



Camp Bonneville Advisory Group Meeting Minutes

February 21, 2024, 4:00 PM to 6:00 PM

Luke Jensen Sports Complex in the LJSP Bud Van Cleve Community Room, and Virtual Meeting via Microsoft Teams

Advisory Group: Allen Thomas, Ann Palkovich Shaw, Gregory Shaw, Michael Conway, Mary Lennox*, Tom Dennison*, Stephen Jones

Clark County: Rocky Houston, Erik Harrison, Amy Arnold, David Stipe, Kaley McLachlan-Burton, Priya Dhanapal, Amber Emery, Evelyn Ives, Kathleen Otto

Guests: Michael Langsdorf, Robert Nichols, Patti Romines, Patti Reynolds, Robert Yust, Teresa Hardy, Kirk VanGelder, Jared, Karissa H.

* Not Present

4:02 PM Called to Order & Charter Review

Erik called the meeting to order. Priya discussed the agenda and the guidelines for asking questions.

Allen, Rocky, Ann, Priya, and Kathleen discussed the Charter. It was reviewed by the County Manager, Deputy County Manager, and Council members and indicates that the advisory group is a limited duration focused group that will focus on reviewing the cleanup that has been done and identifying cleanup that still needs to be completed. Allen drafted a different version of the Charter and Greg, Amber, Rocky and Kathleen discussed it. Ann also included a handout with her comments regarding the Charter. Amber, Rocky and Kathleen indicated they would review Allen's version of the Charter and Ann's handout, and it was OK to proceed with the meeting before having members sign the Charter. Allen also indicated that he would like more time to review the handouts and added that additional documentation would have been helpful to review before the meeting.

4:30 PM Introductions – Camp Bonneville Advisory Group

Erik introduced himself indicating the cleanup on the property has been done for the sole purpose of the Reuse plan. He said his presentation will be focused on that.

4:31 PM Detailed examination of the Prospective Purchase

Erik discussed the overview of the Camp Bonneville site including its location, acreage, and history. He also reviewed the discussion topics including the Local Redevelopment Authority (LRA) Camp Bonneville Reuse Plan, the Feasibility of Suitability for Early Transfer (FOSET), the Prospective Purchase Consent Decree (PPCD) and the Quit Claim Deed.

Erik and Greg discussed the LRA and its history, reviewing where the information was obtained from. Erik discussed the Reuse plan and its primary elements. Erik also discussed the three areas on the map which include the Reuse area in gray, the wildlife management area in green and the central impact area in purple. Erik further discussed the LRA's planning framework or principles, its study approach and process, and its conveyance listing the program's two goals. Erik, Greg, and Rocky discussed the history of the property's conveyance as well. Erik also discussed the factors that could impact the Reuse plan.

4:46 PM Break

Erik indicated that the group would take a fifteen-minute break. Ann requested a copy of the PowerPoint presentation.

4:59 PM Cont. of Detailed examination of the Prospective Purchase

Erik discussed the overview of the FOSET, its cleanup requirements, the conditions for transfer, and the protective measures and restrictions. Erik also listed the nine primary elements for the site again regarding the Reuse plan, and Greg discussed information about the FOSET and the type of document it is.

Erik discussed the PPCD reviewing its Washington Administrative Code (WAC). Allen requested copies of the accompanying staff reports for review and Erik said he wants to present a base level of understanding with these documents before moving forward to discuss the cleanup.

Erik discussed the history of the PPCD, its objectives and requirements, and how it is regulated under the Model Toxic Control Act (MTCA) and Hazardous Waste Management Act (HWMA) and discussed the cleanup obligations and remedial actions. Erik shared that the county will be sending an employee to Texas for the Unexploded Ordnance Operator (UXO) certification which will aid in identifying UXO's. Erik also discussed the Remedial Action Units (RAU's), the periodic review, the long-term operations and maintenance plan, and the section 10 overview. Erik discussed the Request for Proposal (RFP) for the periodic review by a consultant and Greg and Rocky discussed sharing the RFP with the advisory group. Amber indicated the county will work with their legal counsel to ensure they meet the requirements. Erik said once the periodic review is complete, the focus will be on the long-term operations and maintenance plan which will be utilized by the operations and maintenance staff.

Erik and Greg discussed the Quit Claim Deed's restrictions and Allen and Erik discussed the site's groundwater. Erik also discussed modifying the land use restrictions regarding the requirements.

Erik summarized what was discussed including the FOSET, the Reuse Plan, the PPCD, and the Quit Claim Deed.

5:33 PM Close out remarks

Erik said the next meeting will be on Wednesday, March 20, 2024 at the Luke Jensen Sports Complex in the conference room. He said the intent is to have the information to the Advisory Group members two weeks prior to the meeting. Rocky indicated that going forward, there will be a questions and answers portion at the end of the meeting to collect these and answer them afterwards. Erik discussed that the next meeting would start to review the RAU's.

Rocky, Ann, Kathleen, Greg and Erik discussed the Charter again and Kathleen said in the future there will be an extensive public process.

Rocky asked the Advisory Group members if they have any questions or feedback. Stephen thanked the county for the information they provided and shared his thoughts on the requirements for the site and exploring other options for it. Allen, Rocky and Greg discussed the RAU's and having them broken down geographically versus in numerical order.

5:52 PM Meeting Adjourned

Respectfully submitted, Amy Arnold



Camp Bonneville Advisory Group Charter (Revised)

Purpose

This charter establishes guidance for a committee convened to review the cleanup of Camp Bonneville. The committee's role is to review the cleanup to-date and to identify critical uncertainties regarding the efficacy of the cleanup. The culmination of this process will be a report to the Clark County Council.

Values

- Committee members are urged to offer recommendations on the report to the council. Meeting minutes will be taken and posted on the county's Camp Bonneville website. The public is encouraged to attend. A brief public comment period will conclude each meeting.
- CAG members are to focus on the public interest, ensuring personal biases do not influence their guidance. Members are to disclose any conflicts of interest.

Roles and responsibilities

Clark County staff and leadership — Organize, facilitate, and schedule meetings. Provide staff reports analyzing complicated federal, state and local cleanup documents. Consider recommendations made by the committee. Work with WSDOE and the Department of Defense (DOD) on the cleanup.

Advisory group members — Attend and actively participate in meetings, review reference documents, plan drafts and communicate information with the group they represent.

Ground rules

- CAG members and county staff will be respectful of all participants.
- CAG members and county staff will not undermine the group process.
- CAG members are free to speak on their behalf to the press. Members will make it clear that they are speaking only on their behalf.
- CAG members will review documents before meetings. County staff will provide documents 10 days in advance of meetings and prepare a staff report analyzing the documents.
- CAG members and county staff will allow others to be heard during discussions, respecting the facilitator's role in managing dialog. CAG members and county staff will hold comments and statements until identified by the facilitator.
- Recommendations to the County Council will use a consensus model. A majority vote will be used by the CAG if consensus cannot be obtained. The county staff will determine when to use the vote.
- CAG members and county staff will respond to emails and meeting notifications within 72 business hours of receipt.

Existing assumptions

- CAG members' review of the cleanup, and additional cleanup actions and recommendations will be respected. It's important to note that Camp Bonneville decisions are shared between the Washington Department of Ecology and Clark County Council.
- The cleanup plan approved by the Department of Defense and Washington Department of Ecology is the basis for the advisory group's work, but critical uncertainties in their work and conflicts in their guidance will be identified for the council.
- Meetings are planned monthly, except August, until the report to the council is complete.
- Meetings will continue to be hybrid. Advisory group members are encouraged to attend in person.
- Meetings will be scheduled at least two weeks in advance.



Camp Bonneville Advisory Group Charter

Purpose

This charter establishes the foundation for a committee dedicated to conducting an examination of cleanup objectives and reviewing evidence that either identifies further cleanup or supports the conclusion that no further action is required for specific projects within the scope of the Sitewide Cleanup Action Plan (the "Plan"). The committee's primary role is to review what cleanup has been completed, determine further cleanup that needs to be addressed and furnish advisory feedback to Clark County, focusing on the effective implementation and progression of the Plan. The culmination of this advisory process will be a comprehensive report delivered to the Clark County Council, designed to inform, and guide the council's decisions regarding environmental restoration and public health safeguards. Through its diligent oversight and expert recommendations, the committee aims to ensure that the Plan's execution aligns with standards of environmental integrity and community well-being.

The committee is tasked with "a comprehensive report"..... "diligent oversight" "expert recommendations." We were given the PPCD to read (we are not lawyers and unschooled in the nuances of legalese) and given the FOSET (we are not munitions or toxic waste specialists). Staff did not even attempt to provide a summary of these documents to serve as a beginning point for discussions.

Staff support to produce a "comprehensive report" to date has included:

Meeting 1 (August) was a meet-and-greet that degenerated into a dust-up over the charter.

Meeting 2 (October) was cancelled on short notice with no explanation provided.

Meeting 2 (late November) was a partial site tour that did not include the CITA, Western Slopes or the camp perimeter. The promise of a subsequent tour of those locations never materialized. We have never seen the CITA.

Meeting 3 (mid-February) was preceded by a 382-page document deluge five days in advance (including two weekend days), allowing little time for reading or understanding. These included a 244-page Department of Defense document (Finding of Suitability for Early Transfer) —a mix of legalese and military jargon—that's 18 years old.

Values

- Committee members are welcome to offer recommendations on the sitewide cleanup action plan. Meeting minutes will be taken and posted on the project website to ensure transparency of the process. Members of the public may attend meetings for observation but will not be permitted to participate.

"Members of the public....will not be permitted to participate."

I've never seen a total ban on comments like this in the dozen or so stakeholder, land-use processes I have observed. An outside facilitator would not tolerate this. A gagging of all comment from interested non-members may expedite the work of the CAG, but it derails the process when the findings move to the next level (i.e., county council). This is a situation where patience early in the process pays dividends later.

Composition

The committee's composition, approved by the Clark County Council, includes a diverse mix of community representatives and County staff to capture a wide array of perspectives, ensuring deliberations and recommendations reflect the community's diverse interests and concerns. Members are tasked with the crucial duty of disclosing any conflicts of interest, and maintaining the committee's focus on unbiased, community-centric outcomes. This dedication to transparency and integrity is fundamental to achieving the committee's goals ethically and effectively.

"dedication to transparency and integrity is fundamental."

This rings hollow from a staff that failed to provide committee members notification that the staff would be discussing the committee with the county council, (Jan. 10) seeking council guidance on its expectations from the committee. This was a failure of common courtesy toward a committee enthusiastic to donate their time to the effort.

Roles and Responsibilities

Clark County Staff & Leadership

Organize, facilitate, and schedule meetings. Ensure that all members of the Committee have input and are equally valued. Act as a liaison for Clark County and provide an understanding and documentation of the cleanup to the Committee. Consider recommendations made by the Committee. Work with WSDOE and the Department of Defense (DOD) on the Plan.

Addition to charter:

County staff will provide CAG members 72 hours notice whenever Camp Bonneville or the role/responsibilities or work products of CAG are to be discussed with the council.

Ground Rules

- CAG members will be respectful of each other, participants, and County Staff.
- CAG members will not act or discuss issues in any way that undermines the group process.
- CAG members are free to speak on their behalf to the press, officials, or others; however, if any of the matters discussed relate to topics addressed by the CAG, then the member shall make it clear that they are speaking only on behalf of themselves and that they are not speaking on behalf of the CAG or Clark County. CAG members will notify staff immediately of any communications of this nature.
- CAG members will review documents before attending meetings where the documents will be discussed.
- CAG members will allow other members to be heard during discussions, ensuring everyone has an opportunity to speak and respecting the facilitator's role in managing dialog. CAG members will hold comments and statements until identified by the facilitator.
- Recommendations to the County Council will use a consensus model. A majority vote will be used by the CAG if consensus cannot be obtained. The County Staff will determine when to use the majority vote.

Addition(s) to charter:

- County staff will be respectful of CAG members.
- County staff will not act or discuss issues in any way that undermines the group process.
- County staff will provide CAG members 10 days to review documents before meetings.
- County staff will allow CAG members to be heard during discussions, and not interrupt.
- CAG members and staff will respond to emails and meeting notifications within 72 business hours of receipt. (Included in original charter, but not always achieved by staff).

Change(s) to charter:

- CAG members are free to speak to the press or officials. ~~or others.~~ However, if any of the matters discussed relate to topics addressed by the CAG, then the member shall make it clear that they are speaking only on behalf of themselves ~~and that they are not speaking on behalf of the CAG or Clark County.~~ (Strikeout language is redundant.) ~~GAG members will notify staff immediately of any communications of this nature.~~ This is beyond ludicrous. When you include "or others" CAG members are not allowed to even discuss CAG tasks outside of meetings. Never have I seen this "will notify staff immediately" requirement.
- CAG members will review documents before attending meetings where documents will be discussed. County staff will provide said documents 10 days in advance of meetings. County staff will provide an executive summary of their analysis of the documents.

Values

- **Transparency** – personal accountability for statements and information that are timely, accurate, and include all relevant details.
- **Integrity** – personal accountability for statements and information that are honest, fair, and truthful.
- **Openness** – consideration of different perspectives and willingness to adjust or change according to circumstances and additional information.
- **Reliability** – following through on actions or information in a timely fashion that is expected or has been promised.
- **Information** - County will provide access to all cleanup documents and other relevant information to assure an accurate and meaningful process.

Goal : Provide a summary of the Camp Bonneville property that describes and maps:

- 1) areas/grid squares where no cleanup actions occurred.
 - 2) specific actions that were taken in areas/grid squares where cleanup occurred. what was found, and what known contamination and hazards remain in situ.
 - 3) ambiguities, omissions, and discrepancies in the cleanup record.
 - 4) key decisions that affected cleanup actions.
 - 5) recommendations on required Institutional Controls given the county has on-going liabilities and responsibilities due to contamination and hazards that remain in perpetuity on the property.
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The proposed “consensus model” is a Conflict Resolution protocol that explicitly focuses on contentious issues between two adversarial parties.

What are the adversarial issues? Who are the adversarial parties -- the Advisory Group and Parks staff? County Council and the public?

Best practice in Conflict Resolution notes that inappropriate use of the “consensus model” and other conflict mitigation approaches inhibits open discussion, promotes distrust when asserted as a control mechanism, and forecloses meaningful progress when working on a common task.

The CAG is a fact-finding group, not an adversarial situation. County staff asserting control and imposing a “consensus model” is contradictory and inappropriate since staff serves only as liaisons to the CAG. If CAG members disagree about actions, ambiguities, omissions, and discrepancies in the cleanup record, those different views can be noted and described in the CAG’s report.

2012 Consent Decree – Initial Questions

Exhibits:

1. Please provide copies of the 10 Exhibits appended to the 2012 version of the PPCD.
2. Were these exhibits identical to the Exhibits attached to the 2006 PPCD?

The “Property” vs. the “Site”

1. Section IV (Definitions) reads: at Paragraph “I” “DNR Parcels means the two parcels of the Property, totaling approximately 820 acres, that were owned by DNR and leased to the Army at the time of entry of this Decree. The two parcels are adjacent to the Early Transfer Parcel and respectively located northeast and south of the Early Transfer Parcel. These parcels were transferred to Clark County and then immediately to BCRRT on June 2, 2009. A legal description and an illustration of the two parcels are provided respectively in Exhibits G and A attached hereto.”
2. This is, of course, not true. DNR has refused several times to transfer approximately 130 acres of the DNR Parcels to Clark County.
3. Is there any legal agreement, contract, lease, or declaration of the parties to the PPCD concerning the management, control, access, liabilities or obligations over the approximately 130 acres of Camp Bonneville still owned by the State of Washington under management of DNR? Most important, were the 120 acres surveyed, assessed or cleared of UXO, MEC, MD, Chemicals and other hazardous materials, and were they surveyed, assessed, or tested for surface or sub-surface water contamination?
4. Has DNR contributed to the cleanup, management, access control or other safety-related issues at its property at Camp Bonneville since October 2006.
5. Who currently has authority over or controls that portion of CB?
6. Why has Clark County not asked the Governor to direct that the 130 acres be transferred to Clark County?
7. Lacking any of the above, why is there not a County lease for the property such as the ones cited in the PPCD?

Definitions in Paragraphs N to P (Military Munitions, MEC, UXO)

1. Please provide guidance on the distinctions between these terms. The definitions appear jumbled by conflicting verbiage in the WAC and the Federal Code.
2. For example, do all items characterized as MEC contain “Munitions Constituents” “present in high enough concentrations to pose an explosive hazard?” (Page 6, line 26). This reflects Chair Medvigy’s repeated comment that essentially nothing found at Camp Bonneville was dangerous. This Group needs a crystal clear explanation of what is dangerous (a risk to safety) and what is not safe.
3. Will you provide the group members with the MEC logs that list every MEC item found on the Property as a base line for our investigation?

Paragraph 29 lists 81 official record documents supporting the statement (at Page 11, lines 7-9) that "Since this Decree was entered in September 2006, significant cleanup has been accomplished at the Site and additional data was obtained regarding the nature and extent of hazardous substances, dangerous and solid waste, and military munitions."

1. Please make these 81 essential documents available to the Group.

Cleanup Progress Reports (Quarterly) are required to be submitted by Clark County on the 10th day of every quarter. (Page 48 at line 7 to page 49 line 5.)

1. Please make copies of these reports available to the Group.

Section XV, paragraph 150: Periodic Review as required under WAC 173-340-420. This is a persistent requirement because Camp Bonneville is constrained by perpetual Institutional Controls under the CERCLA transfer and by a Restrictive Covenant imposed on RAU-1.

"Sites with institutional controls shall remain subject to periodic reviews as long

"(5) Public participation or notification.

(a) For an ecology-conducted or an ecology-supervised remedial action, the department will:

(i) Provide public notice of a draft periodic review report in accordance with WAC 173-340-600(18); and

(ii) Notify all potentially liable persons known to the department of the results of the periodic review.

(b) For an independent remedial action, the department will notify the public of a periodic review report in accordance with WAC 173-340-600(20)."

1. Please make copies of the 90-day reports required by the WAC for all Remedial Action Units "at least every five years after the initiation of cleanup action at the Property."
2. Also please provide the above required "Public Notice" for each periodic review.

MEC Disposal Requirement (Section XVII at page 51 lines 4 to 22)

1. **"Any removal and/or disposal of MEC performed pursuant to the Decree shall be under the supervision of a Senior UXO supervisor (SUXOS) identified by Clark County and Approved by Ecology." (The qualifications are specified further under WAC 173-303-040.)**

- 2. Please provide the Group with the notifications required to Ecology of the Clark County designated SUXOS and of any records or logs maintained by the SUXOS as to the discovery, assessment and disposal of MEC items at Camp Bonneville.**
- 3. Who is the current SUXOS? Can that person be made available as an expert advisor to the Group?**

Gregory Shaw
21 February 2024