

Quarterly ECR Forum

February 15, 2007
CEQ Conference Room
722 Jackson Place
10:00am – 12:00pm

MEETING SUMMARY

Participants

Leila Afzal, Deputy Assistant General Counsel - National Atmospheric and Oceanic Administration
Dinah Bear, General Counsel - Council on Environmental Quality
Gail Brooks, Program Associate - U.S. Institute for Environmental Conflict Resolution
Kathleen Callister, Environmental Protection Specialist - National Aeronautic and Space Administration
Chip Cameron, Assistant General Counsel - Nuclear Regulatory Commission
Patricia Collins, Assistant General Counsel - Department of Air Force
Jerome Delli Priscoli, Senior Advisor, Water Resources Institute - Army Corps of Engineers
Kirk Emerson, Director - U.S. Institute for Environmental Conflict Resolution
David Emmerson, Senior Program Coordinator - Department of the Interior
Megan Gemunder, Attorney Advisor - Department of Homeland Security
Nelson Gonzalez, Environmental Program Specialist - Department of Veterans Affairs
William Hall, Conflict Resolution Specialist - U.S. Environmental Protection Agency
Paul Hoffman, Deputy Assistant Secretary, Performance, Accountability and Human Resources - Department of the Interior
Judy Kaleta, Senior Counsel - Department of Transportation
M. Kendra Klump, General Scientist - Nuclear Regulatory Commission
Robert Manley, Counsel - Department of the Navy
Steve Miller, Attorney, Office of General Counsel - Department of Energy
Mary Neumayr, Deputy General Counsel - Department of Energy
Deborah Osborne, Dispute Resolution Specialist - Federal Energy Regulatory Commission
Elaine T. Saiz, Director of Contracts - National Indian Gaming Commission
Beverly Stephens, Environmental Protection Specialist - Department of Energy
Martha Twarkins, NEPA Specialist - U.S. Department of Agriculture-Forest Service

On conference line:
Jim Payne, Senior Counsel - Department of Justice
Kerry Rini, Executive Assistant - U.S. Institute for Environmental Conflict Resolution

Convener's Welcome - Kirk Emerson, Director, US Institute for ECR

Kirk Emerson welcomed the group and introductions were made and the agenda reviewed

SLAC Report– Steve Miller, DOE

Case: Stanford Linear Accelerator Center (SLAC). SLAC is a DOE scientific research facility that spans 426-acres and is managed and operated by Stanford University. Currently, SLAC is using a facilitator to guide technical and policy discussions at its monthly Core Team meetings related to the environmental remediation of soil and groundwater. The Core Team, which began in the fall of 2005, consists of representatives from DOE, Stanford University and the State of California Regional Water Quality Control Board (RWQCB). A separate group of individuals, representing a higher level of management from DOE, Stanford and the RWQCB, is utilized to address those issues which cannot be resolved at the Core Team level.

Note: A copy of the presentation by Steve Miller will be placed on the U.S. Institute website.

Questions and Discussion

Q: How often can issues be revisited in the core team process?

A: Once there is agreement, issues are considered resolved unless there is an elevation. Previously, the representative from Stanford University did not have the authority to make decision.

Q: Are there provisions to revisit issues?

A: No. The objective is to keep moving forward.

Q: Did the cleanup order come before the core group was formed?

A: The order for additional cleanup came up after the core team was established to help shape the scope of work.

Q: Does the core team have the authority to resolve issues?

A: Yes, except for Stanford University.

Q: What were the lessons learned? Did the difficulties in the prior process shape the selection and direction of the new facilitator?

A: There was no real lesson for the selection, but there was clarification of the role of the facilitator and who directs him/her. The participants felt there was real value in having a facilitator.

Comment: For a facilitator to be effective he needs to prepare for dealing with a group (through assessments, etc.)

Q: Did this process result in a large increase in cost?

A: Yes, in the upfront costs, given the initial assumptions. A lot of the work that was supposed to be done later got tacked onto the front end in the cleanup order.

Comment: It perhaps is not a good idea to have the same contractor who “caused” the problem to be the one performing the cleanup. DOE will be looking at this in the future.

Comment: Bringing this back to the guiding principle of the facilitator being accountable to all parties, and being selected by the parties. There are also ways to conduct an assessment mid-stream in the process to see how things are working.

ECR Annual Reporting

Dave Emmerson provided a well-received first cut on the ECR annual reports and what they suggested re the current use of ECR by the 19 responding agencies. Uniformly, people expressed satisfaction with the reporting process since it served an educational and outreach function as well as a data collection purpose. A final report will be presented at the Spring ECR Forum and placed on the website with the individual agency reports.

Discussion

Discussion revolved around the following issues:

- The need to encourage the use of ECR among federal agencies and how to accomplish this. Several ways were suggested:
 - Use of ECR in policy outcomes and objectives
 - Link ECR to agency mission and decisions
- The suggestion was made to craft questions in the template that lead to taking a look at the link between ECR and agency mission
- A request was made to get the questions for next years report out soon so the internal surveys can be distributed in a more timely manner and the agencies can identify issues as ECR and track them
- The report format was generally considered helpful in the following ways:
 - as a way to get staff to focus on ECR issues,
 - leverage to tie the budget to strategies for the use of ECR;
 - as an educational opportunity to build expectations to look toward ECR as a solution
 - short enough to allow people to respond in depth

- created an awareness of ECR within the agency; now receiving cases from unexpected areas
- Difficulties with the report:
 - Counting cases is difficult – there needs to be greater information about what constitutes a “case”, what’s countable.
 - The language needs to be refined as to the word “conflict” and what constitutes “conflict”. Some cases used facilitators but did not consider the case ECR because there was no “conflict.”
 - There needs to be more consistency in the template and clarity on how to respond

Next Steps

The meeting summary and reports will be circulated for review and posted on the website.

The March 7, 2007 senior staff meeting will be planned in DC on proposed recommendations back to OMB and CEQ re 2007 annual report format and performance measures.