

## Findings of Fact

### Introduction

1. In accordance with the 21 March 07 memorandum, Subject: Appointment as an Investigating Officer UP of AR 15-6, a follow on investigation of Taku Gardens was conducted. The objective of the 15-6 was to investigate and make recommendations to the US Army Installation Management Command Pacific Region Director [REDACTED]

2. The investigative officer reviewed the original 15-6 for Taku Gardens and associated files which was finalized on 21 April 06. [REDACTED]

[REDACTED] and finally a review of some additional files provided by the Army Corps of Engineers.

3. A series of on-site interviews were conducted at Fort Richardson and Fort Wainwright over the period of 1 -9 May 07. Also numerous phone call interviews were conducted to gather additional information.

4. This report will first address general findings that this investigating officer believes are important for an overall understanding of the Taku Garden matter. This is followed by "Specific Findings" focusing, as directed in the appointing order, on the conduct of USAG-AK Garrison personnel. [REDACTED]

5. It must be noted that there is a significance difference in interpretation and findings related to the same issues at Taku Gardens [REDACTED]

[REDACTED]

### General Findings

6. I concur [REDACTED] that USAG-AK and Corps personnel undertook a responsible approach to waste management and appeared to have genuinely been concerned about doing their jobs professionally and ethically. There is no evidence of intentional wrongdoing or culpably negligent conduct by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations regarding regulatory requirements. [REDACTED]

7. [REDACTED] After carefully reviewing the records and interviewing Colonel Brown (Fort Wainwright commander at the time) and [REDACTED] who has considerable expertise in explosive ordnance disposal matters, I concluded that training rounds and other debris discovered in 2004 at Taku Gardens was not a sufficient trigger to warrant the need of a full time on site contract EOD person at that specific time. Rather, taking the approach of re-assessing the need for such on-site support in the event of additional discoveries of munitions related items was a valid course of action. (Reference 4)

8. The period from 2001 to present has been a time of continuous change for the Army in general and particularly for the Army Garrison Alaska at Fort Wainwright. According to testimony [REDACTED] almost over night, the Alaska Military Construction Authorization went from 1-2 projects per year (\$50M) to a large number of projects valued at approximately \$1 B over a 5 year time span. The force structure at Fort Wainwright went from a two battalion brigade to a full Stryker Brigade Combat Team. This was further exacerbated by the addition of an Aviation Task Force Team with an e-date of 2006. There is a great family housing shortfall at Fort Wainwright primarily because of an inadequate supply in the off post local area. Other major construction activities have included renovations of the central heat and power plant during this same period. A further significant complication was frequent changes in the in the Command and Control structure and personnel for Department of Public Works and Environmental Functions in USAG-AK [REDACTED]. There were also a myriad of other activities occurring during this same period [REDACTED]. All of the aforementioned created an atmosphere where a limited government staff was being stretched beyond their capability of performance. Moreover, a lack of clarity in roles and responsibilities; involvement by a multitude of different government organizations; segmentation of responsibilities between Fort Richardson, Fort Wainwright, The Corps of Engineers, and a host of contractors and subcontractors together created significant planning and management challenges. [REDACTED] [REDACTED] in spite of best intentions and efforts of everyone involved, clearly, this was not an organization optimally aligned for success.

9. Forts Wainwright and Richardson are geographically separated by approximately 300 miles, with a major "dividing line" being the spectacular Brooks Range. Through out the investigation there were references to a "North and South of the Range" tension which I concluded was basically a difference in how Fort Richardson and Fort Wainwright staffs would view the same situation. [REDACTED] [REDACTED] Fort Richardson staff members working on Fort Wainwright projects, are often perceived by Fort Wainwright personnel as maybe not having the best interests of Fort Wainwright at heart; and, the Fort Richardson personnel felt they are sometimes viewed as "not knowing what they are doing." [REDACTED] related that in some cases, Fort Richardson staff is thought to have overreacted and in other cases under

reacted, depending upon the situation. So, there are definite, long-standing, significant communication issues between the staffs. [REDACTED] (current Fort Wainwright commander) refers to tension between Fort Wainwright and Fort Richardson as a "soap opera" that is going on between offices [REDACTED] [REDACTED] also extensively refers to the communication difficulties between [REDACTED] office and Fort Richardson. As an example, he related that a series of e-mails sent to Fort Richardson staff about Taku issues were either deleted without having been opened or were opened months after they were sent [REDACTED]

10. Based upon the Corps of Engineers review of field screening reports and photographs at the Taku construction site, there are strong indications not all incidents of anomalous waste discoveries were reported to the government by the construction contractor [REDACTED]. It is possible that some of the potentially contaminated waste encountered during construction at Taku Gardens was disposed in the construction landfill. [REDACTED]

11. Encountering large quantities of buried metal material in the Fort Wainwright vicinity, whether on or off military property, is a common construction experience. An historical practice in this interior part of Alaska dating at least back to the 1940s was disposing of waste items -- including large metal objects -- by simply burying them. Based on information provided by multiple sources, I learned it is not uncommon to find everything from crushed drums to obsolete construction equipment -- even a small railroad engine has been unearthed during construction work at Fort Wainwright. This was prompted partially by cost to ship the items for disposal and having a large land area available for disposal. Whether occurring on or off post even in the nearby city of Fairbanks, encountering large quantities of buried metal during construction in this area of the country does not normally trigger concerns about anything suspicious. Therefore, the construction contractors and on-site government personnel have been less concerned about the presence of extensive buried metal debris and instead focus on ways to work around the material and progress on the construction. [REDACTED]

12. A review of e-mails in the investigation file discovered that MCA funds were utilized inappropriately for testing of contaminated soils related to FTW251 and FTW283. This

resulted when a Corps of Engineers representative authorized the use of the MCA funds and was not aware of the constraints of this funding source since [REDACTED] was new to MCA type construction projects. This error was discovered by the Corps who openly acknowledged an error was made and was corrected by requested OMA funds for this work [REDACTED].

13. The original Taku Gardens 15-6 investigation report [REDACTED] [REDACTED] were never shared with PW personnel or even Fort Wainwright leadership. Significant concerns were expressed by multiple individuals, including those in senior management positions, from both Fort Richardson and Fort Wainwright [REDACTED] noting that they were not allowed to review these reports.. As expressed by one individual " I never, ever have been given the opportunity to review the first 15-6, [REDACTED] caught bits and pieces through conversations and hearsay, and I just know as a leader, would have had opportunity to review that stuff, we could have put some stop-gap measure and lessons learned in place a lot quicker than what we did. And as of today, we're jumping through hoops to get our pre-construction environmental surveys completed on all the 07 construction that was awarded, and I think probably half million dollars in claims have already hit on those projects. Whereas, if I'd had a chance to know the facts, I could...you know, we could have circumvented that stuff, so" [REDACTED] Failure to share the results of these original Taku Gardens reviews with USAG-AK environmental and public works staff has created a lost opportunity to get lessons learned implemented sooner. It has also contributed to a climate of distrust and anxiety, where staff expressed concerns about a "witch hunt atmosphere" [REDACTED]

#### 15-6 Specific Findings

14. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

15. The 2002 "Notification and Federal Employee Antidiscrimination and Retaliation Act", now known as the "No FEAR Act," provides the following standard: "A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or, a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. . . . Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 USC 02(b)(8)."

16. [REDACTED]

17. [REDACTED]

18. Reportedly during aforementioned interviews, [REDACTED] was operating very independently and communicating directly with the regulators on issues related to Taku Gardens. However, the information and characterization thereof being provided to the regulators was not fully vetted with other members of the Taku Gardens Army Team. [REDACTED] relationship with the regulatory agencies was excellent because she had established a solid reputation with them for being very honest and forthcoming with information. However, other members of the Army Taku Gardens Team (particularly those at Fort Wainwright) were uncomfortable about information that was being released [REDACTED] and concerned about how [REDACTED] relayed information about individuals and their conduct as it related to that incidents at issue. This created some tension between [REDACTED] and specifically [REDACTED] at Fort Wainwright.

19. According to [REDACTED] was particularly concerned that [REDACTED] was not portraying [REDACTED] positive light. [REDACTED] said if [REDACTED] had an issue with [REDACTED] wished [REDACTED] would have the courtesy of discussing it with [REDACTED] on a professional basis to try to reach a common understanding. Instead, according to [REDACTED] avoided meetings with [REDACTED] and spoke negatively about [REDACTED] the regulatory agencies.

20. According to [REDACTED] and, [REDACTED] was not keeping the Commander of Fort Wainwright, [REDACTED] informed on what was being discussed with the regulatory agencies. This was exacerbating existing communication problems between the staffs and creating significant tension between Fort Wainwright DPW staff and Fort Richardson. A climate of serious distrust and completely ineffective communications developed. Fort Wainwright -- specifically [REDACTED] complained to [REDACTED] about lack of communication on the part of [REDACTED]

21. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

22. In an effort to mediate the situation, [REDACTED] directed [REDACTED] to accompany [REDACTED] to Fort Wainwright to attend a meeting with the Garrison Commander at Fort Wainwright to discuss the situation at Taku and plans for the future. The staff at Fort Wainwright had been requesting [REDACTED] to visit them and to discuss the status of Taku Gardens and hopefully improve some of the communication issues. [REDACTED] also believed that [REDACTED] would likely be intensely questioned by Fort Wainwright personnel; and that they (Fort Wainwright officials, particularly [REDACTED]) felt they were somehow being "targeted" by virtue of the information [REDACTED] had shared with regulators. [REDACTED]

23. [REDACTED]

was assigned as the lead for the Taku Gardens investigation since she was known as being a very effective communicator.

24. [REDACTED]

25. [REDACTED] regained a good deal



29. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to ensure proper disposal of hazardous waste and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations

Failure to take corrective actions upon discovery of potential RCRA violations

30. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to take corrective actions upon discovery of potential RCRA violations and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations

Failure to report potential RCRA violations

31. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to report potential RCRA violations and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

[REDACTED]

32. [REDACTED]

[REDACTED]

Failure to take reasonable safety precautions on Taku

33. After reviewing all available information and especially in light of the lack of clarity of the roles between the Corps of Engineers, the contractor, Fort Richardson and Fort Wainwright, I have concluded the response to securing site 52 until proper characterization could have been accomplished more expeditiously than occurred, but, action actually taken was not unreasonable. [REDACTED] Also, one can not control all irresponsible behavior. The contractor working the site is believed to have entered the site and moved contaminated soil around, after: 1) specifically being directed to not enter the site; and, 2) the contaminated soil site was cordoned off with warning tape. Fort Wainwright officials did not believe they needed additional, more extreme measures (e.g., guards) to keep the contractors out of the site [REDACTED]

Providing false/misleading information to superiors

34. Based upon testimony (reference 28) received from Colonel Boltz (then Garrison Commander Alaska) reliance was placed on the Fort Wainwright Garrison Commander, [REDACTED] and [REDACTED] to keep [REDACTED] informed on issues related to Taku. [REDACTED] made weekly trips to Fort Wainwright and was made aware of all actions going on the installation. Colonel Boltz indicated that [REDACTED] was no more involved with the Taku site until [REDACTED] was made aware of the contamination. [REDACTED] was made aware of whenever they found suspected munitions, whenever a stop work order occurred and whenever chemical results were obtained. Colonel Boltz also said that [REDACTED] would often be the one who gave [REDACTED] the site tours at Fort Wainwright and believed [REDACTED] had good communications with [REDACTED]

35. [REDACTED] (current Fort Wainwright Garrison Commander) expressed utmost confidence in [REDACTED] involved management style; believed [REDACTED] does not "hoard" information; and, was pleased with [REDACTED] ability to keep him informed.

36. After reviewing all of the aforementioned information and conducted a face to face interview with [REDACTED]; I have not discovered any information which would lead me to conclude that [REDACTED] intentionally provided false or misleading information to his superiors or withheld information from them. The information that I have gathered gives strong indications to the contrary; and, reflects that [REDACTED] leadership was very pleased with [REDACTED] ability to "get the job done" under very challenging circumstances.

failure to following Army pre-construction requirements

37. Fort Wainwright personnel clearly acknowledge the pre-construction requirements of AR415-15 were not followed at Taku Gardens [REDACTED]. There are also strong indications that the provisions of AR-415-15 were violated at USAG-AK largely due to pressure from HQ to "make 'Grow the Force Projects' happen." In one case the 1391 for a "Grow the Force Project" was recently done at Fort Wainwright in 40 minutes with generic sites due to pressure from Washington level HQ. The investigation also discovered the pre-construction provisions of Army 415-15 from a practical matter are not uniformly followed by the Army. Reportedly, virtually none of the requirements of AR 415-15 were met to include the pre-construction provisions of AR 415-15 in regards to the recent Stryker Brigade Combat Team, the Modular Force Stationing Decisions, and the Grow the Force MCA which was programmed in June 2007 [REDACTED].

38. Based upon the information gathered during the interview process, in one case the official was not even aware of the provisions of AR 415-15 to include provisions for pre-construction UXO and environmental surveys [REDACTED] and in another case, there was not sufficient time to accomplish the required surveys in time to support programming requirements for MCA [REDACTED].

39. The pre-construction activities related to Taku were decentralized. It would appear that the 1391 for the Taku site was prepared at HQ, Army Assistant Chief of Staff for Installation Management since it was a housing project. The Army Garrison Alaska environmental and DPW government representatives interviewed did not have a clear remembrance of reviewing the Taku 1391 and also it does not appear to have been certified by Pacific Region Army Office (now IMCOM-Pacific, in Hawaii.) Also, the environmental documentation done to support the decision making for Taku was very scant – perfunctory at best -- on environmental information related to Taku.

40. The aforementioned information all demonstrates that the provisions of AR-415-15 were not followed for Taku and there was a need for better integration of available information into the AR-415-15 compliance and approval process for Taku. It should be noted that the Taku Gardens location as a prospective housing site appeared on Master Planning documents at least as far back in time as the early 1990s [REDACTED]. Couple that fact with the “move it along, just check the block” approach that seems inherent in the 1391 process used for “fast-track” projects such as Taku Gardens, and one can see how fully informed decision-making regarding the site was likely to suffer.

41. Basically, the root causes of the poor integration of information were: 1) segmented responsibilities for preparing the 1391 for Taku; 2) paucity of required environmental planning documentation; 3) lack of a clear review process and integration check; 4) inadequate resources (time and money) to do the required pre-construction surveys; and, 5) the tempo of on-going construction projects at Fort Wainwright

failure to ensure proper disposal of hazardous waste removed from Taku

42. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to ensure proper disposal of hazardous waste removed from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to take corrective action in light of improper disposal of hazardous waste

43. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] [REDACTED] that there was a responsible approach to take corrective action in light of improper disposal of hazardous waste removed from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations

[REDACTED]  
44. [REDACTED]  
[REDACTED]

Failure to ensure proper disposal of hazardous waste (stockpiled soil)

45. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] [REDACTED] that there was a responsible approach to ensure proper disposal of hazardous waste (stockpiled soil) and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to take corrective action in light of improper disposal actions

46. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] [REDACTED] that there was a responsible approach to take corrective action in light of improper disposal actions and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

[REDACTED]

Failure to ensure proper disposal of metal drums and containers excavated from Taku

47. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to ensure proper disposal of metal drums and containers excavated from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to dispose of hazardous waste (site 52 soil)

48. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to ensure proper disposal of hazardous waste (site 52) and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to properly safeguard site 52.

49. After reviewing all available information and especially in light of the lack of clarity of the roles between the Corps of Engineers, the contractor, Fort Richardson and Fort Wainwright. I have concluded the response to securing site 52 until proper characterization could have been accomplished more expeditiously than occurred, but, action actually taken was not unreasonable. [REDACTED] Also, one can not control all irresponsible behavior. The contractor working the site is believed to have entered the site and moved contaminated soil around, after: 1) specifically being directed to not enter the site; and, 2) the contaminated soil site was cordoned off with warning tape. Fort Wainwright officials did not believe they needed additional, more extreme measures (e.g., guards) to keep the contractors out of the site [REDACTED]

Failure to take corrective action in light of improper disposal of waste.

50. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to take corrective action in light of improper disposal of hazardous waste removed from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

[REDACTED]

Directing illegal disposal of hazardous material

51. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach taken for the disposal of hazardous waste from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to report improper disposal of excavated waste (drums, containers, etc.)

52. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to disposing of excavated waste and therefore was no failure to report improper disposal. There was no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

c. Failure to properly safeguard Site 52

53. After reviewing all available information and especially in light of the lack of clarity of the roles between the Corps of Engineers, the contractor, Fort Richardson and Fort Wainwright, I have concluded the response to securing site 52 until proper characterization

could have been accomplished more expeditiously than occurred, but, action actually taken was not unreasonable. [REDACTED] Also, one can not control all irresponsible behavior. The contractor working the site is believed to have entered the site and moved contaminated soil around, after: 1) specifically being directed to not enter the site; and, 2) the contaminated soil site was cordoned off with warning tape. Fort Wainwright officials did not believe they needed additional, more extreme measures (e.g., guards) to keep the contractors out of the site [REDACTED]

Directing illegal treatment and disposal of Taku stockpiled soil.

54. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach taken for the treatment and disposal of Taku stockpiled soil and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

Failure to take corrective action in light of improper disposal of stockpiled soil.

55. This 15-6 concludes based upon information reviewed and interviews conducted [REDACTED] that there was a responsible approach to take corrective action in light of improper disposal of hazardous waste removed from Taku and no evidence of intentional wrongdoing or culpable negligence by Government personnel, nor any serious violations of environmental law indicated. Any potential violations of Federal or State law or regulations by Government personnel would be minor and attributable to difference of interpretations.

[REDACTED]

56. Apparently on learning that munitions components had been discovered on the Taku site, Major General Brown (then USARAK Commanding General) requested that the Fort Wainwright Garrison Commander (FWC) [REDACTED] at the time) provide an explanation of the situation. In an 8 April 2004 email (reference 51) sent to Major General Brown III and

Colonel Boltz, [REDACTED] stated that "[REDACTED] was on site today and I met with [REDACTED] the [REDACTED]. A risk assessment has been done and none of us believe that we are like to encounter live HE rounds."

57. I interviewed [REDACTED], Colonel Brown (reference 53) and [REDACTED] regarding this matter. It is clear that the meeting on 8 April 04 was very tense and with high emotions. At the time of the meeting only inert concrete training rounds were being discovered at Taku. Apparently [REDACTED] expressed significant frustration about his EOD team, based 300 miles away at Fort Richardson, repeatedly being called to the site only to see uncovered inert items and scrap metal. [REDACTED] felt that because the items were being discovered during a construction project, on-site EOD support should be contracted out. [REDACTED] said [REDACTED] team did not have the budget for TDY to be continuously coming back and forth to the site. [REDACTED] also recommended to FWC and [REDACTED] that they should stop construction until they reassess the site and got a contract EOD person to be on-board. [REDACTED] also had no recollection of a risk assessment being done.

58. Based upon the testimonies of Colonel Brown and [REDACTED], they believe that [REDACTED] recommendations were partially motivated by the fact that he did not want to be on site at Fort Wainwright. [REDACTED] had expressed frustration about being on site to several personnel at Fort Wainwright. [REDACTED] expressed concern about [REDACTED] team being called up to deal with a "trash problem." [REDACTED]

59. Colonel Brown stated in his testimony (reference 56) that as the Commander of Fort Wainwright he did conduct a risk assessment of the situation, taking into consideration what was being found on site, as well as [REDACTED] recommendations; but, [REDACTED] believed [REDACTED] recommendations were not fully supportable based upon the information at the time. Colonel Brown also considered other motivations and factors as, fully explained in Col Brown's statement

60. In addition to the 8 April 04 e-mail (reference 57) which was sent to MG Brown and Colonel Boltz, the FWC had extensive telephone contact with both MG Brown and Colonel Boltz regarding the [REDACTED] recommendations and the risk assessment that Colonel

Brown had performed. According to Colonel Brown, both MG Brown and Colonel Boltz were aware of [REDACTED] recommendations and also in agreement with the FWC decision to proceed ahead with construction based upon the fact that nothing dangerous had been discovered to date and at that point in time there was no need to get an EOD expert on-site full time. At a future date if new information became available about discovery of unexploded ordnance, the need for an on-site EOD contract support would be reassessed.

61. The 8 April 04 e-mail in isolation does not tell the whole story and for this reason may be perceived as being misleading. However, the e-mail must be considered in light of the following: 1) Colonel Brown's testimony and the telephone conversations he had with his leadership; 2) the testimony from Colonel Boltz (reference 58), his immediate superior, who did not recall the 8 April 2004 phone call, but attested to Colonel Brown's character, credibility, and honesty; 3) and, Colonel Boltz' strong assertion that she would believe Colonel Brown's recollection of events. I conclude there was no intention on Colonel Brown's part to intentionally mislead his leadership and he fully kept them informed of the total situation.

#### Recommendations

62. [REDACTED]

63. USAG-AK, with assistance and oversight from IMCOM-Pacific, needs to ensure compliance with AR 415-15 especially the 1391 approval process, the pre-construction survey requirements, and required environmental planning documentation. This is key to reducing the chance that problems like the currently un-usable housing at Taku Gardens occur in the future. This recommendation applies across the Army since it is recognized that the provisions of AR 415-15 -- especially the preconstruction requirements -- are not being uniformly addressed. This could lead to additional problems like Taku Gardens occurring at other installations in the future. If the Army wants to have the pre-construction survey requirements for AR 415-15 achieved, more time will have to be allowed in the MCA programming cycle. It is also essential to secure a source of funding for the surveys. It is my

understanding USAG-AK now recognizes the importance of following the provisions of AR 415-15 and has already initiated projects to ensure better compliance in the future. We recommend USAG-AK continue and implement these projects with the assistance and oversight of IMCOM-Pacific.

64. As follow up to recommendation number 2, [REDACTED] [REDACTED] USAG-AK/COE team should be formed to develop comprehensive local procedures for the management of MILCON construction projects. These should include procedures for review and verification and verification of preconstruction surveys and NEPA analysis; precise delineation of responsibilities for managing contamination discovered during construction; communications procedures and specific points contact; procedures for tracking management and disposal of hazardous substances; and emergency procedures for whenever unexpected hazardous conditions are encountered at a construction site. These procedures must be written from the perspective of all Army Alaska personnel, so that even those uninformed about environmental management will understand obligations.

65. If not already established, I recommend a command level project review and analysis process be established as a check and balance on all military construction projects at the installation. It could be an extension of the Environmental Quality Control Committee required by the provisions of AR-200-1. Representatives from the operational, engineering, planning, resource management, legal, medical and safety office should participate to ensure all relevant and appropriate requirements are being addressed and ensure the command's and Army interests are protected.

66. As discussed in general finding number 2, the current USAG-AK environmental and DPW assets are not optimally aligned for ensure maximum probability of success. Segmentation of roles and responsibilities for environmental functions between Fort Richardson and Fort Wainwright clearly created barriers to success. I Recommend USAG-AK host a Lean Six Sigma Rapid Improvement event to look at the current state of environmental support within USAG-AK and to develop a future organization. Particular emphasis should be given to improving communications, and alignment of individuals with their strengths. They should also considering broadening roles to permit multiple functions

in the same person/section -- such as being a project manager for both compliance and restoration support to construction projects,. They should strongly consider allowing greater empowerment of individuals supporting projects "on the ground" at Fort Wainwright while still providing necessary checks and balances to ensure environmental requirements are being met while minimizing hindrance to mission accomplishment; and, they need to continue efforts providing appropriate visibility on issues to the Commander. It is recognized the best assets for determining how to design the future state reside within USAG-AK; however consideration should be given to including representatives from IMCOM-Pacific environmental and public works functions in this rapid improvement event.



Cont. of 15-6 Reference List

[REDACTED]

Ref 28

Retired COL Donna Boltz

23 May 2007

[REDACTED]

Cont. of 15-6 Reference List

[REDACTED]

Ref 51      Email to MG Brown, Subject: Issue of Artillery Rounds at      8 April 2004  
Construction Site

[REDACTED]

Ref 53      COL David Brown Interview      8 June 2007

[REDACTED]

[REDACTED]

Ref 56      COL David Brown Interview (See Ref 54)

Ref 57      Email to MGT Brown (See Ref 4)      8 April 2004  
SUBJECT: Issue of Artillery rounds at Construction Site

Ref 58      COL Boltz (See Ref 28)