

Environmental Conflict Resolution

Second Annual Report

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I. INTRODUCTION

A. Background

On November 28, 2005, the Chairman of the Council on Environmental Quality (CEQ) and the Director of the Office of Management and Budget (OMB) jointly signed a Memorandum on Environmental Conflict Resolution (ECR Memorandum) directing Federal agencies to seek to increase the effective use of ECR and collaborative problem solving (see Appendix A). The direction given to Federal agencies in this memorandum complements and furthers Department of Energy (DOE) practices and strategies that have been used consistently for many years.

This report constitutes the Department's second annual progress report to CEQ and OMB, as directed by section 4.(g) of the ECR Memorandum. In accordance with guidance provided by CEQ and OMB, this report includes information through fiscal year (FY) 2007 about DOE progress in implementing the ECR Memorandum.

Section 2 of the ECR Memorandum defines ECR as "third-party assisted conflict resolution and collaborative problem solving in the context of environmental, public lands, or natural resources issues or conflicts, including matters relating to energy, transportation, and land use." The ECR Memorandum also recognizes that there are a broad array of partnerships, cooperative arrangements and unassisted negotiations used by Federal agencies to manage and implement their programs. For purposes of preparing this report, DOE has adopted this broader view of ECR and defines ECR to include all types of collaborative problem solving processes used to prevent or resolve an environmental conflict regardless of whether a third party is used. The information in this report includes examples where a third party has been used. This report also includes examples of other collaborative processes that do not involve use of a third party but which also have been effective in resolving or preventing an environmental conflict, such as the use of regular meetings with environmental regulators and the use of various committees and boards designed to engage stakeholders in the early stages of decision-making processes.

B. Report Methodology

To provide guidance to Federal agencies implementing the ECR Memorandum, a staff-level interagency ECR Steering Committee consisting of representatives from various agencies was formed. This committee, with assistance from the U.S. Institute for Environmental Conflict Resolution¹, developed a report template and questionnaire to be used by agencies for this second annual report (see Appendix B).

¹ The U.S. Institute for Environmental Conflict Resolution is an independent federal agency created by Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. For more information, see www.ecr.gov.

DOE used the questionnaire developed by the ECR Steering Committee, with minor modifications. (See Appendix C). This DOE report survey was distributed to points of contact from various programs and site offices throughout the DOE complex.

C. Ongoing Benefits of Using Environmental Conflict Resolution

DOE sites are aware of the benefits of using ECR techniques to avoid and/or resolve environmental conflicts, and examples of the use of a wide variety of ECR and collaborative problem solving techniques are discussed in section II. DOE sites responding to the survey believe that the enhanced use of ECR would help their site in minimizing the occurrence of one or more of the following challenges identified in the ECR Memorandum:

- Protracted and costly environmental litigation;
- Unnecessarily lengthy project and resource planning processes;
- Costly delays in implementing needed environmental protection measures;
- Forgone public and private investments when decisions are not timely or are appealed;
- Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and,
- Antagonism and hostility between DOE and its stakeholders.

II. Extent of Current Use of Environmental Conflict Resolution

DOE sites use, when appropriate, a third party to assist in permit negotiations with their regulators or to facilitate meetings with stakeholders and regulators. However, DOE also makes extensive use of techniques, such as advisory boards and committees made up of local citizens potentially affected by DOE activities, to advise DOE officials on environmental matters and address environmental issues before they become a source of conflict. DOE discusses its use of third-party neutrals, advisory boards and collaborative decision-making processes with regulators and stakeholders below.

A. Use of Third-Party Neutrals

When appropriate, DOE sites use third-party neutrals to assist in the prevention or resolution of environmental disputes. Sometimes the decision to use a third-party neutral is made after a dispute has arisen and when DOE officials believe that using a third party neutral may assist the parties in resolving a difficult and complex environmental dispute. In other instances, the decision to use a third party neutral is made before a dispute arises because DOE officials anticipate that use of a third party neutral may assist in avoiding conflicts.

For example, in FY 2007 DOE's Office of River Protection (ORP) in Richland, WA has engaged a third-party neutral to address conflicts and renegotiate milestones in an existing compliance agreement. In particular, DOE, the U.S. Environmental Protection

Agency (EPA), and the State of Washington Department of Ecology are engaged in high-level negotiations focused primarily on milestones for the Hanford Waste Treatment Plant (WTP), single-shell tank (SST) waste retrievals, and groundwater remediation. The parties agreed to engage a mediator to assist in defining issues and reaching resolution. The parties have held several face-to-face meetings as well as several teleconferences to continue the discussions, which have dealt with issues involving both the DOE's Richland Operations Office and the ORP. In the last year, the parties recognized that a number of milestones in their Tri-Party Agreement (TPA) related to construction of the WTP and retrieving and treating waste from SSTs and double-shell tanks (DST) would not be met. Furthermore, it was recognized that the failure to meet milestones in the near term would affect DOE's ability to meet future milestones. These negotiations are continuing.

The West Valley Demonstration Project is a DOE environmental cleanup site where a third-party neutral is also currently being used in connection with efforts to resolve environmental conflicts. In particular, the State of New York has brought an action against DOE for cost recovery, damages and declaratory relief regarding past and ongoing cleanup activities pursuant to CERCLA, the West Valley Demonstration Project Act (WVDPA) and the Nuclear Waste Policy Act (NWPA). Prior to the filing of litigation, the cooperating agencies formed a Core Team to work together on the National Environmental Policy Act (NEPA) process. The New York State Energy Research and Development Authority (NYSERDA) had been a critical member of the Core Team but withdrew from negotiations. At a Regulatory Roundtable, designed to discuss the coordination of the various required federal and state compliance obligations, NYSERDA agreed to rejoin the Core Team. Subsequently, litigation has been stayed while the parties work toward settlement within the Core Team. A third-party neutral has been hired and continues to work with the parties in their settlement discussions.

B. Use of Site Specific Advisory Boards/Citizen Advisory Boards

At DOE, public participation provides open communication, both formal and informal, between DOE and its stakeholders concerning DOE's missions and activities. Early involvement enables DOE to make more informed decisions and build mutual understanding and trust between DOE and the communities which host its facilities. Consequently, many potential conflicts are prevented and litigation can be avoided.

Use of citizen boards and committees is one public participation technique that DOE routinely uses to foster open communication between it and its stakeholders, and to ultimately avoid environmental conflicts. One example is DOE's use of Site Specific Advisory Boards/Citizen Advisory Boards (SSABs/CABs). These Boards were created by DOE's Office of Environmental Management in the early 1990s to involve stakeholders more directly in DOE cleanup decisions. Currently, there are seven local site Boards that have been organized and chartered under one Federal Advisory Committee Act (FACA) charter. Local site Board membership include diverse views, cultures, and demographics from affected communities and regions directly affected by site cleanup activities, e.g., representatives from local governments, Tribal Nations,

environmental and civic groups, labor organizations, universities, industry, and other interested parties. DOE, EPA, and State governments serve as ex-officio members on the local boards. Site boards are tasked with submitting consensus advice and recommendations to DOE on key environmental management issues. Through public meetings, individual site boards give voice to a diversity of community views and provide a channel for two-way communication between DOE and the public on key site issues and upcoming decisions. DOE provides each board with funding for administrative and technical support. By involving stakeholders early in the process, potential future conflicts are minimized. Board meetings ultimately provide forums where issues can be discussed and resolved in an efficient and cooperative manner, decreasing the chances of costly legal or regulatory actions.

The DOE sites have used SSABs/CABs for more than a decade, and advice and recommendations from these Boards have become integral to DOE's environmental decision-making processes.

Some DOE sites also use other types of non-FACA chartered Boards/Committees to afford local citizens the opportunity to provide DOE input about DOE environmental issues. For example, Brookhaven National Laboratory has the Brookhaven National Laboratory Community Advisory Council, a citizen advisory council, which continues to provide advice to the Laboratory Director on proposed cleanup approaches.

C. Use of Collaborative Decision-making Processes with Regulators and Stakeholders

DOE sites frequently use collaborative decision-making processes with their regulators and stakeholders to prevent environmental disputes. These collaborative processes take the form of regular meetings/discussions with environmental regulators and regular interactions with stakeholders through a variety of forums. For example, DOE's Idaho Operations Office holds the following regular meetings with its regulators and stakeholders: bi-monthly meetings with SSABs/CABs to discuss potential issues; quarterly Resource Conservation and Recovery Act (RCRA) meetings with Idaho's Department of Environmental Quality (DEQ); Senior Project Management meetings with DEQ and EPA Region 10 (executive level); monthly meetings with DEQ regarding the site's Voluntary Consent Order for RCRA compliance; weekly Federal Facility Agreement/Consent Order Project Managers conference call with DEQ and EPA Region 10; and, monthly meetings with Idaho National Laboratory Oversight Program Coordinator/Governor's Assistant and EPA Region 10. DOE's Richland Operations Office and ORP host similar meetings with its regulators in its ongoing cleanup efforts.

Similarly, in 2007, DOE's Savannah River Operations Office employed an innovative regulatory collaborative process to avoid the need for negotiations to extend a key milestone in its Site Treatment Plan for mixed wastes. In particular, this office implemented an agreement executed in 2003 between Savannah River Operations Office and the South Carolina Department of Health and Environmental Control (SCDHEC) pursuant to which the Savannah River Site could earn "Cleanup Credits" by accelerating

environmental cleanup and waste/treatment reduction activities. These Cleanup Credits can be redeemed to extend enforceable commitments on mixed waste treatment, without having to go through extensive negotiations. In August, 2007, SCDHEC approved Savannah River's proposal to redeem earned Cleanup Credits to extend a milestone for shipment of Organic PUREX waste from September 30, 2007 to December 31, 2008.

Finally, at the Hanford site, the Hanford TPA contains processes that promote interactions with regulators and stakeholders. These processes include the conduct, with the regulatory agencies, of Project Manager Meetings, Inter-Agency Management Integration Team Meetings, and Executive Committee Meetings to discuss progress, issues and resolutions. Additionally, all milestones contained in the TPA are required to be discussed at least once a quarter with the regulatory agencies. Under the terms of the TPA, DOE is required to initiate change control provisions 90 days or more before the due date of impacted milestones. These requirements and interactions lead to the consideration and initiation of ECR techniques such as negotiations and dispute resolution procedures (mediated or not) when necessary and appropriate. In FY 2007, as discussed above, negotiations were initiated for most of the WTP and Tank Farm milestones. Additionally, negotiations were initiated through two Change Requests for five other milestones.

D. Use of Public Participation Processes under the National Environmental Policy Act (NEPA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

NEPA and CERCLA contain provisions that provide for public participation in agency decision making. A number of sites reported that the public participation processes under NEPA and CERCLA serve as a means of assisting them in addressing and preventing environmental conflicts. For example, during fiscal year 2007, DOE's Hanford site reported that there were twelve public comment periods and numerous meetings conducted to facilitate broad-based collaborative participation in site cleanup decision-making processes.

E. Use of Dispute Resolution Clauses in Cleanup Agreements

DOE sites continue to use the dispute resolution provisions contained in their Federal Facility Agreements to resolve environmental disputes. Under the provisions of section 120 of CERCLA, federal facilities on the National Priorities List are required to execute interagency agreements called Federal Facility Agreements (FFAs) between the key entities – DOE, EPA and, the affected State -- that will be involved in the cleanup, compliance and permitting processes for a particular cleanup site. FFAs are designed to integrate the remedial action provisions of CERCLA with Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal unit regulations and corrective action provisions. More specifically, these FFAs: 1) define and prioritize CERCLA and RCRA cleanup commitments, 2) establish roles and responsibilities of DOE and its regulators, and 3) reflect a concerted goal of achieving full regulatory compliance and remediation, with enforceable deadlines and schedules which, at most sites, are

negotiated on a yearly basis under a "rolling schedule." These FFAs also contain a dispute resolution process which is designed to reach agreement without litigation. In addition, the recent trend in large DOE cleanup contracts has been to include a "Standing Neutral" who will be available to DOE and its contractors if any disputes arise. If the parties cannot agree to a neutral then one shall be appointed by the Office of Dispute Resolution located at DOE headquarters.

III. Priority Areas for ECR

Use of ECR and collaborative problem solving practices can be useful on a wide variety of environmental issues. Specifically, DOE sites have identified the following priority areas where ECR could be helpful:

- groundwater issues;
- multi-issue and multi-party environmental disputes;
- conflicts in environmental cleanup decision making;
- relationships with regulators; and
- hazardous waste facility permit modifications.

No additional priority areas were identified for 2007.

IV. Challenges to the Use of ECR

Nineteen barriers or challenges were addressed by the DOE Survey, ranging from lack of staff expertise to participate in ECR to reluctance of the federal employees to participate in ECR. Two areas were identified by all respondents as a minor barrier to using ECR - staff expertise to participate in ECR and staff availability to engage in ECR. Travel costs for non-federal parties was identified as a major barrier.

V. Methods and Measures Used to Track Performance and Cost Savings

To date, this report and the site questionnaire are the primary data collection or tracking method within DOE solely dedicated to ECR. Other methods include annual DOE ECR training for attorneys and program staff, at which input on ECR activities is sought and reported. Quantitative measurements for tracking benefits and costs savings have been at issue since the inception of the Administrative Dispute Resolution Act, 5 U.S.C. § 571, et seq. DOE has enlisted the assistance of its Office of the Chief Financial Officer to develop performance measures and cost tracking mechanisms.

VI. Agency Efforts That Go Beyond the Memorandum's Definition of ECR

As stated previously in section I. A, DOE adopts a broad view of ECR to include those processes or forums that do not involve using a third-party neutral. In addition, to the efforts mentioned in sections II. B, C and D, the Office of Environmental Management (EM) has developed and maintains close working relationships with a number of national intergovernmental organizations, including National Association of Attorneys General

(NAAG), Energy Community Alliance (ECA), National Conference of State Legislators (NCSL) and the Environmental Council of the States (ECOS). The task forces and working groups that have been established with these organizations focus on issues of mutual concern and are supported by EM with grants and cooperative agreements. Issues are discussed and examined throughout the year at bi-lateral meetings. Once a year, all the groups meet with the senior EM officials to discuss past performance and upcoming program plans. These discussions and conferences have been invaluable in defusing potential conflicts as well as sharing concerns by all parties regarding potential policy decisions that could have proven counterproductive or problematic before they are finalized.

The Wind and Hydropower Technologies Program (WHTP) of the Office of Energy Efficiency and Renewable Energy (EERE) is another example of continued success on its stakeholder collaboration initiative. The WHTP's mission is to improve reliability and performance of existing technology, reduce barriers to wind project development, enhance critical transmission infrastructure and advance national/state policies in support of wind. To that end, DOE has been the lead supporter of the National Wind Coordinating Collaborative (NWCC). This consensus-based collaborative group identifies issues that affect the use of wind power, establishes dialogue among key stakeholders and catalyzes appropriate activities to support the development of environmentally, economically and politically sustainable commercial market for wind power. By working with stakeholders early, information gaps are addressed and resolved so that adversarial proceedings are avoided later.

VII. ECR Case Examples and Notable Achievements

- Paducah Gaseous Diffusion Plant
- Richland Operations Office and Office of River Protection National
- National Energy Technology Laboratory

Paducah Gaseous Diffusion Plant

The 1350-acre Paducah Gaseous Diffusion Plant (PGDP) is a uranium-enrichment facility owned by DOE. The PGDP started uranium-enrichment in 1952. Plant operations have generated hazardous, non-hazardous and radioactive wastes.

Collaborative processes were led by the Kentucky Research Consortium for Energy and Environment (KRCEE) with meetings facilitated by a subject matter expert from Argonne National Laboratory (ANL).

Projects led by KRCEE included studies of seismic conditions at the Paducah Gaseous Diffusion Plant (PGDP) (i.e., Seismic Study), methods to acquire property or interests in property to restrict access by the public to contaminated groundwater underlying private property (i.e., Land Study), and the rate at which trichloroethylene (TCE), a common

contaminant in groundwater at the PGDP, degrades to nontoxic products (i.e., TCE Degradation Study). The Seismic Study was completed by researchers from the University of Kentucky (UK) following project scoping by a team that included representatives from the UK, the Kentucky Geological Survey, United States Geological Survey, Commonwealth of Kentucky Environment and Public Protection Cabinet Department of Environmental Protection (KDEP), Commonwealth of Kentucky Cabinet of Health and Family Services Radiation Health Branch (KYRHB), EPA, and DOE's Portsmouth/Paducah Project Office (PPPO). The results of the Seismic Study are being used to support decisions regarding the siting and evaluation of a potential on-site disposal facility that would accept wastes associated with the continuing cleanup and future demolition of the PGDP that would otherwise require offsite disposal, and the safety of a currently operating permitted Subtitle D landfill. Generally, the results indicate that there are no seismic conditions that would preclude the future construction of the on-site disposal facility or the continued operation of the Subtitle D landfill. The Land Study was completed by KRCEE with cooperation from faculty located at UK and provides information regarding property acquisition that will be used when making cleanup decisions for contaminated groundwater at the PGDP. During completion of the project KRCEE attended and presented at several meetings with the public, KDEP, KYRHB, EPA, and PPPO.

The TCE Degradation Study is an ongoing project led by KRCEE that includes a project team composed of representatives from UK, KDEP, KYRHB, EPA, PPPO, Savannah River National Laboratory, Idaho National Laboratory, and DOE Office of Groundwater and Soil Remediation. The results of the TCE Degradation Study will be used to evaluate the rate and sustainability of natural attenuation of TCE found in groundwater and soil at the PGDP. The findings of the evaluation will be incorporated into future multi-million dollar decisions regarding cleanup of the TCE contamination found in source areas at and in plumes originating from the PGDP.

The ongoing project being facilitated by ANL involves the evaluation and risk assessment of soil and rubble piles found outside the industrialized area of the PGDP at locations accessible to recreational users. Through facilitated meetings, PPPO was able to reach agreement to use innovative sampling methods, such as X-Ray Fluorescence (XRF) and immunoassay kits, to determine the nature and extent of contamination. Using these methods for the soil and rubble pile areas and for future projects, now that the methods have been successfully demonstrated, is expected to result in more complete characterization of areas potentially impacted by contamination from the PGDP at considerable cost and schedule savings.

Richland Operations Office and Office of River Protection

As described in section II. A, DOE, EPA and the State of Washington Department of Ecology are engaged in high level negotiations focused primarily on milestones for the Hanford WTP and SST retrievals, and groundwater remediation.

The current negotiations described have not yet concluded, and it is important to note that a fundamental principle agreed to by all three parties is that, to the extent the parties have

identified individual topics on which progress has been made, all parties have reserved the ability to review the entire package before committing to enter into an agreement. No such review has yet taken place and senior management of the three parties has made no final decisions concerning an agreement. However, all three parties recognize the benefits of reaching a collaborative solution.

National Energy Technology Laboratory

The National Energy Technology Laboratory (NETL) is part of the national laboratory system which is owned and operated by DOE. NETL's mission is to enable domestic coal, natural gas and oil to economically power the Nation's homes, industries, businesses and transportation systems while protecting our environment. NETL's Albany site continues to collaborate with Oregon's Department of Environmental Quality (ODEQ) in its groundwater investigation. ODEQ provides advice and recommendations to NETL related to issues surrounding potential groundwater contamination. ODEQ is a state regulator with authority delegated from EPA. An issue for NETL is how best to address the issues associated with potential contamination, including investigating the nature and extent of the contamination while balancing the interest and duties of the ODEQ and those of the public.

Throughout its investigation, NETL shares data and various reports with ODEQ. In response, ODEQ provides advice and recommendations to NETL on issues surrounding the potential groundwater contamination. NETL voluntarily complies with ODEQ's recommendations. The exchange of information and guidance, allows for openness between the two agencies, a more informed process in terms of obtaining guidance or agreement on particular actions or suggested approaches and accountability by NETL to ODEQ. This cooperative approach has made for a more effective groundwater investigation than if NETL simply pursued its own investigation without any input from its regulator. ODEQ will ultimately be charged with determining NETL's compliance with groundwater related rules and regulations. Consequently, collaborating at this early stage, saves NETL resources in the form of personnel, time and money.

VIII. Building Capacity

- Strategic Plan
- DOE Policies
- Training
- Field Counsel Calls
- Office of NEPA Compliance

Strategic Plan

The Government Performance and Results Act requires that each Federal Agency update its strategic plan every three years and submit its plan to Congress. DOE's 2006 Strategic Plan describes DOE's mission, strategic goals, and strategies to achieve those goals. The Department's Strategic Plan addresses five strategic themes:

- Energy Security—Promoting America’s energy security through reliable, clean, and affordable energy.
- Nuclear Security—Ensuring America’s nuclear security.
- Scientific Discovery and Innovation—Strengthening U.S. scientific discovery, economic competitiveness, and improving quality of life through innovations in science and technology.
- Environmental Responsibility—Protecting the environment by providing a responsible resolution to the environmental legacy of nuclear weapons production.
- Management Excellence—Enabling the mission through sound management.

Within the “Environmental Responsibility” strategic theme, DOE has identified two goals: (1) Environmental Cleanup and (2) Managing the Legacy. The “Managing the Legacy” goal is to manage the Department’s post-closure environmental responsibilities and ensure the future protection of human health and the environment. In response to the ECR Memorandum, DOE has identified as one of the strategies in the Plan the “use of environmental conflict resolution techniques to assist in the resolution or prevention of disputes.”

DOE Policies

In 1995 the DOE issued its policy on *Alternative Dispute Resolution* (ADR) (See Appendix D). This policy documents DOE’s commitment to use ADR as a management tool to prevent or minimize the escalation of disputes, and to resolve disputes at the earliest stage possible in an expeditious, cost-effective and mutually acceptable manner. This policy also supports the Department’s flexible use of all ADR processes, including mediation, neutral evaluation, regulatory-negotiation, partnering², mini-trials and arbitration, where appropriate.

In addition, the Department has a public participation policy, DOE P, 141.2, *Public Participation and Community Relations* (see Appendix D). This policy is intended to ensure that public participation and community outreach are integral and effective parts of DOE program activities and that decisions are made with the benefit of significant public perspectives. This policy provides a mechanism for bringing a broad range of stakeholder viewpoints and community values into DOE’s decision making early in the process. This early involvement enables DOE to make more informed decisions and build mutual understanding and trust between DOE, the public it serves, and the communities which host its facilities. These techniques, as evidenced by the examples discussed in section B above, are routinely used by DOE to prevent environmental conflicts

² Partnering is a formal process that brings key project participants (stakeholders) together to communicate effectively and work as a team to define and achieve mutually beneficial goals. An effective partnering effort relies on each stakeholder understanding the communication styles, goals, and organizational interests of the other members.

Training

Prior to issuance of the ECR Memorandum, some DOE sites had already conducted training on collaborative processes for their employees, contractors and regulators. For example, the Richland Operations Office has sponsored training classes for its employees, contractors, managers and regulators on “Collaborative Negotiation.” Richland continues to conduct these training sessions. In addition, a handbook entitled *You are Our Negotiator* has been developed for Richland and distributed to all new managers, employees and contractor personnel who will be interfacing with the regulators. These classes continue to be offered on a regular, as needed, basis.

In 2007, the DOE Office of the General Counsel and the U.S. Institute for Environmental Conflict Resolution co-sponsored ECR training for DOE field counsel and interested DOE program offices. Both attorneys and program offices were invited to participate and share lessons learned. The purpose of the ECR portion of the two-day intensive program was two fold: (1) develop awareness of the range of ECR applications, emphasizing the benefits of “proactive ECR” and early stakeholder involvement, and (2) appreciate the potential for stakeholder contributions in developing environmental protections in fulfilling DOE missions.

Office of NEPA Compliance

DOE’s Office of NEPA Compliance dedicated one its quarterly issues of “Lessons Learned” to collaboration and ADR, including ECR. This publication, issued in June 2007, has been circulated within DOE as well as the federal community.

Field Counsel Calls

The DOE Office of General Counsel also organizes a monthly conference call with DOE environmental attorneys to review cases and, as appropriate, to discuss the potential use of ECR. ECR support also is provided to DOE sites and DOE program offices by DOE’s Office of Dispute Resolution. This office assists in determining if a dispute may benefit from the use of a third-party neutral and in identifying and engaging appropriate individuals.

IX. Conclusion

Currently, DOE sites use a wide variety of collaborative decision-making processes in order to resolve or prevent environmental disputes. When appropriate, DOE sites also use third-party neutrals to assist in resolving or avoiding environmental disputes. As DOE continues its efforts to implement the ECR Memorandum, the Department expects increased use by DOE sites of collaborative decision-making processes, as well as third party-neutrals.