



545 Shoup Avenue

July 21, 2008

Suite 312

Stephanie Jennings  
NEPA Document Manager

Idaho Falls, ID

U.S. Department of Energy  
P.O. Box 10300

83402

Canoga Park, CA 91309

208.523.6668

Dear Ms. Jennings,

As you know, I have a contract to provide public participation services to the U.S. Department of Energy in support of efforts to prepare an Environmental Impact Statement for the Remediation of Area IV at the Santa Susana Field Laboratory.

One task under my scope of work called for me to conduct community interviews and then develop recommendations for how DOE should conduct public participation activities based on what I learned in those interviews. As per your direction, I developed the list of interviewees on my own, based on publicly available information and the suggestions of those with whom I talked. I have conducted 49 interviews involving a total of 58 people to date.

Following each interview, I transcribed my notes and requested the approval of those I interviewed. To date, I have received approval from all but six people. I am still hopeful to get approval for the balance of the interviews so that I can include them in my final report.

I know you are anxious to receive the results of the interviewing process. Accordingly, I am transmitting preliminary recommendations, based on the approved interviews. My full report will also include the full transcription of all interviews and a question-by-question analysis of the responses.

I hope you will find the attached preliminary recommendations to be helpful to you as you move forward with your plans.

I enjoyed the interviewing process immensely. The public surrounding SSFL is amazingly well informed and very interested in the future of the site. Almost everyone was happy to meet with me and expressed appreciation that they had been contacted for the interviews. Many expressed a desire to help DOE move forward with planning for cleanup that will address their concerns. They are not – by any means – uniform in their perspectives, opinions, concerns, or interests, but they do share an interest in helping DOE to move forward with cleanup.

Please don't hesitate to contact me if you have any questions about the recommendations.

Warm regards,

A handwritten signature in cursive script that reads "Wendy Green Lowe". The signature is written in black ink and is positioned above the printed name.

Wendy Green Lowe  
P2 Solutions

## ***Preliminary Recommendations for Public Participation Activities to Support Development of the Environmental Impact Statement for the Remediation of Area IV, Santa Susana Field Laboratory***

---

The scope of work under my contract with the U.S. Department of Energy (DOE) included community interviews to develop a more informed understanding of the various individuals and groups surrounding the Santa Susana Field Laboratory (SSFL) and their issues and concerns. The interview process was designed to learn about community perspectives on the cleanup and to learn how stakeholders would like to be involved during development of the Environmental Impact Statement (EIS) for the cleanup of Area IV at SSFL. This report provides preliminary recommendations derived from the results of the interviewing process.

### ***Background***

My purpose was not to interview everyone – but to try to ensure that all different perspectives are represented. I started with a short list of names that I could glean from a quick search of the Internet. One question asked people to recommend additional folks that I should contact; that question has yielded many excellent suggestions. Eventually, I conducted 49 interviews with a total of 58 people. Four people refused to allow me to interview them, but everyone else was accommodating of the request. Following each interview, I transcribed my notes and forwarded those notes to the interviewee(s) for review and approval. All but six of the interview summaries have been approved at this time. The following table provides summary numbers for various categories of individuals that I have interviewed to date:

<b>Category of Interviewee</b>	<b>Interviews Conducted (People)</b>
Agency representatives (federal, state, and local agencies)	10 (11)
Current employees	5
Elected officials/staff of elected officials	6 (8)
Former employees	4
Local business community	3
Native Americans	2
Neighbors	7 (9)
Other	1
People with environmental or health concerns	11 (15)
<b>Total</b>	<b>49 (58)</b>

I am aware that DOE needs to move forward with plans for the public participation activities that will be implemented to support the development of the EIS. Accordingly, I am submitting these preliminary recommendations at this time. A full report, including all of the approved interview summaries, an analysis of the responses to each question asked, and final recommendations, will be submitted as soon as possible.

There are extremely diverse perspectives among the individuals that I interviewed. Some people believe that there is extensive contamination remaining in the environment, posing grave

threat to the health and safety of the adjacent community. Others believe that most of the contamination has already been cleaned up. Some believe that a thorough EIS is needed in order to consider a full range of alternatives to cleanup the contamination. Others believe that the preparation of the EIS is effectively delaying the cleanup effort with no additional benefit to the community. Given these disparate perspectives, DOE will need a comprehensive public participation program to help achieve agreement within the community regarding the most appropriate path forward for the cleanup program.

Following are my recommendations to DOE for conducting public participation during the development of the EIS and continuing through the implementation of the cleanup program.

### **Overall Goal**

I understand that DOE's overall goal is to prepare a legally defensible EIS for the cleanup of Area IV at SSFL. While the public understands that DOE must prepare an EIS (indeed, many believe that DOE is preparing an EIS only because the agency was ordered to do so by a federal judge), it is clear that what most people really want is a thorough cleanup of the entire SSFL and all surrounding areas that have been contaminated by SSFL activities. They seek a cleanup that will effectively protect the environment and the health and safety of the adjacent communities into the foreseeable future.

***I recommend that DOE define its goal relative to the EIS with an eye on the final goal: to define a path forward for cleanup of Area IV at the SSFL that is publicly acceptable, protective of the environment and adjacent community, and implementable within DOE's constraints.***

The environmental activists have demonstrated the ability to use legal mechanisms to accomplish their objectives. Development of more effective ways to address their concerns in the decision-making process will be required to assure that the final decision can be implemented without legal challenge. An ineffective public participation program will only serve to further delay the implementation of the cleanup program, which is not what anyone wants to see.

### **DOE's Decision-Making Process**

The public has little understanding of how DOE will make decisions related to the cleanup of Area IV of SSFL. Many people believe DOE is only preparing an EIS to comply with the federal judge's orders, that DOE is just "checking a box."

***I recommend that DOE develop a clear explanation of the decision-making process that it will use to determine how it will implement effective cleanup of Area IV and the role that the EIS will play in that process. To the extent that DOE's final decision will rely on other considerations (beyond the information to be presented in the EIS), those considerations should be disclosed as soon as possible.***

### **Legal and Regulatory Framework**

Many people expressed an understanding of the legal requirements that appears to me to be inconsistent with DOE's interpretations of its responsibilities under the National Environmental Policy Act (NEPA). While I lack legal expertise regarding the relationship between NEPA and the California Environmental Quality Act (CEQA), I interpreted from the interviews that there may be fundamental differences in approach between the two regulatory regimes. For example, many that claimed knowledge of CEQA expressed the belief that DOE's plans (to prepare an

EIS for a program that it will also be responsible for implementing) constitute a conflict of interest.

The EPA has determined that the entire SSFL is eligible for inclusion on the National Priorities List (and cleanup under the Comprehensive Environmental Response, Compensation and Liability Act – or Superfund). The State of California has requested time to consider whether more effective cleanup might be accomplished another way. In the meantime, hazardous waste across the entire site is being cleaned up in accordance with the Resource Conservation and Recovery Act.

The complexity of environmental laws may prove confusing to the public. Interviewees who work for Boeing expressed concerns about the possibility of such confusion translating into a perception that the site is out of compliance with laws and regulations.

***I recommend that a DOE prepare an explanation of the laws and regulations it believes it must comply with during preparation of the EIS.***

Some people believe that the Department of Toxic Substances and Control (DTSC) will prepare an Environmental Impact Report for the entire SSFL in compliance with CEQA before the SSFL can be released to the State of California (if Boeing goes ahead with its plans to donate the property to the state). These folks believe that DOE can be compelled to conduct additional cleanup at that point in time if DTSC finds such cleanup is necessary.

***I recommend that DOE explore opportunities for coordination with DTSC to assure that the current EIS will support final cleanup efforts of Area IV at the SSFL.***

### **Level of Public Involvement for the EIS**

The International Association for Public Participation (IAP2) defines five different levels of public involvement (see [http://www.iap2.org/associations/4748/files/IAP2%20Spectrum\\_vertical.pdf](http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf)). DOE typically conducts public participation activities on the Consult Level while preparing EISs. The distinction between the Consult Level and the Involve Level is that the Involve Level provides the opportunity for more frequent engagement of the public in the decision-making process (rather than only at specific junctures in the process). In addition, techniques employed at the Involve Level provide the opportunity for various segments of the public to have a better understanding of the way other segments perceive the issues.

Given the fact that many stakeholders are extremely interested in the cleanup of Area IV, I think deeper and more frequent involvement will be critical to establishing a more effective relationship between DOE and the public. In addition, given the extremely diverse perspectives on SSFL within the broader community, I think DOE should provide an opportunity for interested parties to develop a better understanding of each other's concerns and interests. In the absence of full dialogue, DOE will not be able to make everyone happy.

***I recommend that DOE plan and conduct the public participation program for the EIS at the Involve Level of the IAP2 Spectrum. In other words, DOE should plan for frequent opportunities for the public to participate throughout the decision-making process.***

(DOE more typically provides public participation opportunities only at specified junctures in the process specified under NEPA.)

Many people reported frustration with public meetings where interested parties are afforded only brief opportunities to provide comments to DOE;<sup>1</sup> they would appreciate an opportunity for dialogue among DOE and the varied interested publics surrounding SSFL. Others expressed

---

<sup>1</sup> Some expressed frustration that SSFL Workgroup meetings are similarly structured.

discomfort with the long gap in time between scoping and public comment on a draft EIS, suggesting that waiting so long would contribute to the public's anxiety about site cleanup. More frequent interaction would help the public understand that DOE is still working on the EIS and the development of such a complicated document will take a long time.

***I recommend that DOE design public participation activities to provide an opportunity for members of the public to discuss differing perspectives together as well as with DOE.***

### **Objectives for Each Public Participation Event**

***I recommend that DOE clearly explain its objectives for each public participation activity, particularly as each activity relates to DOE's decision-making process.*** DOE should avoid oversimplifying the purpose of any activity. Vaguely defined objectives could result in segments of the public who do not understand what DOE will do as a result of engaging the public. While it may be tempting to communicate a willingness to receive any and all comments, DOE will likely end up without an appropriate way to be responsive to some concerns.

### **Broad Cross-Section of the Public**

While a large number of people typically participate in public participation opportunities related to SSFL, I am told that there are also many who do not. For example, there is a contingent of former employees who have been reticent to participate. Some of the neighbors I spoke with admitted not participating out of fear of being perceived as lacking knowledge or because they have other, more urgent priorities. Many of those who do not routinely participate expressed concern that DOE is only hearing from one segment of the community.

Some expressed opinions that are in agreement with the environmental activists who do participate regularly; others do not agree. One ramification is that those who regularly attend public meetings have assumed that everyone agrees with them. My interviews revealed a more complicated reality.

Suggestions for specific groups that DOE should reach out to during the EIS include the business community, educators, and health care providers. Another suggested that DOE should more actively reach out to regulatory agencies and elected officials.

***I recommend that DOE more actively seek out the participation of a broad cross-section of the community and support open dialogue among all participants.*** Through such dialogue, DOE will have an opportunity to define a sustainable and publicly supported path forward for effecting cleanup.

### **Extent of Contamination**

It is widely believed that DOE:

- Hasn't acknowledged the dispersal of contamination from the original location (where it was generated)
- Underestimates the extent of contamination that poses risks to the environment and the adjacent community
- Wants to minimize the extent of contamination in order to minimize the cost of the cleanup.

The public has little confidence that DOE has shared all information that is known about past contamination. Many believe that DOE cannot proceed with developing an appropriate EIS without first conducting a full site characterization. The public cannot possibly support a

cleanup program if they believe the cleanup will not address all contamination. Full disclosure of what is known about the extent of the contamination will be critical to gaining the support of the community for the final decisions related to the cleanup program. Full disclosure will also help the DOE regain the public's trust.

***I recommend that DOE arrange for soil and groundwater sampling to enhance current knowledge of the nature and full geographic extent of contamination to be addressed by the cleanup effort.***

***I recommend that the results of this sampling effort be shared with the community.***

***I recommend that DOE consider the possibility of involving the public in this sampling effort to increase confidence in the results of the sampling effort.*** The above could be accomplished by providing an opportunity for members of the community to accompany staff implementing the sampling program.

I understand that sampling may not be completed until after the scoping period for the EIS. I expect that there may be members of the public who feel they are not able to suggest alternatives for consideration until the full extent of the contamination is disclosed. ***I recommend that DOE host a public meeting to share the results of the sampling program and provide another opportunity for members of the public to suggest alternatives at that point.***

### **Scope of the Cleanup**

There is widespread frustration that the EIS will only address Area IV and that DOE intends to focus its cleanup within Area IV boundaries. Many people believe that not all contamination that originated in Area IV remains in Area IV and that historical activities were not nearly as segregated between the various areas in the past as they are now. For example, many report knowledge that radioactive material from Area IV was taken to the Area I burn pit in the past.

***I recommend that DOE strive to develop a clear explanation of how the investigation and cleanup of the rest of SSFL and surrounding areas will be accomplished. Development of such an explanation may require cooperation with other parties<sup>2</sup>. A consistent message from all relevant parties would be extremely well received. I don't think that simply stating that DOE isn't responsible for contamination found elsewhere will satisfy the public's concerns.***

### **Standards for Cleanup**

It is widely believed that DOE does not intend to reduce risks to a level that is acceptable to the community. Many stakeholders expressed concerns about DOE's plans to achieve a risk standard of  $10^{-4}$  as a result of the cleanup. It is widely believed that the EPA requires that cleanup efforts at Superfund sites accomplish a risk standard of  $10^{-6}$ .

***I recommend that DOE provide an opportunity for dialogue with the community about the risk standards that will be used for the cleanup program. Representatives of EPA should be included in that discussion. Alternatively, DOE could evaluate alternatives in the EIS that would accomplish different risk reduction levels. In either case, I would recommend against dismissing the possibility of cleaning up to the stricter standard prior to full evaluation in the EIS.***

---

<sup>2</sup> Including NASA, Boeing, the EPA, and the California Department of Toxic Substances Control (DTSC).

## **DOE's Credibility with the Public**

There are widespread perceptions that DOE:

- spins information to serve its own purposes
- has not been forthcoming and open with the public
- has refused to release (or lied about the existence of) documentation that is believed to exist
- has not told the full or accurate story of what has transpired at Area IV over the history of the site
- has not treated the public with respect.

***I recommend that DOE embrace the opportunity to involve the public in the development of the EIS by providing a clear explanation of a transparent decision-making process it will use and then affording as many opportunities for the public to participate in that process as possible.***

Regaining the public's trust will take time and it will require DOE staff to have in a trustworthy manner. I recognize that current DOE staff may have done little to contribute to the legacy of mistrust. However, they should work hard to understand the situation and accept that regaining public trust will be difficult.

It is my understanding that the Environmental Protection Agency (EPA) convened the SSFL Workgroup to provide an opportunity for dialogue with interested stakeholders about their concerns at SSFL. It is widely believed that the DOE representative to the Workgroup (over a period of several years) had little regard for the public and behaved in a manner that implied that he thought participation at Workgroup meetings was a waste of his time. I further understand that DOE stopped participating in the SSFL Workgroup a few years ago. This development was received as an act of abandonment or betrayal – it deeply offended the members of the Workgroup and those who regularly attend their meetings.

DOE's recent return to the Workgroup is definitely a step in the right direction. Although many people continue to express anger at DOE, most people I spoke with seemed prepared to give DOE another chance.

Because EPA still has higher credibility with the public, several people suggested that that EPA should prepare the EIS or supervise the preparation of the EIS. One EPA employee, Gregg Dempsey, is mentioned by name by many as being trustworthy, I was told he does not always say what people want to hear, but he is believed to be candid and forthcoming.

***I recommend that DOE consider negotiating a role for Gregg Dempsey on the team that will prepare the EIS. Perhaps he could be retained as a technical reviewer. If such an arrangement could be made, I think it would lend tremendous credibility to the EIS.***

Other steps that could help to restore DOE's credibility might include:

- demonstrating a willingness to share all relevant information, even that which might not reflect well on DOE
- demonstrating respect and courtesy for the adjacent community at all times
- demonstrating a willingness to incorporate community concerns into decisions about how to clean up Area IV.

DOE's contractor at SSFL, Boeing, also appears to have low credibility, at least within the activist community. (Boeing's credibility with many former employees, a specific segment of the public, is much higher.)

DOE has hired an independent contractor to prepare the EIS. ***I recommend that DOE encourage the contractor preparing the EIS to work as independently as possible.***

A final note about DOE credibility: many interviewees urged DOE to be as transparent as possible in moving ahead with the EIS. They would like DOE to be forthcoming about any changes that occur, to report frequently on the progress of the EIS, and most importantly, to share any information that is uncovered, including that might reflect poorly on DOE. ***I recommend that DOE embrace the challenge to be as transparent as possible throughout the development of the EIS.***

### **Acknowledgement of Community Concerns**

There is a widespread perception that DOE has never accepted responsibility for the harm done to the community as a result of past operations at SSFL. Many talk with incredulity about DOE's version of the story about the 1959 meltdown and DOE's denial of health effects (including various cancers, thyroid problems, and retinal blastoma) that are widely believed to be caused by contamination originating from SSFL. Many reported hearing official denial of off-site contamination, the possibility that on-site operations may have posed risks to the community, and the potentially negative impacts of contamination on the community's welfare. Consequently, there is little confidence on the part of the public that DOE will ever acknowledge the community's fears and concerns.

***I recommend that DOE:***

- ***Admit to past mistakes***
- ***Admit that not all past operations complied with today's standards***
- ***Acknowledge the fears of community members who worry about the potential impacts of historic and current environmental contamination***
- ***Acknowledge the suffering of people who have health concerns that they believe are attributable to SSFL operations.***

### **The Environmental Activists' Intentions**

It would be a mistake to interpret the behaviors of the environmental activists as being opposed to DOE. It is my opinion that most of the activists are keenly interested in helping DOE implement an effective cleanup program that would be protective of the environment and the health and safety of the adjacent community.

***I recommend that DOE define a role for the public that would allow the very interested parties to participate constructively in decision-making relative to the cleanup program. I think this would be very well received.***

Some people are extremely well informed about SSFL. They report being treated disrespectfully by DOE in the past. ***I recommend that DOE take steps to provide additional opportunities for engagement in the EIS process to the extent possible under NEPA, capitalize on their extensive knowledge, and demonstrate appreciation for these dedicated individuals.***

### **Framing the Decision to be Supported by the EIS**

Although the EIS is being prepared to support decision-making related to cleanup of radioactive and hazardous contamination in Area IV of the SSFL, some members of the public are looking beyond the cleanup to the eventual release of the property for other uses. Interviewees commented on the natural beauty of the area, the presence of important Native American cultural sites, and the unique history of the site (including both the important role it has played in the history of the “space race” as well as a setting for the movie industry).

Some members of the public would likely appreciate an opportunity to help envision a future for the site. ***I recommend that DOE consider hosting a visioning session to allow the public to contribute thoughts to how the site might eventually become an asset to the community.***

### **Response to Comments**

Public agencies engaging the community in decision making make an implicit promise to the public that the input will actually be incorporated in the decision making process. The public will have an expectation that DOE will consider all community input to the extent possible, particularly if DOE communicates an intention to engage the public more fully in this EIS than has been typical in the past.

***I recommend that DOE host public meetings to share what they have heard as a result of each public comment period and how they intend to use those comments in the EIS.***

Regarding the public’s role in scoping for the EIS, many people suggested that DOE should seriously consider all suggestions from the public for additional alternatives and issues that should be evaluated in the EIS. It was acknowledged that some alternatives may not be possible to implement (i.e., they may not be technically feasible), but there is an expectation that DOE will provide an explanation as to why any alternative suggested by the public is not fully evaluated. ***I recommend that DOE consider any alternatives and issues suggested by the public during scoping to the extent possible.***

Some interviewees commented on how unsatisfying it would be to wait until the Final EIS to learn how DOE has responded to comments. They reported hoping to have an opportunity to comment on the alternative that DOE identifies as the preferred alternative, before DOE’s decision is finalized. If DOE does not identify a preferred alternative in the Draft EIS, not knowing how DOE has considered comments in the decision-making will likely prove disappointing to the public. ***I recommend that DOE consider the possibility of providing an opportunity for the public to comment after the selection of the preferred alternative.*** Such an opportunity might be designed to allow the public to suggest potential mitigation measures that could be implemented to minimize negative impacts on the community,

### **Frequency of Engagement**

The interim between the Scoping Period and the release of the Draft EIS will be too long for most people’s comfort. Many people that I interviewed encouraged DOE to provide frequent, iterative opportunities to participate in the development of the EIS.

***I recommend that DOE consider more frequent opportunities to engage the public,*** including the following possibilities:

- Providing an opportunity to share the results of the “Gap Analysis” (the independent evaluation of available data) and discuss how to address the gaps in the data

- Informing the community about the nature and extent of contamination following completion of sampling to supplement existing data
- Engaging the community in a discussion of the risk levels that will be used for the EIS
- Entering into a dialogue about possible mitigation strategies to address negative impacts associated with implementation of the various alternatives that are evaluated in the EIS.

Some people recommended that DOE host its own meetings on a regular schedule to present the status of efforts to prepare the EIS. Others indicated a preference for DOE presenting the status within the context of other, on-going public outreach efforts. For example, DOE could offer to provide status reports at SSFL Workgroup meetings, Neighborhood Council meetings, meetings of the Tribal Senate, Chamber of Commerce meetings, and/or DTSC workshops. ***I recommend that DOE consider the possibility of providing regularly scheduled status reports, using a consistent format throughout the duration of efforts to prepare the EIS, and possibly throughout the implementation of cleanup efforts.***

### **Duration of the Public Involvement Program**

Many people stated that they expect the public will be interested in the cleanup of Area IV well past the completion of the EIS. In particular, they expressed interest in the implementation of the cleanup and the results of ongoing monitoring of the effectiveness of the cleanup. ***I recommend that DOE prepare to continue public participation activities beyond the completion of the EIS.*** One suggestion made by an interviewee was that DOE might want to form a citizen environmental monitoring team to provide an ongoing opportunity for public involvement. This team could also help keep the public well informed regarding the status of implementation of the cleanup effort.

### **Adequacy of Information on Which to Base the EIS**

One question specifically asked folks about information they thought DOE should consider, but might overlook during preparation of the EIS. Many people felt DOE would have adequate documentation on which to base the EIS.

Not everyone felt that DOE has all the necessary information for preparing the EIS, however. The most frequent observation was that former employees had not thoroughly documented past operations. People had heard anecdotes about disposal of radioactive and hazardous materials in a manner that is inconsistent with historical documents. Others reported hearing about handling and disposal practices that were not consistent with current laws and practices. ***I recommend that DOE consider the possibility of inviting former employees to a meeting specifically designed to solicit input that might be of relevance to DOE's efforts to prepare the EIS.***

One former employee I talked with reported that employees were prohibited from sharing information across programs and projects due to the secret, top secret, or classified project classifications. As a result, most employees were knowledgeable about only those projects that they were assigned to work on. This individual suggested that the EIS preparers would have to review all historical documents to get a complete picture of historical activities.

In addition, it is widely believed that some members of the community know more about SSFL than DOE staff. This belief relates in part to the fact that the more knowledgeable stakeholders have been involved for a very long time and have reviewed countless historical documents, while many DOE staff have only recently been assigned to work on the EIS. Indeed, it may be impossible for current DOE staff to review all relevant documents and become knowledgeable of all relevant documentation. ***I recommend that DOE acknowledge the extensive***

**knowledge within the community by inviting them to share information with the contractor staff that is preparing the EIS.**

**Specific Techniques for Inclusion in the Public Participation Program**

One question asked for reactions to 14 specific techniques that could be incorporated into the public participation program. Following is the ranking of the 14 techniques in order of the number of people who indicated that they thought the technique would be useful for engaging the SSFL community:

<b>Technique</b>	<b>Rank</b>	<b>Number who thought would be useful</b>
Internet tools for sharing information	1	43
Informational fact sheets	2	40
Information repositories	3	39
Periodic informational briefings	4 (tie)	36
Formal public meetings	4 (tie)	36
Public tours of Area IV	6	35
Periodic review of technical documents	7	34
Telephone hotline	8 (tie)	33
Workshops	8 (tie)	33
Periodic newsletters	10	29
Public open houses	11	28
Ongoing Citizen Advisory Group	12	24
Detailed technical presentations	13	23
Information kiosks	14	15

I recommend that DOE consider implementing the top ranked techniques as they were widely supported. Two-thirds or more of the people interviewed responded favorably to the top nine ideas. Smaller numbers of the people I interviewed approved the rest of the techniques, and generally, they would require careful design to be useful on this project.

DOE already has a website for disseminating information about the EIS, which received some compliments during the interviewing process. People suggested that all documents related to the EIS, including reference documents, should be posted on the website. Some recommended that the site be updated frequently or on a specific schedule. An interactive design was recommended to allow interested parties to dig deeper into issues of particular interest. Some suggested that DOE send notices automatically whenever new documents are added to the website.

Informational fact sheets were favored by many people that I interviewed. Based on the interviews, fact sheets should be designed to use clear, simple language in a readable format. One particular topic that was suggested was the history of the site. If this topic were to be addressed in a fact sheet, I would suggest that every effort be made to acknowledge the public's perception of the history.

The information repositories were approved by many. Some noted that fewer people may rely on them since the onset of the Internet, but they continue to be useful to a segment of the community. Efforts should be made to ensure that the holdings are complete.

Many favored the concept of regular, periodic informational briefings. A regular schedule is seen as being respectful and dependable. DOE might want to consider a consistent agenda that allows for reporting on the status of issues discussed in the past as well as identification of new issues, the opportunity for DOE to respond to questions, and the updates on the status of efforts to prepare the EIS. At every meeting, the public should be afforded an opportunity to ask questions and to raise new concerns.

Public meetings should be conducted following formal protocol. While some felt a court reporter would be intimidating, many others observed that having a moderator and a court reporter puts everyone on their "best behavior." Strict time limits were favored by most, and several people suggested that commenters should not be allowed to donate their time to others.

Public tours were approved by many, although a few individuals suggested that tours would only be appropriate if steps were taken to protect tour participants' safety. They would obviously be optional. Timing should coincide with public meetings.

While many people responded favorably to the possibility of providing the opportunity to review technical documents, responses were varied on how this should be accomplished. Many recognized that some stakeholders are adequately well informed to appreciate supporting documents. It is possible that posting such documents on the website would be adequate.

A toll-free telephone hotline was mentioned by many as being a good idea, but only if it were staffed by a real person. Many expressed concern about how long it would take to get answers for questions transmitted via a hotline. Some suggested that responses should be posted on the Internet to allow others to benefit from questions raised.

The concept of public workshops was well received. Many people really liked the idea of being asked to complete a specific task rather than simply providing comments. They responded well to the concept of being able to talk with other members of the public and to the opportunity to actually help DOE with a specific task.

Additional suggestions related to the implementation of all techniques will be included in my final report.

### ***Technical Oversight***

The technique that generated the most reactions was that of an ongoing advisory board. Some suggested that all of the SSFL Workgroup members should be invited to serve on an advisory board; others suggested that those folks should be barred from participating. Some felt that any move by DOE to form an advisory board would be seen as disrespectful of the SSFL Workgroup. Many felt it would be extremely difficult to convene a body that would be truly representative of the public.

Some interviewees suggested that DOE consider convening a technical advisory board rather than a citizen advisory panel. Such an advisory body could be designed to include technical experts with the appropriate expertise and/or academic credentials to review and comment on the draft EIS and technical appendices. It could also serve to help DOE develop strategies for communicating technical information to the public. The public could be afforded an opportunity to weigh in on the selection of members for this board.

***I recommend that DOE explore the concept of convening a Technical Advisory Board.*** If Gregg Dempsey has not been tapped for another role on the EIS team, perhaps he could be invited to chair the Board.

Another suggestion was that DOE could appoint an Inspector General to oversee the preparation of the EIS, protecting the decision-making process related to cleanup for SSFL from political pressures.

### **Convene a Native American Advisory Board**

Various Native American peoples used the site of the present day SSFL historically and they have been restricted from accessing these ancestral lands since the site was established. I spoke with representatives of the Native American community. These individuals expressed focused concerns about potential negative impacts on historical and cultural resources found on the SSFL during site investigations (prepared to support preparation of the EIS) as well as during implementation of the subsequent cleanup.

***I recommend that DOE explore the possibility of convening a Native American Advisory Board to support preparation of the EIS as well as implementation of the cleanup program in a manner that would be protective of resources of importance to them.***

Members of this board could be invited to accompany contractor staff during site investigations in the vicinity of known cultural resources.

### **Format for Scoping Meetings**

I asked interviewees for suggestions for the role that the public should play during scoping. Essentially everyone agreed that the public should be afforded an opportunity to suggest alternatives for consideration and issues that should be considered during that evaluation. Although some people expressed the opinion that DOE should not have already determined which alternatives will be considered, most people felt that DOE should carefully explain the alternatives that have already been identified, and then invite the public to suggest additional alternatives and/or changes to those alternatives to make them more palatable to the community.

Similarly, many said that DOE should explain the issues it intends to consider while evaluating each alternative, then invite suggestions for other issues of relevance to the community.

In response to other questions, many people suggested that DOE should provide adequate time for each public comment period and should provide an opportunity for the public to ask questions before submitting comments.

While open houses were disdained as a substitute for formal public comment meetings in the SSFL community, many recognized the potential for an open house format for providing information before a formal comment meeting is scheduled to begin.

DOE should carefully explain that the purpose of the scoping meetings is to invite suggestions of additional alternatives and issues for consideration during development of the EIS. ***I recommend that DOE design each scoping meeting to include:***

- ***An open house set-up to provide information*** about each alternative that has already been identified and information about issues that have already been identified for consideration. Technical experts should be available at each station to answer questions.

- ***Followed by a formal public meeting*** to 1) thank people for their interest, 2) present an overview of the EIS and the schedule for its preparation, 3) respond to any questions, and 4) take formal comments from the public.

### **Alternatives for Evaluation in the EIS**

Interviewees reported frustration with DOE when the agency has considered an artificially short list of alternatives – composed of a no-action alternative, a preferred alternative, and another alternative that is so absurd that it is not really an alternative. ***I recommend that DOE seek to identify at least two alternatives for evaluation that are technically feasible and affordable – so that the public comment period on the Draft EIS allows the public an opportunity to indicate a preference among reasonable alternatives.***

The internal team supporting the development of the EIS (including CDM – the contractor hired to prepare the EIS – and DOE) may be qualified to rank alternatives considered in the EIS on technical considerations, in addition to other constraints on the decision-making process like total cost. By contrast, the public can help DOE understand the political viability as well as the potential acceptability of each alternative to the public. DOE should take full advantage of this important perspective. ***I recommend that DOE consider methods for soliciting comments on the Draft EIS in a manner that would allow the public to help distinguish among any alternatives that are deemed acceptable to DOE (technically feasible and affordable). If DOE selects a preferred alternative in the Draft EIS, I recommend that DOE seek public comments on how that preferred alternative might be adjusted to make it as acceptable to the public as possible.***

### **Informing the Public**

In seeking to inform the public to support participation in the EIS, DOE needs to understand that there are numerous levels of knowledge within the public, including:

- People who have been concerned about SSFL for a very long time and have become quite knowledgeable about the site
- People who have worked at SSFL and have technical knowledge and extensive experience
- People who know very little about SSFL but have some concerns based on media coverage.

All of these groups are interested in seeing DOE complete an effective and protective cleanup of Area IV at SSFL. Their information needs are quite different, however, and DOE should plan to address their separate needs. I do not believe that a one-size-fits-all approach to informing the public would support accomplishment of DOE's goals and objectives.

DOE needs to understand that many individuals will not change their minds simply because DOE provides information. These folks will receive information provided by DOE within the context of what they already know and believe.

The activist community has done an amazing job of informing the broader community about SSFL. Huge numbers of historical documents are available through their websites. These groups are perceived by many to be more credible than DOE. At a minimum, DOE should be thoroughly familiar with all information that is available to the public.

***I recommend that DOE develop an approach to meeting the information needs of all segments of the broader public.***

Quite a few people that I interviewed expressed concerns about DOE's ability to prepare information materials for the public. It was felt that most DOE documents are overly technical. Many people expressed an interest in SSFL, but did not feel that past attempts to convey information had met the needs of people with a lay background.

In addition, numerous people felt that DOE's information materials in the past have not been objective.

***I recommend that DOE make a conscious effort to prepare information materials that are appropriate for people who do not have a technical background and to portray information as objectively as possible.***

One suggestion made during the interviews is that DOE form a team (including members of the public) to review informational materials to be provided to the public. ***I recommend that DOE consider this concept.***

Additionally, a number of people were concerned about the manner in which DOE presents information at public meetings. It was suggested that presenters must be able to respond knowledgeably to all likely questions and have training in public speaking. It was also recommended that presenters be open and sincere.

***I recommend that DOE consider carefully who should present information at public meetings. DOE should seek to balance technical knowledge, public speaking skills, and interpersonal skills.***

### **Easy Recommendations**

The following recommendations require little explanation. I can elaborate further, if desired.

1. DOE should provide adequate notice of all public participation opportunities. This means that DOE should announce all public meetings and public comment periods well in advance and use multiple channels.
2. DOE should schedule public participation events in a way that minimizes the potential for schedule conflicts for interested parties.
3. DOE should consider scheduling public meetings on Saturdays and/or evenings to support the involvement of people with normal Monday through Friday working schedules.
4. DOE might want to consider enlisting the help of the various watchdog organizations by asking them to post information about the EIS and opportunities for public participation on their websites.
5. DOE should provide adequate time for the public to prepare comments during public comment periods.
6. DOE should provide an opportunity for the public to ask questions well before the end of all public comment periods to help ensure that comments are well informed.
7. DOE should prepare for all public appearances by practicing responses to likely difficult questions. Unanswered questions are frustrating to everyone.
8. When asked a question at a public meeting that DOE staff is not able to answer, DOE should make sure that an answer is provided directly to the person who asked the question in a timely manner. DOE should also take steps to broadcast any answers to questions to all who were in attendance when the question was asked. It was noted that failing to do so leaves any who observed the question to conclude that DOE never responded.

9. DOE should commit to considering every comment received as a result of the public participation program and to reporting back to the public on the way each comment was addressed.
10. DOE should decide before each public appearance who will be acting as the spokesperson at the event. Make sure that person is well informed.
11. DOE should provide handout materials for all public meetings that allow members of the public take home information that was presented.
12. DOE should attend all SSFL Workgroup meetings, public open houses and workshops hosted by DTSC, and other public meetings to remain well informed about what else is going on at SSFL and emerging public concerns.
13. DOE should take steps to coordinate public participation activities with relevant agencies, particularly regulatory agencies.
14. DOE should make certain that other agencies and elected officials are well informed of all public participation activities.
15. DOE should provide press releases (not just display advertisements) to regional and local news outlets and ask for help in getting the word out about public participation activities. The Acorn was mentioned frequently as a good, local source of news.

### **Evaluation and Project Flexibility**

The community surrounding SSFL is diverse and dynamic. Not all environmental activists are in agreement with each other and no one person is held in high regard by all parties. This report presents my best recommendations based on my current understanding of the situation.

***I recommend that DOE periodically evaluate the public participation efforts related to the EIS and critically evaluate the effectiveness of each public event. I further recommend that DOE stay flexible and willing to adjust its plans as time goes on.*** With an eye fixed on the overall goal – to define a path forward for cleanup of Area IV at the SSFL that is publicly acceptable, protective of the environment and adjacent community, and implementable within DOE's constraints – the specific techniques that are employed will not be as important as the attitudes demonstrated by DOE staff. If DOE staff approaches each public participation activity with a genuine interest in the community's interests and concern, each activity will be more successful. In the end, the public will help DOE find a path forward that will address the community's concerns and that can be implemented without legal challenge.