

**Pali Training Camp Formerly Used Defense Site
Restoration Advisory Board Charter**

Pali FUDS RAB charter approved at its July 23, 2013 meeting. See meeting minutes for details.

SECTION I: MISSION STATEMENT

The Restoration Advisory Board's (RAB) purpose is to establish and maintain a forum among USACE, Honolulu District, the regulatory agencies, and the community for exchanging information about the environmental restoration of the Pali Training Camp Formerly Used Defense Site (FUDS), Hawaii, referred to in this charter as the Pali FUDS project. Environmental restoration activities include, but are not limited to, meeting all appropriate regulatory laws; protecting historical, cultural and natural resources; and addressing issues related to clean-up, land use, level of remediation, acceptable risk, and scheduling.

SECTION II: RAB MEMBERSHIP

A. The RAB's purpose is to establish and maintain a forum among USACE, Honolulu District, the regulatory agencies, and the community for exchanging information about the environmental restoration of Pali FUDS project.

B. The USACE, Honolulu District 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:

i. Local residents, broadly representing the different community sectors from the local community (Maunawili/Kailua/Waimanalo).

ii. The government agencies with a supervising role in the cleanup process –Hawaii Department of Health (HDOH) Hazard Evaluation and Emergency Response Office.

iii. The US Army 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 state, federal and local agencies that have involvement with the Pali FUDS program to attend RAB meetings and provide explanations to RAB members and technical information in their areas of expertise.

E. The RAB will be composed primarily of residents or those who have a vested interest in the Maunawili/Kailua/Waimanalo area. USACE, Honolulu District considers membership of at least 50% of the original membership to be indicative of "sufficient and sustained interest" as defined by the Department of Defense (DOD) RAB Rule.

i. Community RAB membership terms are for two years and are renewable based on a majority vote of all community RAB members. Public explanation of votes against membership renewal will be required. Membership will be voted on for each RAB member whose term will expire before the next scheduled RAB meeting. If a scheduled RAB meeting is

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postponed and causes a membership vote to be missed, any expiring memberships will be extended and a vote made at the first available opportunity.

ii. The RAB will be Co-Chaired by a representative appointed by the USACE, Honolulu District and a community member elected by the RAB community members.

a. The Community Co-Chair will be elected by a majority of all 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 all community RAB members.

b. 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 determined by a majority vote of all community RAB members.

iii. RAB community members and community co-chairs serve without compensation.

iv. 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.

a. To designate an alternate, the RAB member will notify the Community Co-Chair in advance.

b. In the case that an alternate attends, the alternate has the same rights of participation as the member.

c. The alternate shall not be someone who has been removed as a RAB member.

v. In the case of a community member who does not attend and does not send an alternate in his or her place to two consecutive meetings, the other RAB community members may require the member to resign. A RAB community member who does not attend three consecutive meetings without sending an alternate may be dismissed.

vi. 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 two-thirds of all community RAB members. Detrimental actions could include, for example:

a. Consistently unwilling or unable to participate constructively in RAB meetings.

b. Conflict of interest (for example, stands to gain monetarily from remediation decisions).

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vii. When a community 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 residents in the community. In addition, an individual may submit an application to join the RAB at any time.

RAB community members should live, work or have a vested interest in the community affected by the Pali FUDS project being conducted by the USACE, Honolulu District. In selecting new members, the RAB should seek to ensure that the overall makeup of the RAB is representative of the affected community as a whole. As an example, the RAB should avoid selecting members solely from one neighborhood if there are candidates for membership from other neighborhoods that are also considered part of the local, affected community.

Community RAB members will vote on prospective members during RAB meetings. RAB members will be notified prior to the meeting that a vote will be taken. New community RAB members will be selected based on a majority vote of all community RAB members. If there are more candidates for membership than there are openings, the candidate receiving the most votes will be selected. Additional rounds of voting will occur until all vacancies are filled.

SECTION III: DETAILED RESPONSIBILITIES OF THE CO-CHAIRS AND OTHER RAB MEMBERS

A. Responsibilities of the Community Co-Chair include:

- i. Ensuring membership participation in an open and constructive manner
- ii. Ensuring that community issues and concerns related to cleanup are fully addressed.
- iii. Coordinate with USACE, Honolulu District co-chair and community members to prepare agendas.
- iv. Providing review and comment on Draft RAB meeting minutes.
- v. Reporting communications with USACE, Honolulu District Co-Chair that occur outside of RAB meetings back to the other RAB community members as soon as possible.
- vi. Assisting in the dissemination of information to the general public.

B. Responsibilities of the RAB USACE, Honolulu District Co-Chair include (but are not limited to):

- i. Ensuring RAB participation in an open and constructive manner.
- ii. Ensuring that community issues and concerns related to cleanup are fully addressed.

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- iii. Coordinate with community co-chair and community members to prepare agendas.
- iv. Assisting in the dissemination of information to the general public.
- v. Ensuring adequate administrative and logistics support to the RAB, in accordance with the Department of Defense RAB Final Rule.
- vi. Providing routine allowable administrative support necessary to establish and operate the RAB, such as
 - a. Provision and preparation of meeting facilities
 - b. Preparation of meeting minutes and other routine word processing tasks
 - c. Copying/printing of RAB minutes, public notices, status reports, etc.
 - d. Distribution of public notices in a local newspaper and in public places, such as libraries, schools, government offices, business, etc.
 - e. Distribution of outreach and other RAB materials
 - f. Meeting facilitation
- vii. Developing and maintaining attendance records and mailing list of RAB and other interested parties.
- viii. Ensuring that the USACE, Honolulu District considers and responds in writing to comments related to environmental restoration activities that are provided in writing during and after 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.
- ix. Providing relevant policies and guidance documents to enhance operation of the RAB.
- x. Maintaining and updating the information repositories located at the Kailua and Kaneohe Public Libraries in addition to the copy at the USACE, Honolulu District office.
- xi. Creating, maintaining, and updating a website which includes links to documents for review.
- xii. Provide Final Work Plans and Draft Final and Final technical reports related to environmental restoration and munitions response activities in Pali FUDS to the RAB. At least one copy of these documents will be made available to share among RAB community members.

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CD versions of documents will be made available upon request. Documents will also be posted on the website.

xiii. Develop clear and concise Fact Sheets for all Draft Final and Final reports prepared by the USACE, Honolulu District as deliverables to regulators, as well as Proposed Remedial Action Plans (PRAP), No Further Action Proposed Plans, and Records of Decision (ROD). Develop other project summary material such as newsletters, annual schedules, and RAB status reports to explain project and program status.

a. Provide copies of these Fact Sheets and above-listed public materials to all RAB members in hard or electronic copy.

xiv. Provide orientation and training to RAB members when the proposed training is relevant to the environmental restoration activities and mutually beneficial to the operation of the RAB.

xv. Refer non-restoration issues to the appropriate officials.

xvi. Report RAB meeting results to responsible DOD component and stakeholders.

C. Responsibilities of RAB Community Members include:

i. Come to RAB meetings informed and ready to participate openly and constructively.

ii. Review all documents related to environmental restoration activities in Pali FUDS that have been provided to the RAB for review and provide timely comments to all RAB members.

iii. Provide advice and feedback about community concerns at RAB meetings.

iv. Communicate with the local community about clean up issues.

D. Responsibilities of RAB Regulatory Agency Members include:

i. Provide orientation and training to RAB members when such a request is made.

ii. Serve as information and referral resource for the community.

iii. Review documents and provide written comments to the USACE, Honolulu District in a timely manner to allow RAB members to access through the repositories.

iv. Address Federal and State environmental standards and regulations.

v. Provide comments to the community as soon as possible.

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SECTION IV: RAB MEETING OPERATING PROCEDURES

A. The RAB will meet at least twice a year.

i. Additional meetings or special focus meetings may be scheduled as the need arises. Certain documents or decisions may require additional RAB meetings, if the timing does not coincide with scheduled RAB meetings. Maximum effort will be made to hold RAB meetings to discuss documents for which public comment will be sought before the relevant public comment period begins.

ii. Conference calls in between RAB meetings may be used to provide information or conduct RAB business as needed, but will not substitute for regular RAB meetings or required public meetings.

B. All RAB meetings are open to the general public. RAB members are encouraged to invite interested non-members to visit and ask questions.

C. The dates and times of RAB meetings will be scheduled by the Co-Chairs and advance notice will be communicated to the remaining RAB members and the community. A reminder will be sent at least one week prior to the meeting to all RAB members.

D. Each meeting will follow an agenda that will be distributed at least one week prior to the meeting to the RAB members. Agendas will be published on the website as well.

E. Meetings should be conducted according to the following format:

i. The USACE, Honolulu District Co-Chair and Community Co-Chair will jointly run the Pali FUDS RAB meetings. The co-chairs will make every effort to keep the presentations moving according to the time allotted in the agenda.

ii. The USACE or the Pali FUDS RAB may recommend the use of a facilitator who is acceptable to all members of the board. The facilitator has no substantive decision-making authority.

iii. The Co-Chairs or facilitator will introduce speakers. Most presentations will be given using PowerPoint presentations or some other type of visual aid to assist RAB members. RAB members may ask questions by first raising their hands and being acknowledged by the co-chairs or the facilitator before speaking. It is recommended that, when possible, RAB members hold questions until the end of each presentation.

iv. All remarks or questions will be made in a courteous manner. Co-chairs and/or the facilitator will provide a warning to anyone exhibiting unacceptable behavior. Anyone continuing to exhibit poor behavior after a warning will be asked to leave the RAB meeting and his/her future membership privileges may be considered by the RAB.

v. Voting or polling the members may facilitate RAB discussion. Such votes are advisory only and not binding on agency decision makers. The community co-chair will work

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with RAB members to determine how the group would like to handle proposing and debating recommendations. If group consensus on a recommendation is achieved, then the co-chair will either summarize the group's opinions/position during RAB meetings or submit a written summary to the USACE, Honolulu District co-chair. Group consensus is not required for RAB input; each member of the RAB may provide advice as an individual.

vi. Non-members at the meetings may ask questions related to the agenda item under discussion, but other questions and comments will be held until the Open Discussion part of the meeting that will be included on each agenda.

F. A quorum is not required to conduct RAB business. A RAB meeting will be held if any members of the RAB are in attendance in order to provide the community updated information. Approval of meeting minutes will require a simple majority vote of the RAB community members present.

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 USACE, Honolulu District 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 USACE, Honolulu District within the timeframe specified when documents are provided for comment. For Proposed Remedial Action Plans (PRAP), No Further Action Proposed Plans, and other documents that are subject under CERCLA to required public review, comment periods will be no less than 30 days and may be extended upon request, up to an additional 30 days. The USACE, Honolulu District will prepare formal written responses to substantive written comments regarding the documents received from the RAB, no later than 60 days after receipt of the comments.

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. DOH) that have specific legal responsibilities under Federal and State laws and regulations. This exemption does not preclude the community RAB members from commenting on regulatory positions or comments.

SECTION V: TERMINATION OF THE RAB

A. The Pali FUDS RAB may be terminated if:

- i. All required remedial actions have been implemented
- ii. There is no longer sufficient, sustained community interest (i.e., membership decreases to less than 50% of active members in accordance with Section II, E of this charter)

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iii. The USACE, Honolulu District Commander can recommend dissolution of the RAB if it is no longer fulfilling the intended purpose of advising and providing community input to the Commander and decision makers as described in the RAB Rule, Section 202.1(b).

B. If the RAB is terminated, USACE, Honolulu District will be responsible for reassessing community interest that could warrant reactivation or reestablishing the RAB. The DOD RAB rule recommends reassessing community interest every two years at FUDS that do not have a RAB.

C. If the RAB is terminated, the rationale for termination will be documented in a memorandum in the Administrative Record, and the public will be notified of the decision through written notice to the RAB members and through publication of a notice in the local newspaper. Information will also be provided about other ongoing public involvement opportunities that are available.

SECTION VI: EFFECTIVE DATE AND MODIFICATION

The effective date of this charter is the date on which it is approved by a 2/3 vote of all community RAB membership and signed by the RAB members present at the meeting. This charter may be amended by a 2/3 vote of all community RAB membership. All amendments must be in writing and placed on the meeting agenda for one meeting prior to voting on the amendment.