

FINAL**Restoration Advisory Board (RAB) Charter for Environmental Restoration Activities on Vieques Island, 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 Vieques Island, Puerto Rico, through collaborative efforts between government agencies that are interested parties such as the Municipality of Vieques, U.S. Fish and Wildlife Service, regulatory agencies, U.S. Navy and the Vieques community 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.
 - Government administrators of the public lands of the formerly administered by the Navy NASD property –the Municipality of Vieques, the U.S. Fish and Wildlife Service (FWS) – as well as the non-government Puerto Rico Conservation Trust, which also administers a portion of those lands.
 - 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 Special Commissioner for Vieques and Culebra, as representative of the Governor; and
 - The 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 Vieques 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, primarily *Viequenses*, but also seasonal Vieques residents and residents of the main island of Puerto Rico with long-standing ties to Vieques, who are committed to facilitating progress in the cleanup process.
1. The exact number of community members may vary as needed for effective RAB operations.
 - For example, this RAB's scope has recently increased to include the eastern part of the island, as well as the western part, after now that the NPL listing was finalized. Therefore, the RAB will collectively consider increasing the number of community members and other restructuring necessary to effectively address both the environmental restoration and munitions response programs.
 2. Community RAB membership terms are for two years and are renewable based on a majority vote of the community RAB members.
 3. To ensure fairness in participation opportunities for *Viequense* residents, there should never be more than 15% of the RAB community members who are residents of the main island of Puerto Rico or who have a seasonal residence on Vieques.
 4. RAB community members serve without compensation.
 - a. RAB members who are residents of the main island of Puerto Rico or seasonal Vieques residents will not be reimbursed for the expense of traveling to Vieques to attend RAB meetings.
 - b. Expenses resulting from travel to meetings outside of Vieques are not an allowable RAB administrative cost. However, 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.
 - c. [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*].
 5. 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.
6. 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.
7. 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 Viequenses. The candidate(s) will be nominated by the community RAB members, based on community representation (diversity) criteria, and accepted by the Navy Co-Chair.
 - a. 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.
8. 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).
9. The RAB will be Co-Chaired by a representative appointed by the Navy and a community member elected by the RAB community members.
 - a. 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.
 - 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 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
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
3. Developing and maintaining attendance records and a mailing list of RAB and other interested parties.
4. 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.

5. Providing relevant policies and guidance documents to enhance operations of the RAB.
6. Maintain and update the information repository (or repositories). The official public repositories are the Vieques Public Library in Isabel II and one other publicly-accessible location. Reports are also available to the public in the US EPA Vieques offices and USFWS Vieques offices.
7. Maintaining and updating the public information website.

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 in Vieques.
2. Consider community concerns.
3. Provide copies of Final work plans and Draft Final and Final technical reports related to environmental restoration and munitions response activities on Vieques to the RAB and (upon request by the RAB) to their TAPP consultant. At least five copies of the full reports, in English (hardcopy) of these documents will be made available to be shared among RAB community members. Additional electronic copies will provided upon request.
4. Provide, in English and Spanish, Executive Summaries of all Draft Final and Final reports prepared by the Navy as deliverables to regulators, as well as fully translated Proposed Remedial Action Plans (PRAP), No Further Action Proposed Plans, and Records of Decision (ROD), newsletters, annual schedules, and RAB status reports.
 - a) Provide copies of these Executive Summaries and above-listed public materials to all RAB members in English or Spanish, and in hard copy or electronic copy, depending on each member's preference.
 - b) If new community persons become 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 executive summaries of Draft Final and Final documents in Spanish and English in the public information repositories.
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 openly and constructively

2. Review all documents related to environmental restoration activities in Vieques 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
2. Serve as information and referral resource for the community
3. Review documents and provide comments, as timely as possible, upon specific request or questions from RAB members in English and in Spanish to all RAB members
4. Address Federal and Commonwealth environmental standards and regulations
5. Provide comments to the community as soon as possible

F. Responsibilities of the RAB representatives of the administrators of public lands in Vieques (Municipality of Vieques, USFWS, PR Conservation Trust):

1. Keep RAB members informed of property-related issues (access, problems, planning, etc.)
2. Communicate with the local community about clean-up issues
3. Review documents and provide timely comments to all RAB members

IV. RAB Operating Procedures:

- A. The RAB will meet at least tri-monthly, unless it is agreed by all parties that more frequent meetings are needed.
1. 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 efforts will be made to hold RAB meetings before public comment periods.
 2. 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 1 week prior to the meeting, to all RAB members and interested public that have attended any of the previous meetings.
- D. Each meeting will follow an agenda that will be distributed at least 1 week prior to the meeting, to the RAB members and interested public that have attended any of the previous meetings.
- E. Meetings should be conducted according to Robert's Rules of Order or an agreed-upon similar format. 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 will consist of 51% of the RAB members; inclusive of the 51% will be a minimum of 50% of the community members being present at a meeting. Any membership issues discussed during the meeting that requires voting will be determined by a simple majority vote (51%) of the RAB 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 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 on the documents, 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 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.
- 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 the Charter will be satisfied and complete when all required remedial actions have been implemented, 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.*

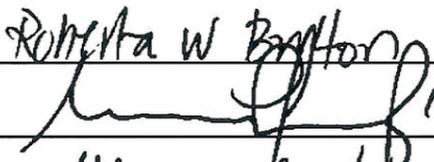
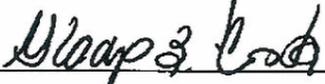
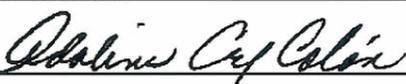
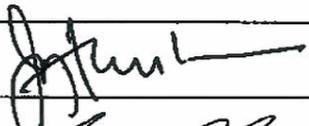
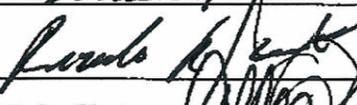
Effective Date and Modification:

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

Roberta W. Britton	
Michael P. Connelly Pagán	
Gladys Z. Costa	
Adalina Cruz Colón	
Michael Diaz	
Victor M. Emeric Catarineau	
Jorge Fernández-Porto	
Emilio García Cordero	
Ricardo Jordán	
Colleen McNamara - RAB Co-Chair	
Lirio Marquez-D'Acunti	
Nilda Medina Diaz	
Gilberto Montero	

Stacie D. Notine	<i>Stacie D. Notine</i>	<i>signed in protest re complaint prop regarding levels of concern within group RAB</i>
Héctor E. Olivieri Cano		
Myrna V. Pagán	<i>Myrna Pagán</i>	<i>members present distribution of documents</i>
Maria Parrilla Herrera		<i>modification @ meetings defense calls etc..</i>
Sixto H. Pérez Espina		
Edgardo Rodríguez Rodríguez		

Ex-Officio members

Oscar Diaz Marrero Vieques National Wildlife Refuge	<i>Oscar Diaz Marrero</i>	<i>11/mayo/05</i>
Jeffrey Harlow NAVFAC Atlantic - RAB Co-Chair	<i>J C Harlow</i>	<i>11 MAY 2005</i>
Yarissa Martinez Puerto Rico Environmental Quality Board	<i>Yarissa Martinez</i>	<i>ulmayalos</i>
Daniel Rodriguez US Environmental Protection Agency	<i>Daniel Rodriguez</i>	