

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM  
FOR  
FORMERLY USED DEFENSE SITES  
FINDINGS AND DETERMINATION OF ELIGIBILITY

South Patrick Shores Subdivision  
Banana River Naval Air Station

FUDS Property Number I04FL0027  
Satellite Beach, Brevard County, Florida  
Original: 23 October 1991  
Revised: July 2019

FINDINGS OF FACT

1. South Patrick Shores Subdivision lies directly south of the Pineda Causeway and the southern boundary of Patrick Air Force Base, in the southern  $\frac{3}{4}$  of Section 23, Township 26 South, Range 37 East of the Tallahassee Meridian in Brevard County, Florida.<sup>1</sup> Based on a verbal agreement, the Naval Air Station Banana River (NASBR) operated a disposal area on approximately 25 acres of land that lies between Ocean Boulevard to the north, Clairbourne Avenue to the south, Pelican Drive to the west, and Highway A1A to the east.<sup>2</sup>

2. The Navy approved NASBR in the summer of 1939, and construction began on 28 February 1940.<sup>3</sup> NASBR operated between 1 October 1940 and 4 September 1947, serving as a secondary field to the main 7<sup>th</sup> Naval District Naval Air Station at Jacksonville.<sup>4</sup> During the initial phases of construction, the Navy began using land immediately south of the installation in Section 23 as a “*dump and destroy area*”.<sup>5</sup> In the fall of 1942, the newly assigned Public Works Officer (PWO) determined the Navy had not negotiated with the owner or real estate agent about the use of the property. The PWO contacted a local Cocoa, Florida, real estate agent, Gus C. Edwards, who represented the landowner, for permission.<sup>6</sup> Mr. Edwards stated on 15 October 1942, “*I see no reason why there can be any objection to this.*”<sup>7</sup> Since no record of other correspondence of this nature was received at the station, the NASBR PWO “*assumed that the verbal authority to use the land was considered sufficient by the station command.*”<sup>8</sup> According to the NASBR PWO, during the time of inactivation, “*the restoration of the privately owned dump property became a matter of major concern as literally anything and everything had been dumped in the area in violation of the conditional consent of Mr. Edwards which restricted dumping to burnable materials only.*”<sup>9</sup> The restoration “*process consisted of burning and burying all rubble, trash, etc. to a depth of eight to ten feet and covering it with six feet of soil. The surface was restored to a comparative level by bulldozing the eight acres more or less.*”<sup>10</sup> Ground disturbances and scarring discernable on 8 December 1947 historic aerial imagery indicate a larger footprint of approximately 25 acres.<sup>11</sup>

3. On 4 September 1947, all operations at NASBR ceased, and the Navy assigned the base to the 7<sup>th</sup> Naval District for disposal.<sup>12</sup> On 5 February 1948, the alleged owner, Vernon C. Fry, and his real estate agent, Gus C. Edwards, visited the property to inspect it and expressed their satisfaction with the restoration result. Mr. Fry also requested compensation for the use of his property.<sup>13</sup> During the claim for compensation investigation, the Navy determined that while Mr. Fry had been president of Florida Beaches that owned the property in the past, the actual owner, Kumprop, Inc., had owned the property since 5 May 1944.<sup>14</sup> A property appraisal in June of 1948 determined the property had increased at least \$5.00 per acre in value between the time the Navy assumed possession and the time the Navy released the property.<sup>15</sup> No subsequent agreement or payment to the owners by the Navy is known to have occurred.

In the late summer of 1948, the Navy transferred the NASBR property to the Air Force, and on 10 June 1949, the Air Force reactivated the NASBR facilities as the Joint Long Range Proving Ground. The base supported a joint Army, Air Force, and Navy project to test their long-range rockets and missiles from Cape Canaveral, and the Air Force renamed the facility Patrick Air Force Base on 1 August 1950.<sup>16</sup> By 1958, the former Kumprop, Inc. land in Section 23 had been redeveloped into single-family private residential dwellings.

Following a Congressional request, in 1991 the U.S. Army Corps of Engineers conducted a Formerly Used Defense Sites (FUDS) eligibility investigation and determined the property to be ineligible for the FUDS program, based on information available at the time.<sup>17</sup>

4. In October 2018, the Florida Department of Environmental Protection (FDEP) requested the Jacksonville District conduct further investigation on South Patrick Shores Subdivision and reconsider its FUDS eligibility.<sup>18</sup>

## DETERMINATION

Based on the foregoing findings of fact, the property has been determined to have been under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States before 17 October 1986. This property is therefore eligible for inclusion in the Defense Environmental Restoration Program-Formerly Used Defense Sites established under 10 USC § 2701, et seq.

24 August 2019

DATE

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THEODORE A. BROWN, P.E., SES  
Director of Regional Business

## References

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- <sup>1</sup> USGS 24000 Topographic Tropic FL (Page 45)
- <sup>2</sup> South Patrick Shores EPIC Study (Pages 105-130),  
GIS analysis of area in Figure 5 Aerial Imagery from 8 December 1947,  
Current street names from Google Earth
- <sup>3</sup> United States Navy and Marine Corps Bases, Domestic (Page 49)
- <sup>4</sup> Establishment NASBR (Page 2),  
US Air Stations of World War II: Volume 1 (Pages 49-51),  
United States Navy and Marine Corps Bases, Domestic (Page 135)
- <sup>5</sup> Use of Lands Owned by Vernon Fry (Page 1)
- <sup>6</sup> Use of Lands Owned by Vernon Fry (Page 5)
- <sup>7</sup> Use of Lands Owned by Vernon Fry (Page 15)
- <sup>8</sup> Use of Lands Owned by Vernon Fry (Page 17)
- <sup>9</sup> Use of Lands Owned by Vernon Fry (Page 19)
- <sup>10</sup> Use of Lands Owned by Vernon Fry (Page 6)
- <sup>11</sup> South Patrick Shores EPIC Study (Pages 105-130),  
GIS analysis of area in Figure 5 Aerial Imagery from 8 December 1947
- <sup>12</sup> United States Navy and Marine Corps Bases, Domestic (Page 51)
- <sup>13</sup> Use of Lands Owned by Vernon Fry (Page 7)
- <sup>14</sup> Claim for Use of Lands Owned by Vernon C Fry (Page 25),  
Claim for Use of Land (Pages 34-35)
- <sup>15</sup> Claim of Vernon C Fry (Pages 38-40)
- <sup>16</sup> Custody Transfer to Air Force (Pages 42-43),  
Air Force Bases, Volume 1, Active Air Force Bases (Pages 55-62),  
United States Navy and Marine Corps Bases, Domestic(Pages 39-41)
- <sup>17</sup> Inventory Project Report (Pages 64-103)
- <sup>18</sup> FDEP South Patrick Shores FUDS Reassessment Request to USACE (Pages 137-139)