

## **Enclosure 5**

Letter from the Army Corps of Engineers to SELC and NCCF,  
dated April 30, 2024



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
100 W OGLETHORPE AVE  
SAVANNAH, GEORGIA 31401-3604

April 30, 2024

Ms. Julie Youngman  
Senior Attorney  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516

Dr. Braxton Davis  
Executive Director North Carolina Coastal Federation  
3609 N.C. 24 (Ocean)  
Newport, NC 28570

Dear Ms. Youngman and Dr. Davis,

Thank you for your letter dated April 5, 2024, concerning the presence of reported petroleum and infrastructure at the Buxton Naval Facility Formerly Used Defense Site (FUDS), located on the Cape Hatteras National Seashore in Buxton, North Carolina.

As USACE has recently informed the National Park Service and the public, FUDS remediation efforts authorized by Congress are restricted to cleaning up properties formerly owned by, leased to, or otherwise possessed, by the United States and transferred outside Department of Defense (DoD) control prior to October 1986. The FUDS Program may only address restoration activities that were the result of DoD activities. DoD tasked the U.S. Army with carrying out the FUDS Program, which delegated the execution to the U.S. Army Corps of Engineers (USACE). USACE is committed to advancing remediation efforts authorized under the FUDS program to protect the health and well-being of communities and the environment.

As you are aware, the FUDS Program has taken significant actions within the project area, including removal of storage tanks and corrective action to remediate soil and groundwater. Regarding the recent reports of petroleum at the beach, USACE has investigated the incidents but has not been able to determine the source of the petroleum and/or whether the petroleum relates to a prior DoD activity. However, USACE will be taking further action in the near future. USACE will remove a pipe which has been reported to have a petroleum odor and will perform sampling around the pipe to determine if this is the potential source of petroleum.

Regarding remnant infrastructure, USACE authority is limited to demolishing and removing unsafe buildings and structures that existed at the time the property was transferred from DoD control. The infrastructure that is currently being exposed by

erosion was sound when transferred out of DoD control in 1982; therefore, such structures are not eligible to be addressed under the FUDS Program.

USACE will continue to take appropriate actions that are within our authorities to address this FUDS property. If you have additional questions, please contact me by phone (912-659-6149) or email ([kyle.r.lewis@usace.army.mil](mailto:kyle.r.lewis@usace.army.mil)).

A handwritten signature in black ink, appearing to read "Kyle R. Lewis". The signature is fluid and cursive, with a prominent initial "K" and a long, sweeping underline.

Kyle R. Lewis  
Senior Environmental Assistant District  
Counsel  
US Army Corps of Engineers