



**DEPARTMENT OF THE AIR FORCE
27TH SPECIAL OPERATIONS WING (AFSOC)
CANNON AIR FORCE BASE NEW MEXICO**

September 19, 2023

MEMORANDUM FOR RECORD

FROM: 27 SOW/CC

SUBJECT: Establishment of a Restoration Advisory Board (RAB)

1. In accordance with DoDM 4715.20, *Defense Environmental Restoration Program Management*, Encl 3, para 16.c(3), this memorandum for record documents my decision not to establish a RAB for Cannon Air Force Base (CAFB) at this time. I based my decision on a determination that there is not sufficient and sustained community interest in establishing a RAB for the Air Force environmental restoration program (ERP) at CAFB.
2. A RAB is an opportunity for stakeholder involvement in the environmental restoration/cleanup process at Department of Defense (DoD) installations. 32 C.F.R. §202.1(b)(1). It is a forum for early and continued exchange of information and dialogue between DoD installations, regulatory agencies, tribes, and the community. 32 C.F.R. §202.1(b)(2). RAB members review progress, participate in dialogue with, and provide comments and advice to the installation's decision makers on environmental restoration matters; however, they do not make any decisions. 32 C.F.R. §202.1(b)(3). A RAB should be established when there is sufficient and sustained community interest, and any of the following criteria are met: the closure of the installation involves the transfer of property to the community; at least fifty local citizens petition the installation for creation of a RAB; federal, state, tribal or local government representatives request the formation of a RAB; or the installation determines the need for a RAB. 32 C.F.R. § 202.2(a)(1) (4). As noted above and in the RAB Rule Handbook issued by the Office of the Secretary of Defense, sustained interest shows commitment from the community and is an important factor when deciding if a community is prepared to maintain a RAB during an installation's environmental restoration activities.
3. On May 30, 2023, CAFB disseminated RAB interest surveys to comply with the biennial solicitation requirement to gauge community interest in establishing a RAB for its ERP. On June 22, 2023, an update RAB interest survey was released extending the solicitation period to July 31, 2023. The methods for conducting the surveys included an email announcement to the Field Representatives for Congresswoman Teresa Ledger-Fernandez and Congressman Ben Lujan (both of Congressional District 3), a staffer for US Senator Martin Heinrich, the Representatives from New Mexico House of Representatives Districts 63 and 64, and the Senators from New Mexico Senate Districts 7 and 27. An email announcement was also sent to the Mayors and City Managers of Clovis and Portales, as well as to the Clovis County Commissioners. A notice of the survey was also published in *The Eastern New Mexico* newspaper every Sunday and Wednesday from May 30 through July 31, 2023. The surveys stated that the focus of a RAB would be on all ERP projects. The surveys specified the definition and purpose of a RAB and the level of commitment expected of RAB members. A press release was published in *KRQE*

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New Mexico News, MYhighplains.com, The Eastern New Mexico News, everything Lubbock, and posted on Cannon Facebook. The RAB survey period closed on July 31, 2023.

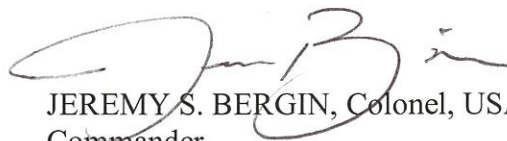
4. Four people responded to the surveys via email, but only one person indicated that they were willing to serve on a RAB and provided their contact information. Of the four emails, two specifically expressed interest in PFAS, demonstrating that there is little interest in the ERP projects on Cannon AFB. The fourth email was received from the Clean Water Partnership - Cannon (CWP-C), which is [tell what kind of organization CWP is, e.g., a local environmental interest organization]. In its email, CWP-C provided the petition and letter it submitted during the survey of support for establishment of a RAB that was completed in 2021.

5. During the 2021 solicitation period this interest was determined to be specific to PFAS and the petition was generated based on misleading information. The petition specifically stated they want to establish a RAB for the clean water due to the dumping of Toxic PFAS chemicals in the soil. The scope of a RAB's focus must be broader than one restoration site or activity to include all restoration activities on base (see 10 U.S.C. § 2705(f), 32 CFR 202.1(b), DoDM 4715.20, para 16.c, and DAFI 32-7020_DAFGM2023-01, *Department of the Air Force Guidance Memorandum to Department of the Air Force Instruction 32-7020, Environmental Restoration Program*, Section 11.4., "Restoration activities and Restoration program include more than one cleanup project or issue.").

6. Result of the 2023 surveys indicate little support for establishment for a RAB. Two of the responsive emails focused on PFAs and the third re-submitted material that was considered during the 2021 RAB support survey. Back in 2021, the material CWP-C submitted was determined to be focused on PFAS and the petition was generated based on an incorrect information. CAFB currently has strong public engagement on the PFAS investigation and is effectively addressing community concerns about transparency and oversight regarding the investigation. Each technical briefing and related developments are open to public comment, and questions and concerns are addressed in a public forum, where news media and the general public have access. Cannon AFB maintains an environmental portal for the PFAS investigation at <https://www.cannon.af.mil/Environmental/>, and all documents related to the project are available to the public through the AFCEC Administrative Record located at <https://ar.afcec-cloud.af.mil/>. There was no indication of any community interest in other ERP projects on CAFB besides the PFAS investigation project. However, the scope of a RAB's focus must be broader than one restoration site or activity to include all restoration activities on base. See 10 U.S.C. § 2705(f), 32 CFR 202.1(b), DoDM 4715.20, para 16.c, and DAFI 32-7020, sect 11.4. "Restoration activities" and "Restoration program" include more than one cleanup project or issue. The RAB will take away from the current PFAS engagement program, as it will divert resources away from the current programs and into the RAB. This is due to Federal Regulations that prohibit using federal/public funds to support duplicative efforts, and in this case, project outreach activities. Programs which risk discontinuation include project-specific meetings, and partnerships with regulators.

7. Based upon this information, I conclude that there is not enough interest in forming a RAB. CAFB made a good-faith effort to determine whether or not there is a sufficient and sustained interest in the community to establish a RAB through the level and breadth of interest solicitation via email, and follow-up meetings with stakeholders. Only one of the three people who responded to the survey and provided their contact information had expressed an interest in serving on the RAB (if established).

8. CAFB will review community interest to establish a RAB at least every 24 months, while environmental restoration activities are still ongoing, per the *RAB Rule Handbook*, Office of the Secretary of Defense (March 2007), page 6; and DAFI 32-7020 para. 11.4.1.

A handwritten signature in black ink, appearing to read 'Jeremy S. Bergin', is positioned above the typed name and title.

JEREMY S. BERGIN, Colonel, USAF
Commander