

*FINAL*

**Restoration Advisory Board (RAB) Charter  
for environmental Restoration Activities  
on former Naval Station Roosevelt Roads  
Ceiba, Puerto Rico**

**Signed: January 16, 2008**

## **DRAFT FINAL**

# **Restoration Advisory Board (RAB) Charter for Environmental Restoration Activities on former Naval Station Roosevelt Roads, Ceiba, Puerto Rico**

*Note: This document is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.*

### **I. Mission Statement:**

The mission of the RAB is to promote the environmental restoration and stewardship of the lands formerly administered by the U.S. Navy on Ceiba, Puerto Rico, through collaborative efforts between government agencies that are interested parties such as the Municipality of Ceiba, the Commonwealth of Puerto Rico, regulatory agencies, U.S. Navy, and the Ceiba, Naguabo and Fajardo communities in general.

### **II. General Functions and Responsibilities of the RAB:**

- A. The RAB's purpose is to establish and maintain a forum among the Navy, the regulatory agencies, and the community for exchanging information in an open and interactive dialogue about the environmental restoration of areas affected by Navy activities.
- B. The Navy will consider all advice provided by the RAB, whether offered as a consensus or by individual members, including minority views of individual RAB members.
- C. The RAB represents stakeholder groups, including:
  - Local residents, broadly representing the different community sectors from **Ceiba, Naguabo and Fajardo, Puerto Rico;**
  - Entities to whom property has been or will be transferred:
    - The **Municipality of Ceiba**, to whom recreational property has been transferred,
    - The **Portal del Futuro**, the Local Reuse Authority appointed by the Governor of Puerto Rico to implement the approved Land Reuse Plan for Roosevelt Roads, and
    - The **Puerto Rico Conservation Trust**, to whom lands designated for conservation will be transferred;
  - The government agencies with a supervising role in the cleanup process: **U.S. Environmental Protection Agency (EPA) Region 2 and Puerto Rico Environmental Quality Board (EQB);**

- The government agencies with responsibility for natural resources: **U.S. Fish & Wildlife Service (USFWS)** and **Puerto Rico Department of Natural and Environmental Resources (DNER)**;
  - The **U.S. Navy** as the responsible party and the party accountable for the environmental restoration of the areas affected by military activities.
- D. In addition to RAB membership, which is voluntary, the government agencies have specific roles that are defined by applicable laws and regulations. These regulations allow for technical support staff from Commonwealth, federal and local agencies that have involvement with the Ceiba restoration program, to attend RAB meetings and provide explanations to RAB members and technical information in their areas of expertise.
- E. The RAB will have approximately twenty local community members.
- F. Membership criteria: “Local” is defined as primarily ceibeños, but also residents from nearby communities affected by the closure of Naval Station Roosevelt Roads (Fajardo and Naguabo), who are committed to facilitating progress in the cleanup process.
- G. The majority of RAB members will be local Puerto Rican residents. Non-local Puerto Rican residents, who have family or other ties to the Ceiba-Fajardo-Naguabo communities, may be allowed to join, with the approval of a majority of local community members.
- H. All community members applying to join the RAB will sign a statement disclosing any potential (financial) conflict of interest.
- I. The exact number of community members may vary as needed for effective RAB operations.
- J. Community RAB membership terms are for two years and are renewable based on a majority vote of the community RAB members.
- K. RAB community members serve without compensation.
- L. RAB members will not be reimbursed for the expense of traveling to attend RAB meetings. RAB meetings will be held in the Ceiba-Fajardo-Naguabo area.
- M. Certain travel and training expenses, which are not eligible for funding as RAB administrative expenses may qualify and be eligible for funding as a technical assistance project.
- N. [See Department of Defense Restoration Advisory Boards Rule – Attachment 1; Management Guidance for the Defense Environmental Restoration Program, Deputy Under Secretary of Defense (DUSD), September 2001]; and Technical Assistance for Public Participation (TAPP) Handbook, DUSD, February 2000].
- O. All RAB members are expected to attend all regularly scheduled RAB meetings or to send an alternate if they are not able to attend a meeting.

- P. To designate an alternate, the RAB member will notify the Community Co-Chair in advance.
- Q. In the case that an alternate attends, the alternate has the same rights of participation as the member.
- R. In the case of a community member who does not attend two consecutive meetings, and does not send an alternate in his or her place, the other RAB community members may require the member to resign.
- S. When a member resigns or the RAB decides to expand membership, the vacancies will be filled by requesting applications that will be made available to **all interested persons who meet membership criteria**. The candidate(s) will be nominated by the community RAB members, based on community representation (diversity) criteria, and accepted by the Navy Co-Chair.
- T. If the list of nominees lacks diversity, the Navy Co-Chair will ask the community RAB members to provide a revised list. A lack of diversity is the only reason the community's nominees can be rejected by the Navy Co-Chair.
- U. Regardless of attendance, a RAB community member can be asked to resign for actions detrimental to the working process. This requires a motion to be made during a RAB meeting by one RAB member, seconding by another RAB member, and a confirming vote by at least 75% of the community RAB members.

Detrimental actions could include, for example:

- Consistently unwilling or unable to participate constructively in RAB meetings.
- Conflict of interest (for example, stands to gain monetarily from remediation decisions).

- V. The RAB will be Co-Chaired by a representative appointed by the Navy and a community member elected by the RAB community members. The Community Co-Chair will be elected by a majority of the RAB community members. The Community Co-Chair will serve a two-year term, and may serve more than one term if re-elected by a majority of the community RAB members.
- W. The Community Co-Chair may be removed as Co-Chair if it is determined that the Co-Chair is unable to perform required duties for the RAB. Community Co-Chair removal is initiated by a majority vote of the community RAB members

### **III. Detailed responsibilities of the Co-Chairs and other RAB members:**

#### **A. Responsibilities of the Community Co-Chair include:**

1. Ensuring membership participation in an open and constructive manner;
2. Ensuring that community issues and concerns related to cleanup are fully addressed;

3. Coordinating, preparing and distributing the meeting agenda with the Navy Co-Chair after consultation with the RAB community members;
4. Sharing the chairing of the meeting with the Navy Co-Chair;
5. Providing review and comment on Draft RAB meeting minutes along with the other RAB community members;
6. Reporting communications with Navy Co-Chair that occur outside of RAB meetings back to the other RAB community members as soon as possible, and
7. Assisting in the dissemination of information to the general public.

**B. Responsibilities of the RAB Navy Co-Chair include (but are not limited to) the same duties as the Community Co-Chair, as well as:**

1. Ensuring adequate administrative and logistics support to the RAB, in accordance with the *Department of Defense Restoration Advisory Boards Proposed Rule* (40 Federal Register 4061, January 28, 2005– Attachment 1), *Management Guidance for the Defense Environmental Restoration Program* (Office of the Deputy Under Secretary of Defense, September 2001) and the *Navy/Marine Corps Installation Restoration Manual* (2001);
2. Providing routine allowable administrative support necessary to establish and operate the RAB, such as:
  - Provision and preparation of meeting facilities;
  - Simultaneous interpretation from English to Spanish and vice versa at RAB meetings;
  - Preparation and translation of meeting minutes and other routine word processing tasks;
  - Copying/printing/translating of RAB minutes, public notices, status reports, etc.;
  - Distribution of public notices in a local newspaper and in public places, such as libraries, schools, government offices, businesses, etc., as well as the use of public announcement trucks;
  - Translation and distribution of outreach and other RAB materials;
  - Meeting facilitation;
  - Developing and maintaining attendance records and a mailing list of RAB and other interested parties;
  - Ensuring that the Navy considers and responds in writing to comments related to environmental restoration activities that are provided in writing at RAB meetings. In most cases, RAB meeting minutes will serve as responses to specific comments provided verbally during RAB meetings, but some comments or questions may require additional written responses, which will be determined by the RAB members;
  - Providing relevant policies and guidance documents to enhance operations of the RAB;

- Maintaining and updating the information repository (or repositories). The official public repository is the **Ceiba Public Library** in Ceiba, PR. Some reports are also available to the public in the **US EPA San Juan office and PREQB San Juan offices**.
  - a. The physical Administrative Record is located in the US EPA Region 2 office in New York.
  - b. An electronic Administrative Record is available on the Naval Activity Puerto Rico (NAPR) Installation Restoration (IR) public website.
- Maintaining and updating the two public information websites: the BRAC Program Management Office public website for former Roosevelt Roads <[http://www.bracpmo.navy.mil/bracbases/pr/roosevelt\\_roads/default.aspx](http://www.bracpmo.navy.mil/bracbases/pr/roosevelt_roads/default.aspx)> and the NAPR IR public website <<http://nsrr-ir.org/>>

**C. Responsibilities of RAB Navy Members (and support staff) include:**

1. Ensure that the RAB has the opportunity to participate in the environmental restoration process on **former Naval Station Roosevelt Roads in Ceiba, P.R.**;
2. Consider community concerns;
3. Provide copies of final technical reports (RCRA Facility Investigations, Corrective Measures Studies and Corrective Measures Implementation Plans, Findings of Suitability to Transfer) related to environmental restoration and munitions response activities on **former Roosevelt Roads Naval Station** to the RAB:
  - a. Upon request, up to five copies of these reports, in English (hardcopy), will be made available to be shared among RAB community members.
  - b. Additional electronic copies will be provided upon request.
  - c. Upon request by the RAB, provide a copy (in English) of selected reports to their TAPP consultant, if the RAB participates in that program.
4. Provide, in English and Spanish, the following:
  - a. Descriptive summaries of final technical documents (RCRA Facility Investigations, Corrective Measures Studies and Corrective Measures Implementation Plans, Findings of Suitability to Transfer) prepared by the Navy as deliverables to regulators;

- b. Fully translated Statements of Basis/fact sheets, to accompany Corrective Measures Studies and No Further Action decision documents;
- c. Other public materials (newsletters, flyers, updated property transfer schedules, and RAB meeting presentations and handouts).
  - i. Copies of these descriptive summaries and above-listed public materials may be provided to RAB members in English or Spanish, and in hardcopy or electronic copy, depending on each member's preference.
  - ii. If new community members become RAB members, copies of these Executive Summaries and public materials will be available for them.
- 5. Place copies of all newsletters, fact sheets, public notices, RAB minutes, and descriptive summaries of final technical documents in Spanish and English in the public information repository.
- 6. Provide orientation and training to RAB members as needed and when the proposed training is relevant to the environmental restoration activities and mutually beneficial to the operation of the RAB.
- 7. Refer non-restoration issues to the appropriate official.
- 8. Report RAB meeting results to responsible DOD component and stakeholders.

**D. Responsibilities of RAB Community Members are:**

- 1. Come to RAB meetings informed and participate in the meetings openly and constructively;
- 2. Review all documents related to environmental restoration activities in former Roosevelt Roads Naval Station in Ceiba, P.R., that have been provided to the RAB for review and provide timely comments to all RAB members;
- 3. Provide advice and feedback about community concerns at RAB meetings;
- 4. Identify any projects that need technical assistance funding (TAPP), in accordance with the TAPP Handbook and the TAPP regulations found at 32 CFR Part 203;
- 5. Communicate (in Spanish and English) with the local community about clean-up issues.

**E. Responsibilities of RAB Regulatory Agency Members are:**

- 1. Provide orientation and training to RAB members when such a request is made;

- G. Because requirements of the Federal Advisory Committee Act (FACA) do not apply to a RAB, consensus is not a prerequisite for the advice that the RAB provides to the Navy and regulatory agencies. RAB members should provide advice as individuals, not as a group. All topics discussed and opinions expressed will be noted in the meeting minutes.
- H. RAB members will be asked to review and comment on various environmental documents. RAB members should submit their comments in writing to the Navy, within the timeframe specified when documents are provided for comment. For Statements of Basis/Corrective Measures Studies, which are subject under the RCRA Consent Order to required public review, comment periods will be no less than 30 days and may be extended upon request, up to no more than 60 days. The Navy will prepare formal written responses to substantive written comments regarding the documents received from the RAB, no later than 60 days after the close of the comment period.
- I. The above-mentioned procedures for providing advice, submitting comments and responding to comments do not apply to the official comments of regulatory agencies (i.e., EQB and EPA) that have specific legal responsibilities under Federal and Commonwealth laws and regulations. Nonetheless, this exemption in no way precludes the community RAB members from commenting on EQB/EPA positions or comments.

## **V. Dissolution of the RAB:**

The provisions of this Charter will be satisfied and complete when the last parcels at former Naval Station Roosevelt Roads have been transferred from Navy ownership and the Navy is no longer actively involved in cleanup work at the property, or whenever 75% of the members agree in writing to terminate the RAB, or otherwise as provided by § 202.10 (RAB adjournment and dissolution) of the *Department of Defense Restoration Advisory Boards Rule*.

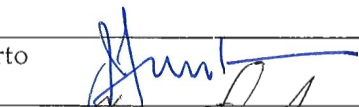
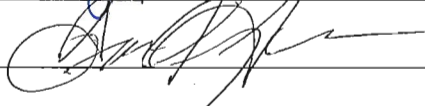
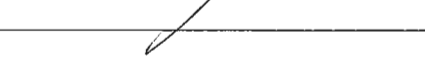
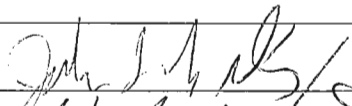

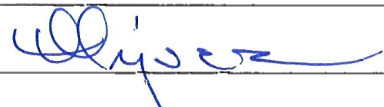
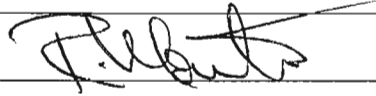
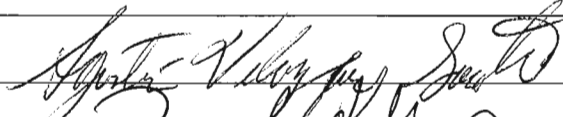

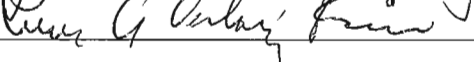
## **VI. Effective Date and Modification:**

The effective date of this charter is the date on which it is approved by a simple majority (51%) of the RAB membership and signed by the RAB members present at that meeting.

This charter may be amended by a quorum of the voting members present at the meeting when the amendment is presented for vote. All amendments must be in writing and placed on the meeting agenda for one meeting prior to voting on the amendment.

## Signatures

### Community Members

Carlos Brown	
Samuel Caraballo-López	
Jimmy Concepción Robles	
Ángel de Jesús Matta	
José J. Díaz	
Jorge Fernández Porto	
Ramón D. Figueroa	
Rogelio Figueroa	
Daniel E. González	
John Henry	
William Lourido	
Myrna Maldonado Jiménez	
Lirio Márquez D'Acunti	
Debra McWhirter	
Rafael Montes	
Ramón M. Ríos	
Noraida Vázquez Arce	
Agustín Velázquez	
Ismael Velázquez	
Luis A. Velázquez	

## Ex-Officio members

Mark Davidson Navy RAB Co-Chair	
Timothy Gordon US Environmental Protection Agency	
Lcda. Josefina A. González González Puerto Rico Environmental Quality Board	
Antonio Colorado Portal del Futuro (Local Reuse Authority)	
Neida Pumarejo-Cintrón Fideicomiso de Conservación de Puerto Rico	
U.S. Fish & Wildlife Service	
Puerto Rico Department of Natural and Environmental Resources	