-1 RI/FS (U.S. Navy 2001b) and the 2003 AAR (Foster Wheeler Environmental 2002).

#### **6.5 USE RESTRICTIONS AND NOTIFICATIONS**

The RODs for OU A and OU B-1 selected various use restrictions or ICs that ensure that the intended use of the property is consistent with protection of human health and the environment. The RODs establish ICs as an element of the selected remedy. Implementation of the land use and ICs is set forth in the Final Adak Island Institutional Control Management Plan (ICMP) (U.S. Navy 2001b). The only institutional control applicable to C3-01A,

C3-01E, C8-01, C8-02, C8-03, C8-04, C8-05A, C8-05B, FB-03, LJ-03, LJ-04, and LJ-05 is the public ordnance education and awareness program.

### **6.5.1 Inspections and Reporting**

According to the 2003 dispute resolution agreement with EPA concerning site C3-01A, the Navy will conduct inspections as part of the CERCLA 5-year review process of OU B-1 sites to verify that the future land use assumptions that were the basis of remedy selection were accurate. In addition, the continued effectiveness of the public OE/UXO education and awareness program at the former NAF Adak will also be evaluated during 5-year reviews pursuant to §300.430(f)(4)(ii) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

### **6.5.2 Ordnance and Explosives**

Ordnance on Adak is regulated under several programs, including CERCLA, DDESB, and Navy Military Operations policies. Documentation of ordnance from historical archives, EOD incident reports, and ordnance surveys are described in the RI/FS for Operable Unit B-1 (U.S. Navy 2001a). Remedial alternatives and final selected remedies are documented in the OU B-1 ROD (U.S. Navy, EPA, and ADEC 2001).

Notifications: OE within Parcel 1B has been characterized and cleared, as required under the terms of the OU B-1 ROD (U.S. Navy, EPA, and ADEC 2001). OE may still exist on the former NAF Adak, regardless of the level and extent of previous ordnance surveys and clearance.

## 7. USE RESTRICTIONS AND NOTIFICATIONS

The RODs for OU A and OU B-1 selected various use restrictions or institutional controls (ICs) that ensure that the intended use of the property is consistent with protection of human health and the environment. Implementation of the land use and ICs is set forth in the Final Adak Island Institutional Control Management Plan (ICMP) (U.S. Navy 2001b). The only institutional control applicable to Parcel 1B is the public ordnance education and awareness program.

Covenants required by CERCLA will be included in the Interim Conveyance documents. Such covenants include, but are not limited to, prohibiting activities that could disrupt any remediation activities or jeopardize the operation of remedies in place. The Interim Conveyance documentation will reserve non-exclusive access easements to allow continued access for the Navy to monitor the effectiveness of cleanup, or take additional remedial or removal actions as may be necessary. Use conditions will also be included in the Interim Conveyance documentation. No use restrictions are applicable to any of the Parcel 1B areas described in this FOST.

### 7.1 LAND USE RESTRICTIONS

CERCLA, RCRA, and Alaska's Oil and Hazardous Substances Pollution Control (18 Alaska Administrative Code (AAC), Chapter 75) require cleanup of hazardous substances that have been released into the environment to a degree that is determined to be protective of human health and the environment. The purpose of ICs is to ensure compliance with land use assumptions used in establishing cleanup levels. The investigations and clearance activities conducted by the Navy, in cooperation with the ADEC or EPA (or both), resulted in no land use restrictions in Parcel 1B.

#### 7.1.1 Deeds

There are two types of ICs involving land transfer documents or deeds.

**Notices.** 40 Code of Federal Regulations (CFR) Part 373 implementing Section 120(h) of the CERCLA requires notice of any hazardous substance that was stored for 1 year or more, known to be released, or disposed of in any contract for the sale or transfer of property.

**Restrictive Covenants.** Navy policy regarding land-use controls requires that the United States ensure that ICs "run with the land" so that the immediate transferee and subsequent

transferees are required to abide by the ICs. State real property laws determine the form of the restrictive covenant. ADEC draft guidance suggests that the restrictive covenant should take the form of an “equitable servitude.”

An equitable servitude is included in a deed (or, in the case of Adak, in the Interim Conveyance) by the grantor (seller) that transfers ownership of real property to the grantee (buyer). Such covenants or servitudes indicate that the grantor is not giving the grantee every possible right of ownership that could be given. Rather, the grantor reserves certain rights, and the grantee takes the property subject to the reserved rights of the grantor. As discussed in the ICMP, deeds that transfer parcels of property that have land-use restrictions will contain restrictive covenants or equitable servitudes that reserve those rights and uses. The grantor has the authority to enforce those equitable servitudes (reserved uses) against future owners. By this mechanism, the restrictions will be part of the title of the real property and will run with the land. Consequently, all future owners of the parcels will not be given the rights that are reserved. An example of an equitable servitude addressing the ICs is included in Exhibit 1. While certain equitable servitudes apply to sites in Parcel 1A, none apply to the areas included within Parcel 1B.

### **7.1.2 Soil Excavation Restrictions**

There are no soil excavation restrictions in Parcel 1B.

### **7.1.3 Inspections and Reporting**

The continued effectiveness of the public OE/UXO education and awareness program at the former NAF Adak will be evaluated during 5-year reviews pursuant to §300.430(f)(4)(ii) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In addition, this 5-year review process will include inspections of OU B-1 sites to verify that the future land use assumptions that were the basis of remedy selection were accurate.

### **7.1.4 Ordnance Hazard Signs**

Ordnance hazard signs are in place on the island for sites that are not being transferred (i.e., those within Parcel 4). Fences and gates to maintain access restrictions at Parcel 4 are also in place at areas that will be retained by the Navy.

### **7.1.5 Ordnance Awareness Program**

The Ordnance Education Program is intended to familiarize on-island residents and visitors about the need for ordnance awareness on Adak. The ordnance awareness program is in place and it familiarizes personnel with 1) the history of ordnance use, storage, handling, and disposal on Adak Island; 2) basic characteristics of OE/UXO items on Adak; and 3) procedures that should be followed if a suspected OE/UXO item is encountered.

## **7.2 PARCEL 1B NOTIFICATIONS**

### **Ordnance and Explosives**

Ordnance on Adak is regulated under several programs, including CERCLA, DDESB, and Navy Military Operations policies. Documentation of ordnance from historical archives, EOD incident reports, and ordnance surveys are described in the RI/FS for Operable Unit B-1 (U.S. Navy 2001a). Remedial alternatives and final selected remedies are documented in the OU B-1 ROD (U.S. Navy and EPA 2001).

**Notifications:** OE within Parcel 1B has been characterized and cleared, as required under the terms of the OU B-1 ROD (U.S. Navy, EPA 2001). OE may still exist on the former NAF Adak, regardless of the level and extent of previous ordnance surveys and clearance.

## 8. PUBLIC COMMENTS

On March 12, 2003, public notice of the proposed finding of suitability for transfer of Parcel 1B and Parcel 1A addendum sites to TAC was provided by publication in the *Anchorage Daily News* Legal Notice section, and the notice was posted on Adak (see Exhibit 6). Comments were received from four commenters (see Exhibit 6). All comments were addressed. See the Responsiveness Summary at Exhibit 7.

## **9. COORDINATION WITH REGULATORS**

The State of Alaska and U.S. EPA Region 10 were notified of the initiation of the FOST on March 15, 2003, and invited to participate in reviewing the Draft FOST. For purposes of this document, the term “State of Alaska” shall mean ADEC, and such other agency or instrumentality of the State of Alaska as may have or as may acquire, by operation of law, regulatory jurisdiction concerning response actions. The State of Alaska and U.S. EPA also were provided a 30-day formal comment period on the Draft FOST, starting March 15, 2003.

## **10. FINDING OF SUITABILITY FOR TRANSFER**

Parcel 1B and the Parcel 1A addendum sites have been assessed and evaluated for (a) the presence of hazardous substances and contamination and (b) the adequacy of ICs, use restrictions, contract provisions, and notifications to ensure that the intended use of these parcels is consistent with the protection of human health and the environment. This assessment and evaluation has adequately demonstrated that the proposed use of Parcel 1B and the Parcel 1A addendum sites by TAC is consistent with the protection of human health and the environment.

### **10.1 CERCLA § 120(H)(3)(A)(II)(I)**

The covenant required by CERCLA § 120(h)(3)(A)(ii)(I) warrants that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on property has been taken prior to property transfer. All remedial actions have been completed on Parcel 1B and the Parcel 1A addendum sites. These actions are documented in Sections 5 and 6 and Exhibit 3 of this FOST.

### **10.2 CERCLA § 120(H)(3)(A)(II)(II)**

The covenant required by CERCLA § 120(h)(3)(A)(ii)(II) will be included in the Interim Conveyance to ensure that additional response actions found to be necessary after the date of transfer (as a result of DOD activities) will be accomplished by the Navy.

### **10.3 CERCLA § 120(H)(3)(A)(III)**

A clause also will be included in the Interim Conveyance granting the United States access to the Parcel 1B and the Parcel 1A addendum sites in any case, upon reasonable notice, where a remedial action, response action, or corrective action is found to be necessary after transfer as a result of DoD activities.

As required under CERCLA § 120(h) and DOD FOST guidance, notification of hazardous substance and petroleum product activities will be provided in the conveyance documents.

Furthermore, adequate public notice of this proposed transfer has been provided, as documented in Section 8 of this FOST.

Parcel 1B and the Parcel 1A addendum sites, therefore, are suitable and eligible under CERCLA for transfer.

Based upon the above information, I conclude that Department of Defense requirements have been met to reach a finding of suitability to transfer the subject property, subject to the terms and conditions set forth in the attached equitable servitude (Exhibit 1).



Dated: DEC 19 2003

R. F. Parker  
Captain  
Civil Engineer Corps, USN  
Commanding Officer

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- U.S. Navy. 1999c. Final Site Summary Report for Petroleum Sites Exceeding Criteria, Former NAF Adak , Adak Island, Alaska. Prepared by URS Greiner, Inc. for Engineering Field Activity, Northwest, under CLEAN Contract No. N62474-89-D-9295. Poulsbo, Washington. June 1999.
- U.S. Navy. 1999d. Final Data Summary Report, Supplementary Sampling for Petroleum Sites, Former NAF Adak , Adak Island, Alaska. Prepared by URS Greiner, Inc. for Engineering Field Activity, Northwest, under CLEAN Contract No. N62474-89-D-9295. Poulsbo, Washington. June 1999.
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- U.S. Navy. 2001b. Adak Island Final Institutional Controls Management Plan. Prepared by Engineering Field Activity, Northwest. Poulsbo, Washington.
- U.S. Navy, EPA, and ADEC. 2001. Record of Decision for Operable Unit B-1, Former NAF Adak , Adak Island, Alaska. Final. Prepared by ECC and URS Group, Inc., for Engineering Field Activity, Northwest, under NURC Contract No. No. N62742-99-D-1800. Poulsbo, Washington. October 2001.

**EXHIBIT 1**

**FEDERAL EQUITABLE SERVITUDE,  
EASEMENT, AND RIGHT OF ENTRY  
(TO BE INCLUDED IN LAND CONVEYANCE DOCUMENTS)**

## **EQUITABLE SERVITUDE, EASEMENT, AND RIGHT OF ENTRY LANGUAGE**

WHEREAS, limited portions of the Property that are more particularly described in Exhibit A attached hereto are subject to use restrictions;

WHEREAS, the Property is a portion of a site listed on the National Priorities List and remediated pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (hereinafter "CERCLA"), the Defense Environmental Restoration Program, 10 U.S.C. section 2701 et seq. and 18 Alaska Administrative Code Chapter 75. Under CERCLA, the environmental cleanups were divided into three operable units: Operable Unit A (CERCLA chemical and petroleum sites); Operable Unit B-1 (CERCLA ordnance sites on land proposed as suitable for transfer); and Operable Unit B-2 (CERCLA ordnance sites on land to be retained by the United States until suitable for transfer). The Department of the Navy of the United States of America (hereinafter "Navy") circulated the Record of Decision (hereinafter, along with the Record of Decision for Operable Unit B-1 referenced below, the "ROD") for Operable Unit A for public review and comment. The Operable Unit A ROD was agreed upon and signed by the Navy and the United States Environmental Protection Agency (hereinafter "US EPA"), and concurred with by the Alaska Department of Environmental Conservation (hereinafter, with its successors in administrative function "ADEC") in April 2000. The Operable Unit B-1 ROD was agreed upon and signed by the Navy and the US EPA, and concurred in by the ADEC, in December 2001;

WHEREAS the Records of Decision for OUA and OUB-1 are available for inspection in Bureau of Land Management Case File No. [insert number];

WHEREAS, the major components of the selected remedy for the Operable Unit A CERCLA sites included excavation and treatment by thermal desorption of contaminated sediments and soils and recycling of treated sediment and soils as cover material at the on-island Roberts Landfill; placement of a soil cover on one site; monitoring groundwater for petroleum compounds, semivolatile compounds, and volatile compounds; and implementing institutional controls on property to prohibit potential exposure to hazardous substances left on site;

WHEREAS, the major components of the selected remedy for the Operable Unit A petroleum sites included removal and treatment of petroleum-contaminated soils to meet State of Alaska cleanup requirements; recycling of treated soils as cover material at the on-island Roberts Landfill; monitored natural attenuation of petroleum chemicals in soil and groundwater; free-product recovery to the maximum extent practicable as an interim remedial measure, followed by final remediation to achieve cleanup levels under State of Alaska requirements for soils and groundwater; and implementing institutional controls to

minimize the potential for direct contact, to restrict groundwater use, and/or to restrict excavation until remedial objectives have been met;

WHEREAS, the major components of the selected remedy for the Operable Unit B-1 ordnance sites are no further action with unlimited land use and maintenance of an educational awareness program for on-island residents and visitors;

WHEREAS, the Property does not encompass any area within OUB-2;

WHEREAS, the requirements, rights, covenants, conditions, prohibitions and restrictions herein (hereinafter "Provisions") are intended to protect human health and the environment.

THEREFORE, pursuant to the laws of Alaska including the common law, the United States does hereby reserve forever, subject to conditions, restrictions and limitations of record, an Equitable Servitude, Easement, and Right of Entry (hereinafter Equitable Servitude) over the Property of the nature and character and to the extent set forth below.

#### **PROHIBITED ACTIVITIES:**

##### **1. Downtown Area.**

Unless otherwise specifically authorized in writing by the Department of the Navy the activities listed below are prohibited by any person or entity in the Downtown Area:

- (a) Any domestic use of Groundwater (the term "Groundwater" shall mean water beneath the surface of the ground), by extraction through wells or other means. Domestic use is defined as that used by households or transients for human and animal consumption, cooking, bathing, showering, gardening, irrigation, or use on consumable food products, watering animals and any other domestic use.
- (b) The injection or release of any fluids that may affect the flow direction of a chemical plume [in areas with chemically affected Groundwater].

- (c) Any action at or use of the Downtown Area, including, without limitation, subsurface utility repairs, construction or excavation activities, that results in physical damage to, or is reasonably likely to interfere with the physical integrity of, groundwater monitoring wells or recovery systems or devices constructed at the Property for cleanup.

A map generally depicting the Downtown Area is attached hereto as Exhibit B.

- 2. Solid Waste Management Units 10, 14, 15, 16, 17, 24, 55, 60, 61 and 67; Source Areas 73, 77, 78, 80, 82, and 88; Antenna Field, USTs ANT-1, ANT-2, ANT-3, and ANT-4; Former Power Plant, Building T-1451; ROICC Contractor's Area (UST ROICC 8); Runway 5-23 Avgas Valve Pit; GCI Compound, UST GCI-1; NMCB Building Area; UST, T-1416 Expanded Area; NORPAC Hill Seep Area; UST 10578, South of Runway 18-36 Area; Tanker Shed, UST 42494, Yakutat Hangar, UST T-2039-A; SWMU 20, White Alice/Trout Creek Disposal Area; SWMU 23, Heart Lake Drum Disposal Area; SWMU 52, 53, and 59, Former Loran Station; SA 76, Old Line Shed Building; Amulet Housing Well AMW-706 Area; Amulet Housing Well AMW-709 Area; and SWMU 62, New Housing Fuel Leak.**

Unless specifically authorized in writing by the Department of the Navy, the activity listed below is prohibited by any person or entity, in the Solid Waste Management Units 10, 14, 15, 16, 17, 24, 55, 60, 61 and 67; Source Areas 73, 77, 78, 80, 82, and 88; Antenna Field, USTs ANT-1, ANT-2, ANT-3, and ANT-4; Former Power Plant, Building T-1451; ROICC Contractor's Area (UST ROICC 8); Runway 5-23 Avgas Valve Pit; GCI Compound, UST GCI-1; NMCB Building Area; Underground Storage Tank, T-1416 Expanded Area; NORPAC Hill Seep Area; UST 10578, South of Runway 18-36 Area; Tanker Shed, UST 42494, Yakutat Hangar, UST T-2039-A;h SWMU 20, White Alice/Trout Creek Disposal Area; SWMU 23, Heart Lake Drum Disposal Area; SWMU 52, 53, and 59, Former Loran Station; SA 76, Old Line Shed Building; Amulet Housing Well AMW-706 Area; Amulet Housing Well AMW-709 Area; and SWMU 62, New Housing Fuel Leak:

Residential Land Use (the term "Residential Land Use" shall include permanent or temporary living accommodations, child care facilities, schools, playgrounds, and hospitals).

**3. Solid Waste Management Units 18, 19, and 25 (White Alice and Roberts Landfills, respectively); SWMU 2, Causeway Landfill; SWMU 4, South Davis Road Landfill; SWMU 13, Metals Landfill; SWMU 21A, White Alice Upper Quarry; SWMU 29, Finger Bay Landfill and SWMU 11, Palisades Landfill.**

Unless specifically authorized in writing by the Department of the Navy, the activities listed below are prohibited by any person or entity, except Department of the Navy personnel or their authorized representative in Solid Waste Management Units 18, 19, and 25 (White Alice and Roberts Landfills, respectively); SWMU 2, Causeway Landfill; SWMU 4, South Davis Road Landfill; SWMU 13, Metals Landfill; SWMU 21A, White Alice Upper Quarry; SWMU 29, Finger Bay Landfill and SWMU 11, Palisades Landfill.

- (a) Excavation of soils or other materials; and
- (b) Any activity that disturbs the ground surface of the landfill caps or its drainage system.

A map generally depicting the areas identified in Paragraphs 2 and 3 is attached hereto as Exhibit C.

**RIGHT OF ENTRY**

The United States shall have reasonable right of entry and access to the Property for inspection, monitoring, and other activities consistent with the purposes of this Equitable Servitude, CERCLA 42 U.S.C. Section 9620(h)(3)(A)(iii).

**GENERAL PROVISIONS**

a. The Equitable Servitude is for the benefit of the United States and includes the perpetual right to enforce and implement the Provisions herein. Nothing herein shall be deemed to create in any third party the right to enforce this Equitable Servitude.

b. All real estate, lots, parcels, or portions thereof located within or on the Property, and any lease, conveyance, or transfer covering or describing any part thereof or interest therein, shall be subject to the Provisions herein. By acceptance of such conveyance or transfer, each lessee, transferee or grantee and each of their heirs, successors, transferees or assigns agree to be bound by the Provisions herein.

c. The Provisions herein shall run with the land in perpetuity and shall be binding upon all successors, and assigns and all future transferees and holders of an interest in the Property or any parcel, portion, or subdivision thereof.

d. To the maximum extent permitted by law, the Provisions herein shall not be subject to waiver or abandonment due to non-enforcement or violation of any of the Provisions herein on all or any portion of the Property. No waiver of the breach of any of the Provisions herein shall constitute a waiver of a subsequent breach of the same Provision or any other Provision. No right of action shall accrue for or on account of the failure of any person to exercise any right created by this equitable servitude, nor for imposing any Provision which may be unenforceable.

e. This Equitable Servitude may be enforced by the United States on behalf of the United States Navy and/or the U.S. Environmental Protection Agency in a court of law. The interpretation and performance of this Equitable Servitude shall be governed by the laws of Alaska.

f. Upon violation of any of the Provisions herein, the United States may seek any available legal or equitable remedy to enforce this Equitable Servitude and shall be entitled to recover damages for violations of the Provisions herein under applicable federal or state law.

g. Any notice, demand, request, consent, approval, or communication that a party desires or is required to give another shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To The United States:

[Name and Address]

h. The determination that any Provision herein, or its application to any person or circumstance, is invalid shall not affect any other Provision herein or its application and the other Provisions herein shall remain in full force and effect.

i. Any general rule of construction to the contrary notwithstanding, this equitable servitude and the provisions herein shall be construed so as to effect the purpose for which it was reserved by the United States. Any ambiguities shall be resolved in a manner that best accomplishes the purpose of this equitable servitude.

j. All future transferees and holders of an interest in the Property shall include in any instrument conveying any interest in any portion of the Property a notice that is in substantially the following form:

NOTICE: The interest conveyed hereby is subject to an Equitable Servitude, Easement, and Right of Entry dated \_\_\_\_\_, 2003, recorded on \_\_\_ date at (AM/PM) by Serial No. \_\_\_\_\_, the Aleutian Islands Recording District, Third Judicial District, State of Alaska, in favor of, and enforceable by, the United States.

### **TERMINATION**

This Equitable Servitude shall be vacated and shall be of no further force and effect upon the recordation in the Aleutian Islands Recording District, Third Judicial District, State of Alaska by the United States of a Notice of Vacation of Equitable Servitude, Easement and Right of Entry. The United States shall execute and record a Notice of Vacation of Equitable Servitude, Easement, and Right of Entry at such time as it determines with the concurrence of state and federal regulators that the prohibited activities and other provisions of this Instrument are no longer necessary for the protection of human health and the environment. The Notice of Termination of Equitable Servitude, Easement, and Right of Entry shall be executed by the United States and state that the United States has determined that the prohibited and required activities and other provisions of the Equitable Servitude, Easement, and Right of Entry are no longer necessary for the protection of human health and the environment and further state that the Equitable Servitude, Easement, and Right of Entry is hereby vacated. The current owner of the property may request the United States to amend the Records of Decision and vacate this Equitable Servitude, Easement, and Right of Entry as to all of the Property, or as to a parcel or portion thereof. The United States, through the Department of the Navy and/or the U.S. Environmental Protection Agency, in their sole discretion, shall determine whether to grant the request or deny it. Nothing herein affects the Navy's or EPA's authority to select and perform additional response actions for the Site in accordance with CERCLA and the National Contingency Plan, 40 CFR Part 300.

**Exhibit A**  
**Legal Descriptions**

**Downtown Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-5 (NAD 83 - N=311,300.45 E=3,131,896.74), which is North 06°29'31" West 2,325.06 feet from U.S. Navy control point BEE; thence South 34°23'54" East 644.38 feet to the POINT OF BEGINNING; thence North 26°53'02" West 1537.03 feet; thence North 00°32'57" West 851.19 feet; thence North 24°43'42" East 1812.70 feet; thence North 03°00'48" West 587.55 feet; thence North 21°34'20" West 845.53 feet; thence North 09°10'39" West 4876.34 feet; thence North 22°51'23" East 691.32 feet; thence North 44°15'33" East 787.49 feet; thence North 61°57'38" East 709.62 feet; thence North 28°28'04" East 2037.09 feet; thence North 75°57'50" East 1443.44 feet; thence North 39°33'12" East 916.70 feet; thence North 80°38'44" East 955.38 feet; thence North 65°22'10" East 1280.69 feet; thence North 00°03'20" West 1822.76 feet; thence North 07°10'03" East 1933.05 feet; thence North 09°25'47" East 1331.68 feet; thence North 65°38'12" East 888.67 feet; thence South 81°30'56" West 915.13 feet; thence South 40°40'40" East 1298.44 feet; thence North 64°45'36" East 4346.21 feet; thence South 26°14'32" East 300 feet more or less to the line of Extreme Low Tide of Kuluk Bay; then Southerly and Westerly along said line of Extreme Low Tide to its intersection with a line which bears North 80°13'22" East from the POINT OF BEGINNING thence South 80°13'22" West 500 feet more or less to the POINT OF BEGINNING.

**SWMU 10, Old Bailer Building**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence south 76°10'01" East 1,703.42 feet to the POINT OF BEGINNING; thence North 87°15'05" East 220.74 feet; thence South 03°21'52" West 276.74 feet; thence South 38°26'23" West 182.98 feet; thence North 83°19'56" West 72.79 feet; thence North 02°35'59" West 400.96 feet to the POINT OF BEGINNING. Containing 1.71 acres more or less.

**SWMU 14, Old Pesticide Disposal Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7(NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 63°21'15" East 1,297.20 feet to the POINT OF BEGINNING; thence North 84°36'19" East 112.38 feet; thence South 03°09'46" East 285.88 feet; thence South 86°11'42" West 110.91 feet; thence North 03°26'45" West 282.75 feet to the POINT OF BEGINNING. Containing 0.73 acres more or less.

**SWMU 15, Future Jobs/DRMO**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5, thence South 47°56'37" East 1,583.82 feet to the POINT OF BEGINNING; thence North 87°06'18" East 500.12 feet; thence South 02°38'58" East 797.53 feet; thence North 59°48'04" West 592.57 feet; thence North 02°55'39" West 473.97 feet to the POINT OF BEGINNING. Containing 7.28 acres more or less.

**SWMU 16, Former Firefighting Training Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-12 (NAD 83 - N=318,813.81 E=3,131,902.86), which is South 23°48'38" East 2,882.16 feet from U.S. Navy control point L-13; thence North 21°50'41" East 1,533.56 feet to the POINT OF BEGINNING; thence North 01°23'12" West 206.17 feet; thence North 56°50'01" East 265.38 feet; thence South 82°14'05" East 422.55 feet; thence South 25°31'54" West 257.30 feet; thence South 83°15'42" West 528.58 feet to the POINT OF BEGINNING. Containing 3.68 acres more or less.

**SWMU 17, Power Plant 3 Area**

That portion of Adak Island, State of Alaska, described as follows:

BEGINNING at U.S. Navy control point A-12 (NAD 83 - N=318,813.81 E=3,131,902.86), which is South 23°48'38" East 2,882.16 feet from U.S. Navy control point L-13; thence North 63°04'59" East 549.92 feet; thence South 10°07'40" East 697.97 feet; thence South 50°33'01" West 521.70 feet; thence North 70°21'41" West 458.75 feet; thence North 00°42'45" East 282.25 feet; thence North 33°13'57" East 398.37 feet to the POINT OF BEGINNING. Containing 12.72 acres more or less.

**SWMU 24, Hazardous Waste Storage Facility**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5. Thence South 62°52'58" East 2,278.79 feet to the POINT OF BEGINNING; thence North 87°08'50" East 217.53 feet; thence South 00°13'13" West 67.06 feet; thence South 86°21'56" West 212.43 feet; thence North 04°06'21" West 69.88 feet to the POINT OF BEGINNING. Containing 0.34 acres more or less.

**SWMU 55, Public Works Transportation Department Waste Storage Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 60°14'57" East 2,578.16 feet to the POINT OF BEGINNING; thence North 87°59'17" East 110.29 feet; thence South 03°04'45" East 567.35 feet; thence South 85°48'25" West 34.56 feet; thence North 02°53'49" West 327.60 feet; thence North 88°51'02" West 144.01 feet; thence North 01°23'26" West 233.07 feet; thence North 87°59'17" East 60.00 feet to the POINT OF BEGINNING. Containing 1.2 acres more or less.

**SWMU 60, Tank Farm A**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-12 (NAD 83 - N=318,813.81 E=3,131,902.86), which is North 69°43'02" West 3,913.16 feet from U.S. Navy control point H-7. Thence South 10°17'09" West 1,987.25 feet to the POINT OF BEGINNING; thence South 07°43'35" East 335.28 feet; thence South 37°36'13" East 1,637.32 feet; thence South 25°30'42" West 143.71 feet; thence South 08°17'33" East 710.36 feet; thence South 62°33'41" West 157.60 feet; thence North 80°53'35" West 1,150.14 feet; thence North 20°17'46" West 1,299.14 feet; thence North 49°25'16" West 1,021.46 feet; thence North 71°39'52" East 1,493.04 feet to the POINT OF BEGINNING. Containing 71.18 acres more or less.

**SWMU 61, Tank Farm B**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-5 (NAD 83 - N=319,055.35 E=3,136,239.12), which is North 22°36'59" East 1,731.18 feet from U.S. Navy control point H-7. Thence North 06°37'19" West 5,314.22 feet to the POINT OF BEGINNING; thence North 14°32'53" West 308.17 feet; thence North 02°46'37" West 763.01 feet; thence North 67°24'17" East 123.02 feet; thence South 58°04'07" East 528.85 feet; thence South 38°56'35" East 259.29 feet; thence North 69°11'25" East 274.67 feet; thence South 21°20'52" East 69.29 feet; thence South 62°23'54" West 516.33 feet; thence South 46°01'33" West 605.05 feet to the POINT OF BEGINNING. Containing 11.29 acres more or less.

**SWMU 67, White Alice PCB Spill Site**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point L-13 (NAD 83 - N=321,450.66 E=3,130,739.30), which is North 23°48'38" West 2,882.16 feet from U.S. Navy control point A-12. Thence South 77°00'42" West 9,512.33 feet to the POINT OF BEGINNING; thence South 01°46'44" East 197.06 feet; thence South 14°59'57" West 148.57 feet; thence South 57°55'40" West 150.05 feet; thence North 69°20'37" West 195.95 feet; thence North 15°18'12" West 150.98 feet; thence North 09°08'56" East 207.61 feet; thence North 73°35'34" East 198.48 feet; thence South 70°44'39" East 168.71 feet to the POINT OF BEGINNING. Containing 3.36 acres more or less.

**SA 73/SWMU 58 Heating Plant No. 6**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point M-8G (NAD 83 - N=346,983.09 E=3,147,350.90), which is North 05°52'01" West 2,182.08 feet from U.S. Navy control point E.A.; thence South 51°47'55" East 831.60 feet to the POINT OF BEGINNING; thence South 38°53'45" East 155.17 feet; thence South 52°03'15" East 206.52 feet; thence South 00°30'24" West 219.92 feet; thence North 89°29'36" West 385.02 feet; thence North 18°23'04" East 217.73 feet; thence North 04°11'28" West 109.40 feet; thence North 17°29'05" West 63.85 feet; thence North 31°37'21" East 62.53 feet; thence North 56°42'35" East 62.67 feet to the POINT OF BEGINNING. Containing 2.76 acres more or less.

**SA 77, Fuels Facility Refueling Dock, Small Drum Storage Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-5 (NAD 83 - N=311,300.45 E=3,131,896.74), which is North 06°29'31" West 2,325.41 feet from U.S. Navy control point BEE; thence North 45°19'59" East 1,139.01 to the POINT OF BEGINNING; thence North 14°32'23" West 124.52 feet; thence South 76°56'03" East 96.52 feet; thence South 13°46'38" East 80.55 feet; thence South 75°58'04" West 84.46 feet to the POINT OF BEGINNING. Containing 0.20 acres more or less.

**SA 78, Old Transportation Building USTs 10583, 10584, and ASTs**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point M-8G (NAD 83 - N=346,983.09 E=3,147,350.90), which is North 05°52'01" West 2,182.08 feet from U.S. Navy control point E.A.; thence South 80°44'33" East 1,380.76 feet to the POINT OF BEGINNING; thence South 50°11'47" East 175.45 feet; thence South 00°30'24" West 110.27 feet; thence South 76°42'12" West 129.77 feet; thence North 31°51'07" West 105.44 feet; thence North 16°27'31" East 169.83 feet to the POINT OF BEGINNING. Containing 0.69 acres more or less.

**SA 80, Steam Plant 4, USTs 27089 and 27090**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-5(NAD 83 - N=319,055.35 E=3,136,239.11), which is North 22°36'59" East 1,731.18 feet from U.S. Navy control point H-7; thence North 01°30'45" East 1,565.76 feet to the POINT OF BEGINNING; thence South 76°31'31" West 195.31 feet; thence North 86°46'35" West 134.45 feet; thence North 61°28'24" East 267.20 feet; thence South 79°03'46" East 91.72 feet; thence South 00°30'34" West 72.26 feet to the POINT OF BEGINNING. Containing 0.53 acres more or less.

**SA 82, P-80/P-81 Buildings, USTs 10579, 10587, and ASTs**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point M-8G (NAD 83 - N=346,983.09 E=3,147,350.90), which is North 05°52'01" West 2,182.08 feet from U.S. Navy control point E.A.; thence North 30°24'15" West 3,457.58 feet to the POINT OF BEGINNING; thence South 73°52'44" West 103.16 feet; thence South 49°33'01" West 73.61 feet; thence North 36°55'36" West 39.31 feet; thence North 49°32'50" East 73.37 feet; thence North 73°22'00" East 104.07 feet; thence South 35°04'26" East 39.89 feet to the POINT OF BEGINNING. Containing 0.16 acres more or less.

**SA 88, P-70 Energy Generator, UST 10578**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point M-8G (NAD 83 - N=346,983.09 E=3,147,350.90), which is North 05°52'01" West 2,182.08 feet from U.S. Navy control point E.A.; thence North 35°50'08" East 2,574.42 feet to the POINT OF BEGINNING; thence North 30°42'04" West 50.36 feet; thence North 18°31'25" East 78.62 feet; thence South 89°29'36" East 33.74 feet; thence South 35°32'39" East 106.78 feet; thence South 00°30'24" West 31.51 feet; thence North 89°29'36" West 95.01 feet to the POINT OF BEGINNING. Containing 0.23 acres more or less.

**Antenna Field (USTs ANT-1, ANT-2, ANT-3, and ANT-4)**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point E-4 (NAD 83 - N=332,154.64 E=3,142,613.66), which is North 57°35'05" East 725.62 feet from U.S. Navy control point E-3. Thence North 61°26'10" East 3,935.01 feet to the POINT OF BEGINNING; thence North 00°30'29" East 108.88 feet; thence South 89°29'31" East 32.12 feet; thence South 00°30'29" West 34.68 feet; thence South 18°10'09" East 78.32 feet; thence North 89°29'48" West 57.20 feet to the POINT OF BEGINNING. Containing 0.10 acres more or less.

**Former Power Plant, Building T-1451**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°06'25" West 1,731.18 feet from U.S. Navy control point H-5; thence South 36°09'49" West 1285.20 feet to the POINT OF BEGINNING; thence South 08°28'33" West 183.50 feet; thence South 89°31'54" East 221.80 feet; thence South 00°30'34" West 180.16 feet; thence North 89°29'26" West 593.42 feet; thence North 00°30'34" East 180.00 feet; thence North 65°54'56" East 436.66 feet to the POINT OF BEGINNING. Containing 3.23 acres more or less.

**ROICC Contractor's Area (UST ROICC 8)**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point D-2 (NAD 83 - N=329,316.25 E=3,137,504.23) which is North 61°34'48" East 713.86 feet from U.S. Navy control point D-1; thence South 23°13'22" East 1,139.26 feet to the POINT OF BEGINNING; thence South 02°20'38" East 231.16 feet; thence South 87°39'32" West 161.61 feet; thence North 01°58'37" West 232.64 feet; thence North 88°11'12" East 160.14 feet to the POINT OF BEGINNING. Containing 0.86 acres more or less.

**Runway 5-23, Avgas Valve Pit**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-5 (NAD 83 - N=319, 055.35 E=3,136,239.12), which is North 22°36'59" East 1,731.18 feet from U.S. Navy control point H-7; thence North 72°12'40" West 4,341.44 feet to the POINT OF BEGINNING; thence North 81°00'16" West 142.36 feet; thence North 24°22'42" East 185.12 feet; thence South 54°22'00" East 97.81 feet; thence South 06°31'04" West 134.76 feet to the POINT OF BEGINNING. Containing 0.42 acres more or less.

**GCI Compound, UST GCI-1**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence North 09°37'25" East 368.83 feet to the POINT OF BEGINNING; thence North 89°29'26" West 124.00 feet; thence North 00°30'34" East 76.08 feet; thence South 87°45'03" East 83.63 feet; thence North 75°49'50" East 121.24 feet; thence South 75°40'17" East 66.15 feet; thence South 58°25'35" West 166.54 feet to the POINT OF BEGINNING. Containing 0.38 acres more or less.

**NMCB Building Area, UST T-1416 Expanded Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 10°09'20" West 2198.97 feet to the POINT OF BEGINNING; thence South 59°40'36" East 463.34 feet; thence South 73°21'14" West 437.75 feet; thence South 61°16'16" West 194.17 feet; thence South 00°30'34" West 237.10 feet; thence North 89°29'26" West 90.82 feet; thence North 00°30'34" East 104.33 feet; thence South 87°34'41" West 662.33 feet; thence South 46°26'49" West 272.08 feet; thence South 89°37'04" West 262.03 feet; thence North 01°11'59" West 474.53 feet; thence North 44°24'17" East 344.07 feet; thence South 88°17'14" East 1107.27 feet; thence North 40°19'27" East 34.61 feet; thence North 26°42'47" East 94.94 to the POINT OF BEGINNING. Containing 18.44 acres more or less.

**NORPAC Hill Seep Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-5 (NAD 83 - N=319,055.35 E=3,136,239.12), which is North 22°36'59" East 1,731.18 feet from U.S. Navy control point H-7; thence North 45°00'38" East 2,902.90 feet to the POINT OF BEGINNING; thence North 12°43'52" East 265.01 feet; thence South 89°29'26" East 510.40 feet; thence South 37°39'55" West 408.79 feet; thence North 77°41'06" West 326.51 feet to the POINT OF BEGINNING. Containing 2.90 acres more or less.

**UST 10578 (See SA 88, P-70 Energy Generator, UST 10578)****South of Runway 18-36 Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 34°41'17" West 3,087.56 feet to the POINT OF BEGINNING; thence South 44°50'49" West 991.85 feet; thence South 12°27'21" West 431.83 feet; thence North 79°37'05" West 396.72 feet; thence North 28°31'10" East 539.45 feet; thence North 17°20'47" East 1,200.99 feet; thence South 45°00'42" East 801.98 feet to the POINT OF BEGINNING. Containing 16.17 acres more or less.

**Tanker Shed, UST 42494**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-5 (NAD 83 - N=319,055.35 E=3,136,239.12), which is North 22°36'59" East 1,731.18 feet from U.S. Navy control point H-7; thence North 87°21'26" West 894.01 feet to the POINT OF BEGINNING; thence South 00°30'34" West 148.86 feet; thence North 89°29'26" West 132.56 feet; thence North 00°30'34" East 148.86 feet; thence South 89°29'26" East 132.56 feet to the POINT OF BEGINNING. Containing 0.45 acres more or less.

**Yakutat Hangar, UST T-2039-A**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-12 (NAD 83 - N=318,813.81 E=3,131,902.86), which is North 69°43'02" West 3,913.16 feet from U.S. Navy control point H-7; thence North 07°56'11" West 938.77 feet to the POINT OF BEGINNING; thence North 16°44'48" East 283.61 feet; thence South 83°52'28" East 451.35 feet; thence South 19°32'32" West 92.81 feet; thence South 42°58'18" West 196.95 feet; thence North 88°43'15" West 365.29 feet to the POINT OF BEGINNING. Containing 2.51 acres more or less.

**SWMU 20, White Alice/Trout Creek Disposal Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point L-13 (NAD 83 - N=321,450.66 E=3,130,739.30), which is North 23°48'38" West 2,882.16 feet from U.S. Navy control point A-12. Thence South 83°29'32" West 9,206.79 feet to the POINT OF BEGINNING; thence South 48°15'26" West 425.49 feet; thence North 70°32'59" West 741.76 feet; thence North 00°30'52" West 200.00 feet; thence North 63°09'42" East 735.09 feet; thence South 35°56'08" East 612.06 feet to the POINT OF BEGINNING. Containing 10.61 acres more or less.

**SWMU 23, Heart Lake Drum Disposal Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-5 (NAD 83 - N=311,300.45 E=3,131,896.74), which is North 06°29'31" West 2,325.41 feet from U.S. Navy control point BEE. Thence South 76°50'09" West 4,819.56 feet to the POINT OF BEGINNING; thence South 17°30'10" West 129.68 feet; thence South 25°36'02" West 215.45 feet; thence South 70°46'06" West 234.65 feet; thence North 80°13'45" West 286.66 feet; thence North 09°15'11" East 305.38 feet; thence North 11°36'26" West 247.41 feet; thence North 81°22'50" East 392.52 feet; thence South 44°10'48" East 356.92 feet to the POINT OF BEGINNING. Containing 7.19 acres more or less.

**SWMUs 52, 53, 59, Former Loran Station**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point M-8G (NAD 83 - N=346,983.09 E=3,147,350.90), which is North 05°52'01" West 2,182.08 feet from U.S. Navy control point E.A. Thence North 17°31'28" West 15,814.79 feet to the POINT OF BEGINNING; thence South 50°42'20" West 561.76 feet; thence North 19°13'12" West 625.00 feet; thence North 57°17'52" East 823.77 feet; thence North 29°41'01" East 334.51 feet; thence North 48°38'39" East 552.07 feet; thence South 67°14'45" East 275.08 feet; thence South 29°43'49" West 513.03 feet; thence South 77°38'17" West 547.71 feet; thence South 14°50'18" West 437.81 feet; thence South 03°34'15" East 242.95 feet to the POINT OF BEGINNING. Containing 15.00 acres more or less.

**SA 76, Old Line Shed Building**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38) which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 69°28'30" East 1,043.28 feet to the POINT OF BEGINNING; thence North 83°28'32" East 281.57 feet; thence South 03°29'37" East 237.89 feet; thence South 84°36'35" West 112.38 feet; thence South 03°52'27" West 255.29 feet; thence South 85°21'18" West 174.25 feet; thence North 03°03'40" West 485.52 feet to the POINT OF BEGINNING. Containing 2.53 acres more or less.

**Amulet Housing Well AMW-706 Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 85°49'51" West 2,651.61 feet to the POINT OF BEGINNING; thence South 23°37'05" East 27.81 feet; thence South 77°05'52" West 66.46 feet; thence North 26°14'44" West 70.43 feet; thence South 74°54'56" East 87.81 feet to the POINT OF BEGINNING. Containing 0.07 acres more or less.

**Amulet Housing Well AMW-709 Area**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 64°25'22" West 2,575.35 feet to the POINT OF BEGINNING; thence South 03°35'54" West 82.53 feet; thence North 73°47'37" West 85.27 feet; thence North 35°06'55" West 71.17 feet; thence North 89°50'33" East 128.00 feet to the POINT OF BEGINNING. Containing 0.16 acres more or less.

**SWMU 62, New Housing Fuel Leak**

That portion of Adak Island, State of Alaska, described as follows:

BEGINNING at U.S. Navy control point H-7 (NAD 83 - N=317,457.30 E=3,135,573.38), which is South 22°36'59" West 1,731.18 feet from U.S. Navy control point H-5; thence South 07°28'46" East 120.62 feet; thence South 27°26'31" West 235.79 feet; thence South 80°39'03" West 566.73 feet; thence North 18°50'29" West 442.33 feet; thence North 19°30'20" East 202.44 feet; thence South 89°29'26" East 390.89 feet; thence 61°11'42" East 384.07 feet to the POINT OF BEGINNING. Containing 8.58 acres more or less. ALSO

That portion of said Adak Island described as follows:

Commencing at said U.S. Navy control point H-7 thence North 31°29'08" East 702.85 feet to the POINT OF BEGINNING; thence North 58°28'50" West 198.18 feet; thence North 50°21'26" East 154.51 feet; thence North 10°25'07" East 476.72 feet; thence South 82°20'32" East 989.67 feet; thence South 35°42'47" East 227.90 feet; thence South 06°15'24" East 566.98 feet; thence South 86°20'06" East 327.36 feet; thence South 30°33'14" East 311.41 feet; thence South 03°56'30" East 335.56 feet; thence South 77°57'55" West 663.42 feet; thence North 16°14'39" West 753.41 feet; thence North 38°51'46" West 567.31 feet; thence North 74°50'18" West 342.95 feet; thence South 31°29'08" West 331.99 feet to the POINT OF BEGINNING. Containing 27.09 acre more or less.

**SWMU 18/19, White Alice Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point L-13 (NAD 83 - N=321,450.66 E=3,130.739.30), which is North 23°48'38" West 2,882.16 feet from U.S. Navy control point A-12. Thence North 76°50'24" West 5,295.15 feet to the POINT OF BEGINNING; thence North 65°44'05" West 951.41 feet; thence North 12°01'16" West 484.30 feet; thence North 36°17'51" East 527.72 feet; thence North 81°26'38" East 297.78 feet; thence South 04°46'04" East 479.36 feet; thence South 20°34'22" East 914.94 to the POINT OF BEGINNING. Containing 15.41 acres more or less.

**SWMU 25, Roberts Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point A-5 (NAD 83 - N=311,300.45 E=3,131,896.74), which is North 06°29'31" West 2,325.41 feet from U.S. Navy control point BEE. Thence South 69°04'16" West 1,361.22 feet to the POINT OF BEGINNING; thence South 22°10'48" East 474.05 feet; thence South 11°14'57" West 719.80 feet; thence South 12°23'39" West 389.29 feet; thence South 17°52'52" West 247.63 feet; thence South 10°12'39" West 658.25 feet; thence South 79°47'10" West 223.05 feet; thence North 76°21'30" West 540.70 feet; thence North 42°41'10" West 314.91 feet; thence North 09°01'51" West 682.22 feet; thence North 70°48'16" East 312.39 feet; thence North 11°04'04" East 1,053.01 feet; thence North 09°03'39" West 1,001.56 feet; thence South 77°27'02" East 324.76 feet; thence North 66°35'06" East 216.21 feet; thence South 54°57'59" East 160.70 feet; thence South 65°46'30" East 226.45 feet; thence South 11°33'02" East 551.12 feet to the POINT OF BEGINNING. Containing 68.60 acres more or less.

**SWMU 2, Causeway Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point E.A. (NAD 83 - N=344,812.44 E=3,147,573.95), which is South 05°52'01" East 2,182.08 feet from U.S. Navy control point M-8G; thence North 83°49'41" East 5,516.12 feet to the POINT OF BEGINNING; thence North 83°51'43" East 255.60 feet; thence South 40°06'51" East 258.08 feet; thence South 10°24'05" East 551.07 feet; thence South 62°45'23" West 311.52 feet; thence North 20°19'11" West 246.12 feet; North 14°10'04" West 643.42 feet to the POINT OF BEGINNING. Containing 6.36 acres more or less.

**SWMU 4, South Davis Road Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at Navy control point M-4A (NAD 83 - N=345,467.29 E=3,142,180.17), which is North 83°04'40" West 5,433.39 feet from U.S. Navy control point E.A.; thence South 72°43'25" West 473.12 feet to the POINT OF BEGINNING; thence South 04°33'50" East 182.02 feet; thence South 44°14'49" East 123.13 feet; thence South 00°26'51" West 131.89 feet; thence South 22°25'36" East 345.50 feet; thence South 06°39'38" East 269.54 feet; thence North 79°37'12" West 245.63 feet; thence North 17°41'54" East 319.67 feet; thence North 27°55'13" West 119.79 feet; thence North 79°05'10" West 166.58 feet; thence North 15°12'41" West 323.77 feet; thence North 24°36'53" East 120.34 feet; thence North 59°26'04" East 158.50 feet to the POINT OF BEGINNING. Containing 3.91 acres more or less.

**SWMU 13, Metals Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point J-12 (NAD 83 - N=319,196.36 E=3,138,631.20), which is South 8°18'11" East 1,100.39 feet from U.S. Navy control point J-13; thence South 35°50'29" East 269.91 feet to the POINT OF BEGINNING; thence South 32°55'58" East 412.12 feet; thence South 36°33'24" East 235.29 feet; thence South 33°50'12" East 252.28 feet; thence South 30°01'42" East 271.28 feet; thence South 14°50'33" West 583.89 feet; thence South 43°31'11" West 369.95 feet; thence South 15°07'00" West 586.97 feet; thence South 85°00'57" West 666.79 feet; thence North 7°47'41" East 214.26 feet; thence North 31°13'07" East 352.71 feet; thence North 34°43'20" East 271.34 feet; thence North 16°02'46" East 847.46 feet; thence North 6°55'49" West 174.43 feet; thence North 26°50'43" West 187.22 feet; thence North 58°28'10" West 142.86 feet; thence North 86°44'51" West 335.46 feet; thence 48°09'00" East 708.55 feet to the POINT OF BEGINNING. Containing 31.45 acres more or less.

**SWMU 21A, White Alice Upper Quarry**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point L-13 (NAD83 - N=321,450.66 E=3,130,739.30) which is North 24°19'30" West 2,882.16 feet from U.S. Navy control point A-12. Thence South 83°29'32" West 9,206.79 feet to the POINT OF BEGINNING; thence South 48°15'26" West 425.49 feet, thence South 32°46'16" West 95.93 feet, thence South 57°54'53" East 378.67 feet, thence North 64°49'52" East 112.55 feet, thence North 40°13'28" East 194.06 feet, thence North 38°32'08" West 191.17 feet, thence North 15°10'10" West 227.45 feet to the POINT OF BEGINNING. Containing 3.59 acres more or less.

**SMWU 29, Finger Bay Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point BEE (NAD 83 - N=308,989.95 E=3,132,159.66), which is South 06°29'31" East 2,325.06 feet from U.S. Navy control point A-5. Thence South 78°12'52" East 7,052.21 feet to the POINT OF BEGINNING; thence North 77°32'33" East 547.15 feet; thence South 05°09'41" East 674.66 feet; thence North 72°55'46" West 428.57 feet, thence North 23°24'08" West 466.47 feet to the POINT OF BEGINNING. Containing 5.95 acres more or less.

**SWMU 11, Palisades Landfill**

That portion of Adak Island, State of Alaska, described as follows:

Commencing at U.S. Navy control point E-3 (NAD 83 - N=331,765.67 E=314,001.10), which is South 57°35'05" West 725.62 feet from U.S. Navy control point E-4; thence North 14°40'40" East 326.86 feet to the POINT OF BEGINNING; thence North 71°11'49" East 495.58 feet; thence South 16°31'05" East 1,110.61 feet; thence South 67°47'56" West 442.80 feet; thence North 19°16'15" West 1,136.01 feet to the POINT OF BEGINNING. Containing 12.08 acres.