DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
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Ser BPMOW.DG/0317
MAY 22 2009

Dear Hunters Point Naval Shipyard RAB Community Co-Chair and RAB Members:

This letter serves as the Navy's notice of intent to dissolve the Hunters Point Naval Shipyard (HPS) Restoration Advisory Board (RAB) as provided by 32 Code of Federal Regulations (CFR) Part 202. My office has consulted with the Environmental Protection Agency, as well as State, and local government representatives about this proposal. The purpose of a RAB is to ensure community involvement in the environmental cleanup process whereby an open discussion and exchange of information occurs. The Navy fully supports the need for open, meaningful dialogue with the diverse Bayview Hunters Point Community regarding our environmental cleanup actions and decisions. However, the RAB is not fulfilling this objective. Therefore, we will be exploring other means to accomplish this important goal. As the Navy follows the RAB dissolution process (enclosed), my staff will be working with you, the greater Bayview Hunters Point Community, and our regulatory partners to find alternative means to meet these community involvement goals and requirements. I specifically request your ideas for an effective community involvement program which will reach a broad community audience and encourage effective two-way communication between the community and Navy regarding environmental cleanup issues at HPS.

My review of input from the RAB over the last 24 months regarding Navy environmental cleanup matters leads me to conclude that the HPS RAB should be dissolved. To continue holding meetings will not fulfill the RAB's purpose or mission. This conclusion is based on the following:

1. RAB meetings do not provide the diverse Bayview Hunters Point Community's input to the Navy's environmental cleanup program.

- The Navy has issued over 80 documents for review over the last 24 months and only 3 have received formal written comments from RAB members.
- The Navy has issued four different Proposed Plan/Record of Decision documents over the past year without receiving any formal written comment from RAB members.
- RAB meetings are used to discuss non-Navy issues such as redevelopment actions. In fact, RAB members recently voted to stop all work on HPS due to concerns about work on an adjacent City-owned parcel.
- RAB meetings are used to discuss contracting issues rather than the cleanup program. RAB members recently passed a resolution to pursue a civil grand jury investigation into economic issues at HPS.

While the Navy agrees that redevelopment and contracting issues are important to the community, they are outside the scope of the RAB and there are other appropriate forums for these topics. The Navy has repeated this point to the RAB without a change in RAB performance.

2. The RAB atmosphere is not productive to effective public discourse.
   - Rules of order are often not followed during meetings; interruptions are common; and meeting facilitators are not respected.
   - A number of RAB Community members have complained about the hostile tone of RAB meetings and decline to attend because of the unwillingness of other RAB members to listen to contrasting points of view and/or inability of the RAB to focus on environmental cleanup issues.
   - At the January 22, 2009 RAB meeting, RAB members voted to request replacement of the City's representative, which is not an appropriate RAB function.
   - At a February 18, 2009 "emergency meeting" RAB members voted to request replacement of the Navy RAB Co-Chair, which is not an appropriate RAB function.

As a consequence, valuable information from Navy and other state and Federal agency representatives has not been effectively presented. Instead of fostering discussion on the effectiveness of proposed Navy cleanup actions, RAB discussions focus on matters unrelated to the Navy's clean-up efforts.

3. Navy attempts to work with the Community to improve the RAB process have failed.
   - Over the past 24 months, the Navy RAB Co-Chair and others have attempted to refocus RAB meetings with the help of a professional facilitator.
   - The Navy RAB Co-Chair has had discussions outside of RAB meetings with RAB members to try to refocus the RAB on the environmental program.

These attempts have been unsuccessful in changing the atmosphere or inducing input on the environmental restoration program.

Though I believe the RAB should be dissolved, I remain fully committed to seeking community involvement and input for ongoing and future HPS cleanup actions. While we work through this RAB dissolution process, I will post information such as fact sheets and presentations on the Hunter's Point website (www.bracpmo.navy.mil), as well as provide informational mailings to elicit community member comments and questions.

As stated earlier, the Navy fully supports the need for open, meaningful dialogue with the diverse Bayview Hunters Point Community regarding our environmental cleanup actions and decisions. Should the RAB be dissolved, the revised community involvement program may include community environmental forums, including using internet-based technology to more easily reach a diverse audience; expanded Monthly Progress Reports and facts sheets; and hosting technical discussions and tours of cleanup sites on HPS for interested community members. I solicit your comments on this letter of intent, as well as your ideas regarding more productive community involvement alternatives between the Bayview Hunters Point Community and the Navy. I request you provide your ideas and comments to HPS Base Closure Manager, Mr. Douglas Gilkey, at the address on the letterhead no later than 30 June 2009. Please feel free to contact Mr. Gilkey at (619)-532-0949 if you have any questions about this notice or the dissolution process.

During the interim period between my publishing of this intent letter and a final decision as to the RAB's dissolution, further meetings of the RAB are suspended.

I thank each of you for the effort you have made as a member of the HPS RAB. The Navy places a high priority on obtaining meaningful and timely input from the community in the course of its environmental cleanup activities and hope you will continue to participate in the HPS environmental restoration program in the future. Thank you for your contributions.

Sincerely,

Laura Duchnak

LAURA DUCHNAK
Director, BRAC PMO West

Encl: (1) 32 C.F.R Part 202.10

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(b) *RAB dissolution*—(1) *Requirements for RAB dissolution.* An Installation Commander may recommend dissolution of a RAB when a RAB is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental restoration projects as described in §202.1(b).

(2) *Dissolution procedures.* If the Installation Commander is considering dissolving the RAB, the Installation Commander shall:

(i) Consult with EPA, state, tribal and local government representatives, as appropriate, regarding dissolving the RAB.

(ii) Notify the RAB community co-chair and members in writing of the intent to dissolve the RAB and the reasons for doing so and provide the RAB members 30 days to respond in writing. The Installation Commander shall consider RAB member responses, and in consultation with EPA, state, tribal and local government representatives, as appropriate, determine the appropriate actions.

(iii) Notify the public of the proposal to dissolve the RAB and provide a 30-day public comment period on the proposal, if the Installation Commander decides to proceed with dissolution. At the conclusion of the public comment period, the Installation Commander will review the public comments, consult with EPA, state, tribal and local government representatives, as appropriate, and, if the Installation Commander still believes dissolution is appropriate, render a recommendation to that effect.

(iv) Send the recommendation, responsiveness summary, and all supporting documentation via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Military Component's Environmental Deputy Assistant Secretary (or equivalent) shall notify the Office of the Deputy Under Secretary of Defense (Installations & Environment) (or equivalent) of the decision to approve or disapprove the request to dissolve the RAB and the rationale for that decision.

(v) Document the recommendation, responsiveness summary, and the rationale for dissolution in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation and describe other ongoing public involvement opportunities that are available, once the Military Component's Environmental Deputy Assistant Secretary (or equivalent) makes a final decision.

(c) *Reestablishing an adjourned or dissolved RAB.* An Installation Commander may reestablish an adjourned or dissolved RAB if there is sufficient and sustained community interest in doing so, and there are environmental restoration activities still ongoing at the installation or that may start up again. Where a RAB is adjourned or dissolved and environmental restoration activities continue, the Installation Commander should reassess community interest at least every 24 months. When all environmental restoration decisions have been made and required remedies are in place and are properly operating at an installation, reassessment of the community interest for reestablishing the RAB is not necessary. When additional environmental restoration decisions have to be made resulting from subsequent actions, such as long-term management and five-year reviews, the installation will reassess community interest for reestablishing the RAB. Where the reassessment finds sufficient and sustained community interest at previously adjourned or dissolved RABs, the Installation Commander should reestablish a RAB. Where the reassessment does not find sufficient and sustained community interest in reestablishing the RAB, the Installation Commander shall document in a memorandum for the record the procedures followed in the reassessment and the findings of the reassessment. This document shall be included in the Administrative Record for the installation. If there is interest in reestablishment at a previously dissolved RAB, but the Installation Commander determines that the same conditions exist that required the original dissolution, he or she will request, through the chain-of-command to the Military Component's Deputy Assistant Secretary, an exception to reestablishing the RAB. If those conditions no longer exist at a previously dissolved RAB, and there is sufficient and sustained interest in reestablishment, the Installation Commander should recommend to the Deputy Assistant Secretary that the RAB be reestablished. The Deputy Assistant Secretary will take the Installation Commander's recommendation under advisement and may approve that RAB for reestablishment.

(d) *Public comment.* If the Installation Commander intends to recommend dissolution of a RAB or reestablish a dissolved RAB, the Installation Commander shall notify the public of the proposal to dissolve or reestablish the RAB and provide a 30-day public comment period on the proposal. At the conclusion of the public comment period, the Installation Commander shall review public comments; consult with EPA and state, tribal, or local government representatives, as appropriate; prepare a responsiveness summary; and render a recommendation. The recommendation, responsiveness summary, and all supporting documentation should be sent via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Installation Commander shall notify the public of the decision.