



REPLY TO:

DEPARTMENT OF THE ARMY

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

Executive Office

02 July 2008

SUBJECT: Decision regarding the establishment of an official Department of Defense Restoration Advisory Board for the Former Lake Ontario Ordnance Works Site

Dear Interested Citizen:

The purpose of this letter is to inform you of my decision regarding the establishment of a Department of Defense (DoD) Restoration Advisory Board (RAB) for the former Lake Ontario Ordnance Works Site. I have thoroughly reviewed the input received and after careful consideration have determined not to establish an official DoD RAB. This decision means that for the next 24 months, the Buffalo District will continue to sponsor an outreach program supporting a variety of public involvement activities including public meetings and discussions with the local community. My goal is to sponsor a diverse and robust outreach program which accomplishes several objectives. First, the Corps will continue to engage the widespread interests and expertise existing with local individuals and community groups. Second, the Corps will ensure the program offers timely and meaningful opportunities for public input which complement our mission to address DoD environmental issues at the LOOW Site. In the coming months the Corps will begin seeking public input and engaging the local community to help us plan for future outreach activities. I believe this decision supports the diverse array of community interests, makes the best use of available time and project resources, and does not exclude anyone from the opportunities to participate in the DoD decision making process.

This decision was made by evaluating the input received during the public comment period with the criteria established by the DoD for determining when an official DOD RAB should be established. An official DoD RAB is required to be organized, led, operated, and funded by the Corps in accordance with the DoD RAB Regulation (Title 32, Code of Federal Regulations, Part 202). The DoD RAB Regulation, enacted in May 2006, states that

“...a RAB should be established when there is sufficient and sustained community interest, and any of the following criteria are met:

- (1) The closure on an installation involves the transfer of property to the community
- (2) At least 50 local citizens petition the installation for creation of a RAB,
- (3) Federal, state, tribal, or local government representatives request the formation of a RAB, or
- (4) The installation determines the need for a RAB. To determine the need for establishing a RAB, an installation should: (i) Review correspondence files (ii) Review media coverage, (iii) Consult local community members, (iv) Consult relevant government officials, and (v) Evaluate responses to communication efforts, such as

notices placed in local newspapers and, if applicable, announced on the installation Web site.”

The Corp’s analysis of the input received is outlined below.

Criteria (1): This criteria does not apply to the former LOOW Site.

Criteria (2): The Corps received 18 letters from the local community representing 15 interested citizens, one property owner of the former LOOW, one educational institution, and one community group. Five individuals expressed interest in the establishment of an official DoD RAB, two individuals did not take a position, and the remaining letters advocated the Corps continue to engage the members of the existing “LOOW-RAB” community-based volunteer group. This group is led and staffed by local citizens and operates free of any Corps leadership, representation, funding, or regulatory requirements. Since only five letters supported the establishment of an official DoD RAB, this input does not constitute sufficient interest.

Criteria (3): Letters received from the Tuscarora Nation and the US Environmental Protection Agency indicate that they will support an official DoD RAB if the Corps determines it is necessary to establish one. The New York State (NYS) Attorney General’s Office, the NYS Department of Environmental Conservation (DEC), the Niagara County Health Department, the Niagara County Legislature and the Town of Lewiston expressed that the Corps should continue to engage the independent community-based “LOOW-RAB” volunteer group. This input does not constitute sufficient interest for the establishment of an official DoD RAB.

Criteria (4): After considering these factors, I do not find sufficient community interest in establishing an official DoD RAB. Rather, I find interest in having the Corps engage a diverse audience of individuals and existing community groups.

The Corps will reassess community interest on this subject in 24 months. If you need additional information please send an e-mail to derpfuds@usace.army.mil, visit the Buffalo District website at www.lrb.usace.army.mil/derpfuds/loow-nfss, or contact my Outreach Program Specialist, Ms. Arleen Kreusch at (716) 879-4438.

Sincerely,

/s/John S. Hurley

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