



REPLY TO:

DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

28 JAN 2008

Executive Office

SUBJECT: Department of Defense Restoration Advisory Board for the U.S. Army Corps of Engineers Projects at the Former Lake Ontario Ordnance Works Site

Mr. Walt Garrow
C/O Quality Inspection Services, Inc.
4400 Broadway
Depew, NY 14043

Dear Mr. Garrow:

Thank you for meeting with my staff and me on January 25, 2008, to discuss a Restoration Advisory Board (RAB) for the Corps of Engineers projects at the former Lake Ontario Ordnance Works (LOOW) site.

The Corps appreciates the dedicated efforts of your group, respects your concerns and your spirit of volunteerism. However, your citizen-based volunteer group is not a Department of Defense (DoD) RAB.

It is my responsibility to ensure that a DoD RAB is established in compliance with 32 C.F.R. Part 202. As the Commander, I have lead responsibility for forming and ensuring the DoD RAB operates in conformance with the regulations. Since 2003 this District has not operated a DoD RAB.

A DoD RAB is to provide a forum for addressing issues associated with Corps environmental restoration activities. Environmental groups or advisory boards that address issues other than Corps environmental restoration activities, such as lobbying activities or issues relating to contamination resulting from unrelated non-DoD activities are not governed by 32 C.F.R. Part 202.

A DoD RAB is also required to, among other things:

- a. Have two co-chairs (one Corps representative and one community representative)
- b. Assign responsibility to the RAB Co-Chairs for developing and carrying out operating procedures
- c. Assign responsibility to the Corps Co-Chair to plan and hold RAB meetings and document RAB activities and expenses. The Corps envisions holding meetings three to five times per year in addition to our enhanced public outreach activities.

d. Encourage two-way communication

All activities of the DoD RAB are subject to the availability of project funds – there is no separate appropriation for public involvement activities. An efficiently run RAB allows the Corps to maximize resources on other outreach and remediation activities. Therefore, the Corps has an obligation to ensure each project is accomplished in a timely, cost-effective, and legal manner while meeting our responsibility to engage the public.

I trust this provides you with a clear statement of the Buffalo District's expectations for a DoD RAB. Since the DoD RAB rule was promulgated in 2006, the Buffalo District has concluded that it is obligated to reassess community interest in participating in a DoD RAB. The Corps will proceed with the process established in 32 C.F.R. Part 202 by soliciting stakeholder interest in the establishment of a DoD RAB.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Hurley for:", is positioned above the printed name.

John S. Hurley
Lieutenant Colonel, Corps of Engineers
District Commander