

Corps-LOOW-RAB stalemate continues

by Terry Duffy

The U.S. Army Corps of Engineers, Buffalo District, announced recently it has begun the process towards formation of a Restoration Advisory Board for the Lake Ontario Ordnance Works site in Lewiston.

According to a Corps advisory issued by Lt. Col. Stephen Bales, Corps of Engineers Buffalo District commander, it is now seeking community input "on the establishment of an official Department of Defense Restoration Advisory Board for the Corps of Engineers project being performed under the Defense Environmental Restoration Program for Formerly Used Sites" at the former LOOW property, portions of which remain under U.S. government oversight.

It states that "At the DERP-FUDS former LOOW site, where an official DOD RAB is not operating, the Corps is required to reassess possible community interest in forming a DOD RAB every 24 months." The announcement goes on to specify the composition requirements of the group and its working re-

lationship with the Corps under "DOD regulation, 32 Code of Federal Regulations (May 2006) and DERP-FUDS policy." And it invites community response by letter to the Corps Buffalo District, DERP-FUDS Team by May 4.

Detailed information on the request can be found at www.lrb.usae.army.mil/derpfuds/loow.

Niagara County residents familiar with the LOOW site both past and present likely find this advisory confusing. That's because a local RAB group already claims to be operating under the auspices and protocols of the DOD regulations. Yet in the eyes of the Corps it is not officially recognized.

An announcement issued this week by the local LOOW RAB states the following:

"In 1999 the Army Corps of Engineers established a Restoration Advisory Board for community input regarding its investigations and clean-up activities at the former Lake Ontario Ordnance Works site, located in the towns of Lewiston and Porter. But in 2008, the Corps decided it had

dissolved the RAB back in 2002, without notice to the public. The RAB, all local municipalities, and community groups disagreed that the Corps had dissolved the RAB in 2002. The New York State Attorney General found that the Corps had failed to dissolve the RAB and comply with regulation.

"The original 1999 RAB has continued to meet since the organizational dispute, which coincided with scientific disputes with the Corps. The RAB continues to this day to provide the community and Corps with information and analysis on activities at the LOOW. However, through public notice last week, the Army Corps is seeking to replace and reorganize the current RAB. The Corps notice about forming a new RAB neglects to acknowledge that there is an existing RAB.

"The LOOW RAB stakeholders include the towns of Lewiston and Porter, the villages of Lewiston and Youngstown, and the Lewiston-Porter Central School District in addition to local tribes, groups, community members and agencies. RAB stakeholders

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have held the following position since 2008:

"1) There is an existing RAB which we recognize and support.

"2) We do not support steps to form a new RAB to replace the existing RAB.

"3) We support the 2007 RAB request for a facilitator to resolve open issues between the RAB and the Corps.

"4) We support the continued access to information, dialogue and input with project technical staff for Corps activities at the LOOW."

"RAB Chair William Choboy said, 'a new RAB would sharply curtail the level of public participation and community influence afforded the current RAB by the Corps in 1999, and as expanded in 2002.' RAB Vice Chair Alfonso Marra Bax noted, 'The current RAB protects procedural rights of stakeholders that cannot be grandfathered or delegated to a new RAB or the non-regulated CAC.'

"Official information regarding the RAB can be found on the RAB website at <http://loowrab.com/> ..."

The RAB statement concludes: "The mission of the LOOW RAB is to promote the satisfactory remediation of the entire LOOW site and to help inform and involve the public. The RAB is a stakeholder group comprising municipalities, agencies, tribes, academics, property owners and members of the public. The RAB complements but does not replace other forms of communica-

tion regarding U.S. Army Corps of Engineers environmental investigations and remediation activities at the LOOW site."

It's a stalemate over official recognition that has existed for years between the two groups. When asked, the Corps maintains repeatedly its stance that the local RAB is not an official entity and cites DOD regulations. It has maintained what could best be described as an "acknowledgment relationship" with the group, recognizing their expertise and intent with respect to the LOOW site, but to this day this goes no further.

When contacted yesterday, Bruce I. Sanders, public affairs officer, U.S. Army Corps of Engineers, Buffalo District, commented, "There is no official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works site. At sites where a DOD RAB has not been established by the U.S. Army Corps of Engineers, the Corps district commander is required to evaluate community interest in forming a DOD RAB every 24 months. USACE Buffalo District is currently seeking input from stakeholders regarding the establishment of an official DOD RAB to complement the public involvement program for the LOOW Formerly Used Defense Site. USACE seeks to promote openness and transparency and ensure that we offer and provide the community the opportunities for public participation authorized by the DOD."