

CHAPTER 3

Planning Reports for the Acquisition of Real Property

Table of Contents

<u>Paragraph</u>	<u>Title</u>	<u>Page</u>
1.	Purpose and Scope	3-1
2.	References	3-1
3.	Establishment of Requirement	3-1
4.	Approval by Chief of Naval Operations	3-1
5.	Preparation	3-1
6.	Coordination of Action	3-2
7.	Delay or Cancellation	3-2
8.	Contents of the Report	3-2
9.	Format	3-2
10.	Statement of Requirement	3-3
11.	Scope of Real Property Acquisition	3-3
12.	Project Analysis	3-3
13.	Estate to be Acquired	3-4
14.	Present Use	3-4
15.	Crops and Timber	3-4
16.	Policy on Acquisition of Mineral Interests	3-5
17.	Mineral Interests	3-5
18.	Recommendation on Acquisition of Mineral Interests	3-5
19.	Severance and Adverse Effects on Severed Lands	3-5
20.	Submerged Areas	3-6
21.	Evidence of Physical Possession	3-6
22.	Owners	3-7
23.	Closing and Relocation of Roads, Highways, Utilities	3-7
24.	Relocation of Cemeteries	3-7
25.	Taxes	3-7
26.	Easements to Serve Facility	3-8
27.	Justification for Each Parcel	3-8
28.	Fringe and Boundary Parcels	3-8
29.	Legal Descriptions	3-9
30.	Perimeter or Tabular Description of Entire Area	3-9
31.	Parcel Descriptions	3-9
32.	Numbering of Parcels	3-10
33.	Planning Maps	3-10
34.	Land Acquisition Map	3-11
35.	Vicinity Maps	3-11
36.	Aeronautical Charts	3-11
37.	Profile	3-11
38.	Identifying Maps and Flats	3-12
39.	Size of Maps	3-12

CHAPTER 3

Planning Reports for the Acquisition of Real Property

Table of Contents (cont'd)

<u>Paragraph</u>	<u>Title</u>	<u>Page</u>
40.	Interpretation of Maps	3-12
41.	Aerial Photographs	3-12
42.	Secondary Land Use	3-12
43.	Appraisals	3-12
44.	Timber, Mineral, and Crop Appraisals	3-13
45.	Title Evidence	3-13
46.	TOXIC AND HAZARDOUS SUBSTANCES	3-13
47.	Cost of Real Property	3-13
48.	Cost of Title Evidence, Appraisals and Surveys	3-14
49.	Relocation Assistance Costs	3-14
50.	Estimated Cost of Land Acquisition	3-14
51.	Appendixes	3-16
52.	Financing Planning Reports for MCON and MCNRF Projects	3-16
53.	Financing other Acquisition Projects.	3-16
54.	Submission of Planning Report	3-16
55.	Date of Submission	3-16
56.	Certification	3-17
57.	Classified Information	3-17
58.	Regional Airspace Sub-Committee Clearances	3-17
59.	Controversial Projects	3-17
60.	Prohibition Against Changes	3-17
61.	Use of Land Planning Report	3-18
62.	Public Lands	3-18
63.	Committee Hearings	3-18
64.	Enactment of Legislation	3-19
65.	Availability of Forms	3-19

APPENDIXES

- Appendix 3-A Cover for Planning Reports for the Acquisition of Real Property, NAVFAC 4280/1
- Appendix 3-B Toxic and Hazardous Waste Considerations in Real Property Acquisitions

Planning Reports for the Acquisition of Real Property1. PURPOSE AND SCOPE.

This Chapter assigns responsibility for the preparation of and prescribes the appropriate format, content and procedures for the preparation and submission of planning reports for the acquisition of real property. It also indicates procedures for obtaining required reviews and approvals for such reports and sets forth the necessity for completeness and accuracy due to the level of use.

2. REFERENCES.

(a) OPNAVINST 11210.1A

3. ESTABLISHMENT OF REQUIREMENT.

Requirements are generated by the assignment of missions for which facilities are not available. When a mission has been assigned to a specific activity, the Commanding Officer reviews available facilities and such deficiencies as exist form the basis of a requirement for the expansion of the installation or the development of new one. These requirements are submitted through the Military Construction Review Board procedures.

4. APPROVAL AUTHORITIES BY CHIEF OF NAVAL OPERATIONS.a. CHIEF OF NAVAL OPERATIONS.

As part of the Military Construction Review Board procedures, the Chief of Naval Operations authorized Preliminary Engineering for proposed Military Construction (MCON) or Military Construction Naval Reserve Forces (MCNRF) projects. Pursuant to this authorization, the Commander, Naval Facilities Engineering Command (NAVFACENGCOM) will authorize the appropriate Engineering Field Division (EFD) or Field Activity (EFA) to prepare a Preliminary Engineering Report, and, where the acquisition of land or an interest therein is involved, the EFD/EFA shall prepare a Planning Report for the Acquisition of Real Property.

In addition to the above, NAVFACENGCOM may authorize the preparation of a Planning Report for the acquisition of other real property required for the use of the Navy. This may include transfers from other Government agencies, withdrawal of public lands, leaseholds, and minor land acquisitions.

b. DEPUTY SECRETARY OF DEFENSE.

The Deputy Secretary of Defense by a Memorandum dated 13 Sep 1990, established a moratorium on all major land acquisitions. Accordingly, no major land acquisition proposals may be made public through (1) a request for proposals; (2) a notice of intent to perform environmental analysis; or (3) other official notice without the approval of the Deputy Secretary of Defense. The memorandum defines a major land acquisition as the purchase, withdrawal from public domain, lease or permit from individuals or government entities, or any other type of use agreement involving more than 1,000 acres, or land whose estimated purchase price or annual lease price exceeds \$1 million. Renewal of existing withdrawals, leases, permits or other use agreements other than those at bases being closed or which are candidates for closure are not subject to the moratorium. EFDs/EFAs shall submit requests for exceptions to this moratorium for urgent military requirements or when, application of the moratorium would have an adverse effect on the Department's ability to perform its mission.

5. PREPARATION.

Planning Reports may be prepared in whole or in part by Government forces or by individuals or private concerns under contract. Whenever possible the Planning Report, except for appraisals and title evidence, should be prepared by the EFD. In certain instances it may be to the advantage of the Government to have the A&E contractor who is responsible for the assembly of preliminary engineering data in connection with construction items of a proposed project assemble portions of the Planning Report.

Before entering into a contract or other form of agreement for the preparation of all or any part of a Planning Report for the acquisition of real property, a determination will be made by the EFD as to the nature and extent of the work to be performed. This determination will be based upon information found to be available from local public records, Corps of Engineers, U. S. Army, the Coast and Geodetic Survey, the County Agricultural Agent, and any other likely sources of information. After this information has been reviewed, the EFD will decide whether use of the A&E or other private contractors is required to prepare the report or portions thereof.

The appraisals and title evidence will be procured by the EFD directly from qualified individuals.

6. COORDINATION OF ACTION.

Action taken in connection with the preparation of a Planning Report for the acquisition of real property will be closely coordinated with personnel responsible for the planning of construction on the real property to be acquired and with personnel responsible for the planned operational uses of such property.

7. DELAY OR CANCELLATION.

Action initiated in accordance with specific authorization from NAVFACENGCOCM to prepare a Planning Report for the acquisition of real property shall not be delayed or canceled by the EFD unless specifically directed by NAVFACENGCOCM. If, for any reason, the EFD considers it desirable to delay or cancel such action, advice will be forwarded to NAVFACENGCOCM, together with reasons in support thereof and appropriate recommendations.

8. CONTENTS OF THE REPORT.

The information contained in a Planning Report for the Acquisition of Real Property must be complete and detailed to a degree which will enable NAVFACENGCOCM to prepare and include real property items in the justification submitted to the Congress in support of MCOM and MCMRF Programs and to meet the requirements of all reviewing and approving authorities in support of these and other real property acquisition projects. The requirements which follow cover the main features to be included; however, such features as are not covered herein, but which are pertinent to the project to make the report complete and comprehensive, such as site selection surveys, availability of water or other utilities, and water rights, shall be included. Each item hereinafter mentioned will be covered in the report or noted as "Not applicable".

9. FORMAT.

The following format is prescribed for all Planning Reports for the Acquisition of Real Property:

a. Except for maps, plats, legal descriptions, exhibits and appendixes, the sheets used in the reports shall be plain bond paper 8" x 10-1/2" or 8-1/2 x 11". Only one side of the sheet shall be used. A duplicating process such as hectograph, mimeograph, or other means (including carbon copies), the results of which are neat and legible, may be used.

b. When the report is prepared by Government forces, the cover shall be as indicated by Appendix "A" of this Chapter. When only a part of the report is prepared by Government forces, the cover on such part shall be as indicated by Appendix "A" of this Chapter. The name and location of the activity, and the title of the report "Planning Report for the Acquisition of Real Property" shall be placed above NAVFACENGCOCM seal on the front cover; the name of the office

preparing the report shall be placed below the seal. When the report is prepared under contract with individuals or private concerns, the firm's cover may be used provided it is approximately the same weight paper and size as the Government cover. The name and location of the activity, the project title, the title of the report "Planning Report for the Acquisition of Real Property" and the name of the individual or firm shall be shown on the front cover. The term "For Official Use Only" shall be stamped or printed thereon as required by the security regulations of the Department of the Navy. If the report is classified, the appropriate classification shall be placed thereon in accordance with the same regulations. All reports shall be bound on the left with a fastening device which can readily be removed to allow for disassembly and reassembly of the report.

c. Immediately inside the front cover bound into the report shall be the EPD forwarding letter. Following this letter shall be the individual's or firm's letter of transmittal where applicable.

d. A table of contents shall be included immediately after the letter or letters mentioned above and shall specify all major elements included in the report and the exhibits and appendixes thereto.

10. STATEMENT OF REQUIREMENT.

This statement shall set forth the need to be met, purpose to be served, existing facilities, and the problem to be solved or end to be achieved. The project will be identified by the fiscal year, station name and project number.

11. SCOPE OF REAL PROPERTY ACQUISITION.

This will include a general description of the real property required and a statement showing the total acreage, the acreage to be acquired in fee, the acreage in private ownership (include State, County and Municipality), public land acreage, and acreage under the control of another Government Department or Agency; roads, highways, railways, canals, utilities, etc., to be closed or relocated and any other information of a general nature bearing on the acquisition.

12. PROJECT ANALYSIS.

The project analysis will show that the real property requirements cannot be met from real property under the control of the Government. It will contain a list of Government-owned properties surveyed during the site selection process and a documentation of the reasons for the rejection of a Government-owned site. Particular emphasis must be placed on the use in whole or part of military standby or inactive facilities, as well as property currently in the General Services Administration excess or surplus real property inventory. This information will be obtained by the EPD from reports and other data prepared by Site Selection Boards or others charged with the responsibility of making site selections. If it is a MCDN project, the analysis will contain recommendations for or against advance optioning pursuant to Chapter 5. It will discuss the effect of the proposed acquisition on the local economy and on any military or other Government installations in the vicinity. It will also show that the acreage recommended for acquisition best meets the needs of the project as a whole and the estate or interest recommended for acquisition meets construction

needs and is consistent with the purposes for which the real property is to be acquired. If it is determined that a lease best meets the real property requirements of the project, a firm commitment should be obtained, if possible, from the owner containing the terms and conditions under which the owner will lease the property to the Government. Such terms must meet the requirements of Chapter 13.

13. ESTATE TO BE ACQUIRED.

The estate or estates to be acquired will be set forth for each parcel of land in the report. The description of the estate or estates shall be as set forth in Appendix 11-F of Chapter 11 of this publication without deviation except in those cases where the local EPD/EFA counsel has reviewed for legal sufficiency.

It is not unusual for certain interests, such as mineral rights, water rights, and timber, to be separated from the remaining interests in real property. When this separation occurs, care must be taken to determine if the acquisition of the separate interest is required and, if not required, that it is properly excluded from the estate to be acquired.

If it is recommended that title or other interest in real property be acquired subject to an existing easement or other outstanding interest, the report will contain a statement from the Commanding Officer of the interested activity that acquisition of the land subject to such outstanding interests and rights appurtenant thereto will not interfere with the purposes for which the property is being acquired by the Government. In addition, the approval of the Major Claimant to acquire the real property or interest will be obtained and copies of such statements will be attached to the Planning Report as exhibits. If a new facility is being established and a Commanding Officer has not been designated, the approval of the Major Claimant only is required.

When acquisition of real property or interest therein is recommended subject to easements or other outstanding interests, copies of the instruments through which such rights were granted, excepted, reserved or otherwise obtained, will be made a part of the Planning Report as exhibits thereto.

14. PRESENT USE.

The present use of each parcel in the project will be stated. A general statement, such as, agricultural, grazing, truck gardening, residential, and similar descriptive language will be satisfactory. If the real property, or any part thereof, is used for industrial or commercial purposes, the particular type of such use will be stated. If two or more parcels are put to the same use they may be grouped under one statement.

15. CROPS AND TIMBER.

If the real property, or any portion thereof, is devoted to the raising of crops, a statement as to the type of crop or crops under cultivation will be made, together with a statement as to the dates on which such crops are normally planted and harvested in the vicinity. The statement will contain information on plants which produce ratoon crops and will show date of planting, number of crops normally harvested, number of crops harvested since date of planting, number of crops normally harvested, number of crops harvested since date of planting, anticipated dates of future harvests and next planting. If

the real property, or any portion thereof, is irrigated, this fact will be included in the statement together with information on the type of irrigation used. If timber is produced on the land such fact will be stated and information provided as to its variety and of any known plans for harvesting.

16. POLICY ON ACQUISITION OF MINERAL INTERESTS.

It is the policy of the Navy to decide whether mineral interests are to be acquired on a project by project basis.

In many parts of the country, mineral rights have little or no value and customarily are not excepted or reserved in real property transactions. In these circumstances no consideration should be given to excepting or reserving such rights. Consideration will be given to the exclusion of mineral rights where their cost is greater than the disadvantages of their remaining outstanding. Whenever practicable, mineral rights will be either acquired in all parcels in a project or excluded in all parcels.

17. MINERAL INTERESTS.

The report will contain information on any mining, oil or gas activities within the area proposed for acquisition and in the general area. The report will show what minerals are being removed, whether there is subsidence, the period during which the mining operations have taken place, whether there is any possibility of termination of such operations within the near future and whether surface or subsurface mining operations are conducted. A statement will be included in the report as to the possibility of termination of such operations within the near future and whether the development thereof will interfere with the purpose for which the land is being acquired. If the mineral interests are held under separate ownership such fact should be stated and the name and address of the owner provided in the list of owners hereinafter required. Information as to the mineral characteristics of lands and mineral production can usually be obtained from the local offices of the United States Geological Survey and the United States Bureau of Mines.

18. RECOMMENDATION ON ACQUISITION OF MINERAL INTERESTS.

Comments and recommendations on the acquisitions of minerals, or the exclusion thereof, will be included in the report together with recommendations on the terms and conditions under which the mineral rights may be exercised if they are to be excluded. Some of the elements to be considered in reaching these recommendations are the possibilities of subsidence and its effect on the Government's use of the land and its improvements; the problems of security and interference with Government operation if the right to explore for and extract minerals remains in the owner of the rights; the effect upon the eventual disposal of the lands due to the clouding of the title and reduction in their value and of the improvements thereon.

19. SEVERANCE AND ADVERSE EFFECTS ON SEVERED LANDS.

Acquisition of real property for use by Navy frequently results in severance of a unitary holding and damage to adjacent or abutting real property through disruption of natural drainage, acceleration of runoff, discharge of waste and impairment of access. If severance is involved, the report will contain information showing the present use of the holding, the total acreage,

the severed acreage, the location of the improvements, means of access to the severed area and whether the severed area constitutes an economic unit according to local standards. If access to the severed area has been impaired, the report will show the extent and nature of such impairment and the manner in which it may be brought to a suitable standard.

In some instances, after an area has been acquired, claims are made against the government for damages due to flooding of adjacent or abutting lands. Claims arising out of flooding usually occur because of changes in natural drainage, accelerated runoff from Government-owned lands, or discharges of waste. Unless the Government is the owner of an interest in lands, there is no ready means available to correct such drainage problems through the expenditure of Government funds. The report will contain a statement showing whether adjacent or abutting lands will be adversely affected by the Government's acquisition, construction or use. Comments and recommendations will be provided as to any action to be taken in the acquisition project to overcome such adverse effects. If it is recommended that easements or other interests in real property be acquired, they should be treated as a part of the acquisition project and included as parcels therein.

The report will show whether any lands outside of the area to be acquired will be isolated due to the Government's acquisition and closing of the existing means of access thereto. If it is found that any lands will be isolated in this manner, comments and recommendations will be provided as to the manner in which such isolation can be avoided. Since easement or other interests in real property cannot be acquired by the Government for private use (including State, County, or Municipal) comments and recommendations as to the action to be taken to avoid isolation of areas will be limited to means of access through Government-owned lands or those to be acquired in the project or acquired by the owner of the areas which will be isolated.

20. SUBMERGED AREAS.

In every case where it is proposed to acquire real property which abuts or adjoins navigable or non-navigable waters, the report must cover all of the real property required for construction, fill or deposit of spoil. The ownership of any submerged area to be acquired must be determined and the acquisition thereof handled the same as any other real property. The ownership of high lands does not always carry with it the right to construct, fill or deposit spoil in the abutting submerged areas, nor does it necessarily permit the construction of improvements in such areas. Where the Government already owns the abutting or adjoining uplands and desires to construct on the adjoining submerged areas the report will contain the above information.

21. EVIDENCE OF PHYSICAL POSSESSION.

A statement will be made concerning all evidences of physical possession such as highways, roads, railways, utilities (above and below ground), irrigation and drainage ditches and any other evidence of physical possession other than by owner, including the names and addresses of the owners or occupants thereof. Each evidence of physical possession will be discussed separately and such discussion will include a statement concerning the rights under which possession is exercised pursuant to the terms of a written instrument, a copy thereof will be provided. If not under a written instrument,

the statements will be as detailed as possible and include information as to the period possession has been exercised and whether the party so exercising possession claims an interest in the real property by either adverse possession or prescription.

22. OWNERS.

A list of the owners of all parcels in the project, including the owners of easement and other rights, and their addresses will be included in the report.

23. CLOSING AND RELOCATION OF ROADS, HIGHWAYS, UTILITIES.

When a determination has been made that it will be necessary to close or to relocate any public road, highway, or street or to relocate a railway, utility, canal, ditch or other similar improvement, the report will contain a statement of any proposed method to accomplish such action. The report will contain an estimate of the cost of each necessary relocation of any of the above. The estimate of cost for the relocation for a railway, utility, canal, ditch or other similar improvement will be obtained through appropriate channels in the Engineering Field Division, from Government forces or under contract. Where it is necessary to close or relocate a road, highway, or street, the requirements of reference (a) will be followed. Reference (a) is applicable to all roads and the requirements thereof are not limited to access roads or other Navy highway needs. Even though the procedure required by reference (a) is followed, estimates of costs must be obtained and submitted as an appendix to the Planning Report. This is necessary so that the cost estimates may be included in the budget estimate where necessary. If it becomes necessary to finance the relocation from funds available for the real property acquisition, the estimates will be used in support thereof.

24. RELOCATION OF CEMETERIES.

Where it is found that a cemetery or a burial ground (hereinafter called cemetery) is located wholly or partially within an area to be acquired, the report will show whether it must be relocated or if it will be permitted to remain in place. If a cemetery is to be permitted to remain in place, the report will state whether the existence of the cemetery will interfere with the purposes for which the real property is being acquired and, if interference will occur, the degree and nature of such interference. It will also state what means of access will be available for visits by next of kin and others and for future burials. If a cemetery is no longer used for burials, the report should so state; and if presently used for burials, the estimated period before it will be filled to capacity should be noted. If it is determined that relocation of a cemetery is necessary, the procedures stated in Chapter 9 will be followed. The cost of acquiring a new site, if one is necessary, and the cost of disinterring and reintering the remains of the deceased will be furnished in the Planning Report.

25. TAXES.

A statement will be provided showing the name and address of the taxing authority, the amount of the taxes paid during the preceding tax year, the current assessed value of the property to be acquired, and the current tax

rate established by taxing authorities. This information can be summarized from the appraisal reports.

26. EASEMENTS TO SERVE FACILITY.

Easements for rights-of-way for utilities, access roads and other purposes to serve the Naval activity to be located on the land will be covered in the Planning Report and the preparation of descriptions, maps and the assignment of parcel numbers will be the same as hereinafter outlined, except that perimeter descriptions are not required where center line descriptions can be used.

27. JUSTIFICATION FOR EACH PARCEL.

Each parcel of land in a project proposed for acquisition in fee and/or easement must be justified on the basis of a specific requirement therefor such as construction, end zones, safety areas, flight clearance, or other justification such as severance; and that the acquisition of a lesser estate will not fulfill the real estate requirement. When more than one parcel will be put to the same use, they may be justified as a group except for boundary or fringe parcels for each of which specific justification will be provided.

If the acquisition of a lesser estate than fee title is recommended, such acquisition must be justified as to each parcel on the basis of a specific requirement therefor. This justification, if it relates to a lease, will contain a statement showing that the proposed acquisition conforms to the requirements of Chapter 13.

28. FRINGE AND BOUNDARY PARCELS.

Authorities responsible for the approval of real estate acquisition projects direct particular attention to the need for all or portions of fringe or boundary parcels and the reasons for the establishment of exterior boundary lines at the locations recommended for each acquisition project. Therefore, special attention will be given by the EPD to the acquisition of each fringe or boundary parcel and the establishment of the exterior boundaries of each project.

Justification for the acquisition of fringe or boundary parcels will include reasons for including or excluding such parcels, reasons for any variance from straight boundary lines, the estimated increase or decrease in the cost to the Government resulting from severance and whether the remainder (portion left to owner) constitutes an economic unit. Compliance with or variance from approved planning criteria as set out in instructions or directives of Management Commands or Offices, will be noted in the report and the instructions or directives covering such criteria will be cited.

Sound reasons may exist for variance from straight exterior boundary lines. Among these reasons are increased cost to the Government due to severance or other causes, following natural features, conforming to section or quarter section lines or other established lines. Each Planning Report will state the reasons and provide justification for varying from straight exterior boundary lines. If the real property is to be fenced, the estimated cost of fencing along irregular boundary lines should be compared to the estimated

cost of fencing straight boundary lines and any increase in the real property costs which may be incurred to avoid severance.

In projects where the real estate requirements have not been firmly established by the Management Command or Office justification for the acquisition of boundary parcels and the establishment of exterior boundary lines will be provided as required above. In projects where the scope of the real estate requirement is firm when planning for the acquisition of real estate is authorized and such scope is exceeded for any reason, justification therefor will be submitted.

29. LEGAL DESCRIPTIONS.

Perimeter and parcel descriptions shall be prepared in a manner to permit their use for planning purposes, in condemnation proceedings and for other purposes. To accomplish this, they will be prepared in a manner to permit reproduction on letter size paper (8" x 10-1/2" or 8-1/2" x 11") for the report and for use in condemnation proceedings. They should permit reproduction with a margin of at least 2-1/2" at the top and sufficient margin on the left side to permit binding as required.

30. PERIMETER OR TABULAR DESCRIPTION OF ENTIRE AREA.

A perimeter or tabular description of the entire area will be provided based on a survey made at the time the Planning Report is prepared, or on an acceptable earlier survey such as the Public Land Rectangular Survey System, or a survey made of a subdivided or platted area. If the real property to be acquired has been subdivided or platted, the description of the entire area either by perimeter or tabular description i.e., by subdivision, lot and block, is acceptable provided such subdivision or plat was based upon a survey. The underlying fee to street areas in platted subdivisions is generally owned to the center line of the street by the owner of the abutting lot. Therefore, care must be taken to include these street areas both in description of the entire area and in the parcel description.

31. PARCEL DESCRIPTIONS.

Parcel descriptions will be furnished for each separate ownership. It is the policy of NAVFACENGCOM to obtain descriptions of parcels from available sources such as Public Land Rectangular Surveys, filed and recorded plats and subdivision maps, and from deeds and other documents filed or recorded among the public records, and to hold to a minimum surveys of interior parcels to obtain descriptions thereof.

In areas which have been surveyed under the Public Land Rectangular Survey System, the parcel descriptions will be based thereon unless the parcels are not susceptible of being described under this system.

If an area has been platted or subdivided, parcel descriptions will be based on the recorded or filed plats or subdivision maps.

In areas which have not been surveyed under the Rectangular Survey System or have not been platted or subdivided, parcel descriptions will be based on descriptions appearing in deeds or other documents recorded among the public records.

CH-5

If parcels are not susceptible to being described under the Rectangular Survey System or from plats or subdivision maps or cannot be obtained from recorded deeds or other documents, surveys will be obtained and parcel descriptions based thereon. Normally, under these circumstances, surveys of interior parcels will not be required.

As parcels may be added or dropped at any stage of an acquisition, wherever possible, each parcel will be described on a separate page. Where parcel descriptions are short, more than one may be described on a page but in such cases no description will be continued on a second page. The pages carrying parcel descriptions will not be numbered but the parcel number will be clearly shown thereon.

12. NUMBERING OF PARCELS.

Parcels will be numbered consecutively in Arabic numerals beginning with the number "1" for the parcels in each project. Parcel numbers once assigned will not be changed and will be used wherever appropriate i.e., descriptions, appraisals, title evidence, maps, and other documents. If, after parcel numbers have been assigned, it is found that a parcel does in fact comprise more than one parcel, the same parcel will be retained and the separate parcels designated by a letter suffix in capitals beginning with the letter "A".

Easements to be acquired for the use of the Government will be numbered in the same manner as parcels being acquired in fee. Easements to be extinguished in the real property acquisition will be given a parcel number in the same manner as other parcels preceded by the capital letter "E".

Each unpatented mining claim, millsite, or tunnel right determined to be in existence in a area to be acquired will be identified by an Arabic numeral beginning with the number "1" preceded by the capital letter "M".

To avoid confusing parcel numbers with other numbers appearing on maps, parcel numbers will be circled or underlined.

13. PLANNING MAPS.

A planning map, prepared on one sheet when practicable, will be furnished showing the following:

- a. The exterior boundaries of the real property to be acquired and the parcels therein;
- b. The general location of major improvements and structures situated on the lands to be acquired;
- c. The siting of proposed Government construction on the lands to be acquired. This map will show the general outlines of the construction areas appropriately identified (runways, barracks and administration areas, housing area, etc.). In any acquisition of real property where the requirement is based on technical criteria (such as airfields, ammunition storage areas, and communication stations) the planning map will show such criteria schematically;
- d. The location of existing rights-of-way for roads, highways, railways, utilities, and for other purposes;
- e. The proposed route of relocation of any of the rights-of-way mentioned in d. above. If the proposed route of any proposed relocation of a right-of-way lies too great a distance from the real property proposed for acquisition to be shown on this map, the proposed relocation routes will be shown on the vicinity map required by paragraph 36;

CE-5

- f. The approximate location and direction of flow of natural water courses;
- g. A small scale location insert showing the general location of the real property will be placed on this map; and
- h. Any other pertinent information having a bearing on plans for the acquisition of the real property.

34. LAND ACQUISITION MAP.

A land acquisition map of the real property to be acquired will be provided, showing the boundaries thereof, parcels properly numbered, rights-of-way for roads, highways, railways, utilities and other purposes traversing the area. In areas where the Rectangular Survey System is used, a perimeter description of the area need not be shown on the map but the townships, ranges and sections with necessary subdivisions thereof will be shown with the name of the reference meridian clearly indicated on the map and spelled out in full. The parcel descriptions shown on the map must agree with the written parcel descriptions. In areas where the Rectangular Survey System is not used or useable, the perimeter description will be shown on the map by courses and distances. The beginning point and all reference points used in the perimeter description will be shown. The courses and distances reflected on the map must agree with the courses and distances recited in the perimeter description. The interior parcels will be delineated but the description by courses and distances will not be shown. If the area to be acquired, or any part thereof, has been platted or subdivided the map will show the name of the platted or subdivided area and the lots, blocks, streets, and alleys therein and must agree with the written parcel descriptions. In every instance each parcel will be clearly numbered in the manner hereinabove required and an orientation arrow will be placed in a conspicuous space on the map. The map will contain a listing for each parcel, by parcel number, of the ostensible owner(s), total acres of ownership, acreage to be acquired in the project, current use and estate to be acquired.

35. VICINITY MAPS.

A vicinity map will be furnished showing the location of the real property to be acquired and any significant features in its immediate and general vicinity which affect its acquisition or its proposed use.

36. AERONAUTICAL CHARTS.

In the case of airfields, gunnery ranges and bombing ranges, the report should include a Sectional Aeronautical Chart prepared by the U. S. Coast and Geodetic Survey showing the location of existing airfields, private, commercial and Government, within a radius of 40 miles of the real property under consideration. The location of such real property should be delineated on the chart to show its relationship to existing fields, and proposed and existing airplanes.

37. PROFILE.

In cases involving airfields, a profile map showing ground elevations and obstructions to flight should be included. This map should delineate the profiles of the centerlines of approach zones and existing and proposed runways

and/or runway extensions (both standard and FCLP) as appropriate. Pertinent comments relative to variations in the terrain within the approach zones which may have an effect on the interests required shall be included in the report.

38. IDENTIFYING MAPS AND PLATS.

Maps and plats will be attached to the report as exhibits and identified beginning with Exhibit "A". If they are voluminous or unwieldy they will be so identified and submitted as an appendix to the report.

39. SIZE OF MAPS.

The size and scope of real property acquisition projects vary in almost every instance. Therefore, it is not necessary to adhere strictly to standard NAVFACENGCOM specifications of size of engineering drawings. The real property to be acquired should be drawn to a scale which will be easily legible, with the size of the sheet dependent upon the area covered. No map should be larger than the approved NAVFACENGCOM standard. An additional sheet should be used to properly delineate real property of size or shape which cannot be clearly presented on one sheet. In order to minimize the number of drawings for a project, the scale used should be adjusted to the size of the real property under consideration for acquisition. A reproducible of the land acquisition map and revisions thereof will be provided to NAVFACENGCOM as an appendix to the original of the report.

40. INTERPRETATION OF MAPS.

In every case maps should be self-explanatory but wherever necessary the report will contain data and information which will assist in interpreting the maps. Maps furnished as required by paragraphs 33 through 39 will be listed in the reports by titles, dates, numbers and their designations as exhibits.

41. AERIAL PHOTOGRAPHS.

Various Government agencies have made aerial photographs of large sections of the country. Where available, enlargements of aerial views of the real property to be acquired and the immediate vicinity, if desirable, will be obtained and furnished as a part of the Planning Report. Usually these photographs can be obtained from the County Agricultural Agent, Defense Mapping Agency, local representative of the United States Geological Survey or the local office of the United States Army Map Service. The most desirable enlargement has been found to be 600 feet to the inch or 660 feet to the inch. The boundaries of the real property to be acquired will be clearly shown on the photographs.

42. SECONDARY LAND USE.

When the real property to be acquired may be available for secondary land uses (e.g. lands within AICUZ or ESQD areas) a statement shall be included describing such potential uses.

43. APPRAISALS.

In order to meet the requirements of the reviewing authorities, complete appraisals of the real property to be acquired will be submitted with the Planning Report as appendixes thereto. If the complete appraisals cannot be

submitted with the report, the letter transmitting the report will state the date on which the appraisals will be submitted and an estimate of the value of the real property to be acquired based on advance estimates of the appraisers or on the best available information. The estimate of value will be as detailed as possible and the basis of the estimate stated.

The appraisals will be analyzed by the staff appraiser and comments thereon included in the report.

One appraisal will be obtained in the land planning report phase governed by requirements established in Chapter 16 herein. Gross or preliminary appraisals are not suitable for land planning reports.

44. TIMBER, MINERAL, AND CROP APPRAISALS.

If the real property under consideration for acquisition has timber in commercial quantities located thereon, mineral deposits therein, or growing crops thereon, it may be necessary to give special consideration to obtaining detailed estimates of the values thereof. Unless the appraisers employed to appraise the real property are clearly qualified to furnish detailed estimates of value of timber, minerals, and growing crops, such estimates will be obtained from other qualified appraisers or sources. Valuable mineral deposits create a special problem as it is costly and time consuming to perform the extensive work necessary to reach a realistic estimate of the value of such deposits. Before entering into any arrangements to obtain appraisals of valuable mineral deposits, a specific determination shall be obtained from NAVFACENCOM to whether the mineral interests will be acquired. In many instances appraisals of growing crops can be obtained from County Agricultural Agents and appraisals of timber can be obtained from the United States Forest Service.

45. TITLE EVIDENCE.

Title evidence may be obtained in the planning stage if it is found that it will be of assistance in developing information required or useful in the overall consideration of the real property acquisition. If inadvisable to obtain complete title evidence, lot book reports or record owner searches may be obtained. Unusual features such as covenants restricting the use of the property should be summarized in the report. Copies of the title evidence need not be included in the report.

46. TOXIC AND HAZARDOUS SUBSTANCES.

The Navy could be held responsible for toxic/hazardous wastes or materials left by other parties on property acquired by the Navy. This concept is known as strict liability and is established under the Comprehensive Environmental Response, Compensation, and Liability Act and Resource Conservation and Recovery Act. All property should be surveyed and a statement should be included in the LPR concerning the presence or absence of toxic/hazardous materials. Any contamination found on the property should be addressed and may have an effect on the fair market value. Appendix B provides guidelines on surveying property for hazardous/toxic materials.

47. COST OF REAL PROPERTY.

This estimate will be based upon complete, detailed, current appraisals and will include, when appropriate, estimates of the cost of relocating cemeteries, roads, highways, powerlines, ditches, and other utilities. In reaching this total the high estimate for each parcel and relocation will be used unless clearly erroneous. The total amount will be

shown together with sub-totals for each item.

If the completed appraisals are not available when the remainder of the report is ready for submission to NAVFACENGCOM, the cost of real property will be based on advance estimates of the appraisers or on the best information available. The basis of estimates not derived from completed appraisals will be shown in the letter transmitting the report to NAVFACENGCOM. When the completed appraisals are transmitted to NAVFACENGCOM, they will be accompanied by a revised budget estimate for insertion in the report.

48. COST OF TITLE EVIDENCE, APPRAISALS AND SURVEYS.

The cost of obtaining title evidence, appraisals, surveys and other items obtained under contract or on a reimbursable basis from other Government agencies prior to project authorization will be charged to planning funds. These costs need not be included in the budget estimate. Updates of any of the above after project authorization require use of project funds and should be accounted for, if possible, in the budget estimate.

49. RELOCATION ASSISTANCE COSTS.

Relocation costs estimates will be within the statutory limitation and will take into consideration the provisions of Chapter 12.

50. ESTIMATED COST OF LAND ACQUISITION.

Each report will contain an estimate of cost of real estate acquisition for budget purposes. Format and terminology of the estimate are intended to parallel that of DD Form 1391 for ease of interpretation. The terminology to be used is as follows:

Appraised Value - the fair market value of the property.

If an appraisal is not available, an in-house estimate based on the best information obtainable should be substituted. The source of the information should be noted.

Market Adjustment Factor - the anticipated adjustment in the value of the real estate acquisition based on the local market between the date of the appraisal and anticipated date of commencement of acquisition (which must be specified). The adjustment (plus or minus) should be stated in percentage form and if the percentage adjustment is "plus", convert percentage to decimal form and add a "1" prior to calculations. If "minus", subtract the percentage adjustment from 100%, convert to decimal form and calculate. This adjustment should be provided by the staff review appraiser supported whenever possible by contract appraisal analysis with a clear explanation of basis for such adjustment.

Subtotal (a) - the product of the Appraised Property Value and the Market Adjustment Factor above.

Value Adjustment Factor - this is an upward percentage adjustment (set by NAVFAC) to allow for adjustments of values, appraisals or offers to reflect actual conditions at the time of negotiations. At present, the percentage of increase is 7-1/2% (.075). Convert the percentage to decimal form and add a "1" prior to calculation, e.g., 1.075.

Subtotal (b) - the product of Subtotal (a) and Value Adjustment Factor above.

Property Acquisition Cost - the sum of Subtotal (b) above and Cost of Project Execution. This amount will normally be equivalent to the Land Acquisition line on the 1391.

Relocation Cost - the estimated cost of relocation.

Demolition Cost - the estimated cost of demolition and/or vegetation clearing. Estimated cost increases due to the passage of time should be provided for.

Subtotal (c) - the sum of Property Acquisition Cost, Relocation Cost and Demolition Cost.

Contingency - an amount included as a reserve for requirement and expenses which cannot reasonably be foreseen (e.g., changes in zoning development, etc.) Current DOD guidelines set a contingency factor of 5% (.05).

Subtotal (d) - the sum of Subtotal (c) and Contingency.

SIOH - the Supervision, Inspection and Overhead (SIOH) charge for Navy is currently set at 5-1/2% (.055).

Total Request - the sum of Subtotal (d) and the SIOH charge. This represents the total Project Cost for a Land Acquisition Project. Each item of terminology above, excluding subtotals, should be followed by a narrative, negative comment and a dollar value or \$0.00 as applicable.

The narratives as required above are to be followed by a recapitulation, including subtotals as required, for all items having a positive dollar value. The items to be included are as follows:

	1	2	3
			DD 1391 Entries
Appraised value		XXXX	
Market Adjustment Factor (multiply)	(X)	<u>XX</u>	<u>XX</u>
Subtotal (a)			<u>XXX</u>
Value Adjustment Factor (multiply 7.5%)	(X)	<u>XX</u>	<u>XX</u>
Subtotal (b)			<u>XXX</u>
Property Acquisition Cost			XXX
Relocation Cost			XX
Demolition Cost (add)	(+)		XX
Subtotal (c)			<u>XXXX</u>
Contingency (5%) (add)	(+)		XX
Subtotal (d)			<u>XXXX</u>
SIOH (5.5%) (add)	(+)		XX
Total Request			<u>XXXX</u>

SAMPLE WORKSHEET

	1	2	3
			DD 1391 Entries
Appraised value		7,000	
Market Adjustment Factor	(X)	<u>5%</u>	1.05
Subtotal (a)			<u>7,350</u>
Value Adjustment Factor	(X)	<u>7-1/2%</u>	1.075
Subtotal (b)			<u>7,901</u>
Property Acquisition Cost			7,901
Relocation Cost			500
Demolition Cost	(+)		150
Subtotal (c)			<u>8,551</u>
Contingency (5%)	(+)		428
Subtotal (d)			<u>8,979</u>
SIOM (5.5%)	(+)		494
Total Request			<u>9,473</u>

If the appraisal is not completed when the Planning Report is due, the estimate will be based on the best information available and included in the letter of transmittal rather than the body of the report. When the approved appraised value is available, a revised page to include the above indicated estimate will be prepared and submitted for inclusion in the report.

51. APPENDIXES.

The report will contain a list of the appendixes appropriately identified and designated by number. If any appendix is not submitted with the report, the report will contain a statement as to the date when it will be submitted to NAVFACENGCOM. Explanatory or clarifying information on any appendix will be contained in the report where necessary.

52. FINANCING PLANNING REPORTS FOR MCON AND MCNRP PROJECTS.

Financing of costs for obtaining Planning Reports is covered in paragraph 5 of Chapter 7.

53. FINANCING OTHER ACQUISITION PROJECTS.

EFDs will request funds for planning expenses in connection with minor land acquisition projects from the acquiring activity or its major claimant.

54. SUBMISSION OF PLANNING REPORT.

Three copies of all Planning Reports for the Acquisition of Real Property and any subsequent modifications made thereto will be provided to NAVFACENGCOM. One of the three copies will be clearly marked "Original". The "Original" copy of the report will contain all exhibits and appendixes to the extent available. Normally, copies of all exhibits or appendixes will be available except in the case of appraisals and title evidence.

55. DATE OF SUBMISSION.

Planning Reports for all real property acquisitions will be submitted to NAVFACENGCOM by the due date specified when NAVFACENGCOM authorizes preparation of the report.

56. CERTIFICATION.

For each Planning Report it is required that the EPDs forwarding letter certify that:

- a. The report has been reviewed;
- b. The report is in accordance with the foregoing requirements;
- c. The report is considered to present the most feasible and economical method of meeting the real property requirements;
- d. The cost estimates are reasonable;
- e. The report either adheres to or deviates from the Station Map for the activity. Deviations from the Development Map must be fully explained.
- f. Project scope as planned does not deviate from the scope authorized for planning, except as required to meet engineering considerations;
- g. The appraisal reports have been reviewed in accordance with Chapter 16 and are acceptable to the EPD. If the submission of the appraisal report is delayed, this portion of the certification will be included in the letter transmitting the appraisal.

The Planning Report will be forwarded directly to NAVFACENGCOM with copies to the activity.

57. CLASSIFIED INFORMATION.

Every effort will be made to prepare the Reports without including information of a classified nature but still provide the data necessary to justify the project.

58. REGIONAL AIRSPACE SUB-COMMITTEE CLEARANCES.

Whenever real property or interests therein are being acquired for airfields, gunnery, bombing, or other purposes involving the flight of aircraft or guided missiles the report will contain a statement concerning action taken by the originator of the project or other Naval representative to obtain any necessary clearances from the Regional Airspace Sub-Committee for the Region in which the real property is located.

59. CONTROVERSIAL PROJECTS.

Whenever it appears, during the preparation of the Planning Report, that a real estate action may become controversial or unfavorable public relations may develop in connection therewith, NAVFACENGCOM will advise the EPD of the facts and will furnish information copies of correspondence and messages relating thereto. In addition, the Planning Report will contain a statement of the facts and circumstances pertaining thereto and of any action taken thereon by NAVFACENGCOM.

60. PROHIBITION AGAINST CHANGES.

Planning Reports or parts thereof prepared by individuals, firms, or other Government agencies shall not be changed by NAVFACENGCOM. If concurred in by the individual, firm, or Government agency which prepared the Report or part thereof changes recommended by NAVFACENGCOM will be made by such party. Otherwise, changes will be prepared by NAVFACENGCOM on separate sheets and inserted in the Report in the appropriate place without removal of the original sheets. Sheets so inserted will be clearly identified to show that they are changes made by NAVFACENGCOM.

61. USE OF LAND PLANNING REPORT.

Approval of each annual program is obtained from the Secretary of the Navy who then submits the program to the Secretary of Defense. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) holds hearings to determine which items in the program of the various Military Departments will be included in the Military Construction Program of the Defense Department. The Planning Report will be used by Navy witnesses to support and justify the real estate items proposed for inclusion in the Military Construction Program.

The Secretary of Defense submits to the Congress proposed Military Construction bills to authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities and equipment for projects specifically designated in the proposed bills. The bills also contain authorization to perform similar work at various locations not specified, usually for classified purposes. Items for the acquisition of real estate are included in the bills, thus they contain language expressly authorizing the acquisition of real estate required for the specific project or classified project. Detailed information as to each project included in the proposed bills is contained in justification sheets which are also submitted to the Congress. The detailed information used to justify the acquisition of real estate is obtained from the Planning Reports.

62. PUBLIC LANDS.

On occasions there are projects that contemplate the use of public lands rather than the acquisition of lands in private ownership. When Congressional approval is required for withdrawals in excess of 5,000 acres under Public Law 85-337 (72 Stat. 27) representatives of NAVFACENGCOCOM must be fully prepared to answer any questions relating to the public lands contemplated for use. In these instances NAVFACENGCOCOM will be furnished complete information on such lands. This report should include, but not be limited to, information on the present and potential uses of the land, such as grazing, mining, and recreational uses, whether the use of water will be involved, whether the land will be contaminated either by explosive or radioactive material, whether its character as public lands will be changed, and whether the lands are within any reclamation project.

63. COMMITTEE HEARINGS.

The Armed Services and Appropriations Committees of the Senate and House of Representatives conduct hearings on each item contained in the proposed Military Construction bills and on the basis of justification of the need for the construction, real estate and other purposes specified in the bills either approve or disapprove each project for which authorization is sought. Testimony in support of real estate requirements is provided on behalf of the Department of the Navy by NAVFACENGCOCOM witnesses. Their testimony is based upon data and facts provided in the Planning Reports prepared by the EPD and supplementary information obtained from the same source, if necessary.

The Interior and Insular Affairs Committees of the Senate and House of Representatives conduct hearings on proposed legislation for the withdrawal, reservation or restriction of more than 5,000 acres of public lands in the aggregate for any one defense project or facility of the Department of Defense. Testimony in support of real estate requirements for such withdrawal, reservation or restriction is provided on behalf of the Department of the Navy by NAVFACENGCOM witnesses. Their testimony is based upon the data and facts provided in the Planning Reports for the withdrawal of public lands prepared by the EFD and supplementary information obtained from the same source, if required.

64. ENACTMENT OF LEGISLATION.

Generally, proposed Military Construction bills are enacted by the Congress without a large number of deletions occurring. However, numerous changes and amendments may be made before the bill is actually enacted into law. Generally, the Congress does not complete its action on the Military Construction bills until August or September of each year. Appropriations usually follow enactment of the Military Construction bills, although on some occasions funds appropriated pursuant to the authority contained in the Military Construction bills have been appropriated prior to the enactment of authorizing legislation. Usually provision for the appropriation of funds is contained in supplemental appropriation acts for the particular fiscal year involved.

The law requiring the enactment of legislation for the withdrawal, reservation or restriction of more than 5,000 acres of public lands for defense purposes has not been sufficiently utilized in recent years to enable the Navy to determine what success it will have in obtaining the desired legislation. Generally it has been found that proposed legislation involving real estate matters based on good planning and well supported is enacted without undue delay. It is anticipated the proposed legislation relating to public lands will receive favorable consideration if well planned and supported.

65. AVAILABILITY OF FORMS.

NAVFAC 4280/1 may be requisitioned from the Naval Publications and Forms Center, Philadelphia, Pennsylvania under stock number 0105-LF-025-5001.



NAVAL FACILITIES ENGINEERING COMMAND
DEPARTMENT OF THE NAVY

Toxic and Hazardous Waste Considerations
in
Real Property Acquisitions

Purpose and Policy

The Navy could be held responsible for toxic/hazardous wastes or materials left by other parties at a site acquired by the Navy. This concept is known as strict liability and is established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA). There is the possibility that the Navy can take legal action against a seller or nearby property owner if toxic/hazardous wastes are discovered after acquisition but this should not be relied upon. It is important that the Navy be aware of site contamination prior to signing an agreement with a seller/lessor or, if this information is not available, including proper contingency language in the agreement. This language should be developed with the aid of Counsel. There is always an element of risk that a site may unexpectedly contain toxic/hazardous waste. These procedures attempt to minimize this risk. It shall be the policy of the Navy to avoid acquiring sites that have known toxic/hazardous waste contamination unless it is in the best interest of the Navy to do so.

Applicable Federal Laws

The following federal statutes have bearing on toxic/hazardous waste management:

- a. Resource Conservation and Recovery Act (RCRA).
- b. Hazardous and Solid Waste Act (HSWA).
- c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- d. Toxic Substances Control Act (TOSCA).
- e. Clear Air Act (CAA).
- f. Clean Water Act (CWA).
- g. Safe Drinking Water Act (SDWA).

Applicable State and Local Laws

A number of states and localities have laws which regulate the transfer of property that has known or has the potential of having toxic/hazardous waste. Further research should be conducted prior to the real estate acquisition concerning these laws.

General Procedures

Potential Sources of Toxic/Hazardous Material

The following are but a few of the ways sites and/or buildings may become contaminated:

- a. Past uses of the site by industrial/commercial/agricultural or other uses. Attachment A presents a list of some suspect land uses.
- b. Contamination emanating from other off-site uses.
- c. Materials used in the construction of buildings.
- d. Equipment such as electrical transformers used in building systems.
- e. Chemicals used within the building.
- f. Radon gas emitted from soil or building materials.
- g. Leaking underground storage tanks.

Evaluating Risk of Site Contamination

Existing Buildings/Structures on Site

Inspection should be undertaken by a qualified person or firm to determine the presence of any toxic/hazardous materials within the building, to assess the magnitude of their occurrence, and to suggest methods and costs for remedial action should these materials be found.

Some examples of materials that should be researched in an existing building/structure are:

- a. Friable asbestos.
- b. PCB electrical transformers.
- c. Radioactive materials (including Radon).
- d. Underground storage tanks.
- e. Urea formaldehyde insulation.
- f. Pesticides.
- g. Hazardous/toxic materials on surface or in stored containers.
- h. Lead based paint on walls.

Land Areas of Sites with or without Improvements

If there is reason to believe that past uses of a site or adjacent uses may have led to toxic/hazardous wastes being on, under or adjacent to the site, a further investigation of surface and/or groundwater must be undertaken by a qualified firm. Procedures for making an assessment as to whether or not an on-site toxic/hazardous investigation should be pursued follow.

Determining if On-Site Toxic/Hazardous Investigation
should be Pursued

Phase I - Preliminary Investigation

The checklist below may be used as an initial screening device for clues regarding possible hazardous waste problems, prior to a full site study. A thorough site study for toxic/hazardous materials should be conducted by qualified technical experts.

- a. Historical Background. Check the previous ownership (by having a title company prepare a chain of title) and business license records for evidence of purchase or sale to manufacturing, chemical or similar companies. Determine if previous site users generated waste, manufactured, refined, treated, stored, handled or disposed of waste above or below ground. Check site plans for buildings and structures that may have been removed. Check insurance records and fire hazard maps to see if any hazardous operations were insured at the site. Check past aerial photographs (if available) of the site to see if areas of the site may have been used for waste disposal. Check with area residents, current/former employees, and brokers. Visit site area and discuss with people who are or have been connected with the site, or nearby properties, and/or its current or previous uses.
- b. Review Regulatory Agency Records. Check EPA and appropriate State and local agency records for permits, enforcement actions (consent decrees), uses, development permits, audits, or inclusion on lists of hazardous waste sites. Local agencies may include health, fire, and zoning departments.
- c. Search for Evidence of Soil Staining. Look on-site for evidence of soil staining. Examine the drainage course at site for any different soil coloration.
- d. Search for Evidence of Vegetation Stress. Examine trees and vegetation for signs of stress.
- e. Check Site for Unusual Odors.
- f. Examine Site for any Fill Areas or Depressions. Clean dirt or other fill materials may cover hazardous wastes.

Phase II - Detailed Site Investigation by Technically Qualified Firm

This step should be taken if the investigation described in Phase I indicates potential for contamination and the site has a high economic or operational potential which would justify the expenditure of funds necessary to undertake the investigation. The specific investigative tasks to be undertaken depend on the nature and extent of the contamination and the character of the site (i.e., soil type, geology, hydrology, etc.). For this reason, it is important that the selected firm have qualified and experienced scientists/engineers and use certified laboratories and testing procedures in conducting investigations. To obtain further information about a firm's competence to perform the work, contact State environmental agencies and/or regional offices of the EPA.

Acquiring Sites with Contamination

If site contamination exists and it is decided to purchase the property, all attempts should be made to have the seller undertake the remedial action pursuant to State environmental agency and/or EPA requirements unless not doing so would be in the interest of the Navy. In addition, the following steps, as a minimum, should be undertaken prior to purchase:

- a. Work with Counsel to develop appropriate protections in sales contract, option agreement, or lease agreement.
- b. Determine costs of remedial action (if Navy undertakes action). In most cases such costs will effect the price to be paid for the property.
- c. Determine, to the best extent possible, the time frame for cleanup.
- d. Coordinate with State environmental agency and/or EPA as appropriate.

Once a remedial effort is undertaken, the Navy should:

- a. Have qualified technical experts oversee the remedial effort to make sure that the work is done in an effective manner.
- b. Get certification from State environmental agency and/or EPA that remedial effort is acceptable to them.

Examples of Land Uses Potentially Associated
with
Toxic/Hazardous Waste

(Source: U.S. Environmental Protection Agency)

Agricultural Operations
Agricultural Spraying Service Companies, including Lawn Firms, Pest
Control Operators
Airports
Asphalt Plants
Auto Repair Centers
Battery Companies
Bottling Companies
Cement Processing Operations
Chemical Companies
Dry Cleaners
Fence Companies
Firing Ranges/Test Sites
Gas Stations/Tank Farms/Heating Oil Businesses
Highway Spill Sites
Hospitals
Incinerator Sites
Industrial Parks
Junk Yards/Scrap Yards
Labor Camps - State Highway Department Operations
Landfills
Metal Fabricators
Mining Sites - Sand and Gravel Pits
Ordnance Operations
Paint Stores, Warehouses, etc.
Penitentiaries
Plastics Companies
Plating Operations
Processing Plants/Heavy Industrial Sites
Railroad, Maintenance Yards and Other Related Uses (derailment
sites)
Recycling Companies
Refining Operations
Rendering Companies
Research Laboratories
Semiconductor/Computer Plants, High Technology Plants
Sewage Treatment Plants
Surplus Government Property
Surplus Military Property
Tanneries
Tire and Rubber Plants
Trucking Terminals
Utility Companies: power plants, electrical equipment storage yards
Waste Lagoons
Welding Products Companies
Wood Processing and Preserving Operations

Appendix 3-B
Attachment A
CH-14