

Deacon, Mike

From: John Devereux Joslin [jdjoslin@esper.com]
Sent: Monday, October 08, 2001 10:59 AM
To: Wayne Tolbert; Marianne Heiskell
Cc: Leah Dever; Pat Parr; Mike Deacon; Marty Marina; Rick Parrish
Subject: Focus Group Shortcomings



Letter on Focus Group
Shortcom...

Advocates for the Oak Ridge Reservation

October 8, 2001

Marianne Heiskell
Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Wayne Tolbert
SAIC
301 Laboratory Road
Oak Ridge, TN 37831

Dear Mr. Tolbert and Ms. Heiskell:

I am writing on behalf of the Advocates of the Oak Ridge Reservation (AFORR) to express our strong dissatisfaction with the manner in which Oak Ridge Reservation Land-Use Planning Focus Group meetings have been conducted during the first two meetings, in particular the last meeting of September 28. Please note that I am writing to you not only as an individual member of the focus group, but also with the approval of the entire Board of the Advocates for the Oak Ridge Reservation, as voted upon at its board meeting of October 2, 2001.

Many of our concerns relate to the manner in which the facilitator, Barry Lawson, has been handling the process to date. It appears clear to us that the Department of Energy (DOE) has not adequately communicated with the facilitator on a number of matters that were agreed upon prior to the initiation of this entire process. These agreements were confirmed to us and to others in several meetings and conversations between representatives of our organization, and representatives of other organizations, and Ms. Dever and her staff.

Specifically, the facilitator appears to be unaware that AFORR, along with the Tennessee Conservation League and the Southern Environmental Law Center, agreed several months ago to forego filing a lawsuit against the Department of Energy. This agreement was made under the condition that a long-range comprehensive land-use planning process be conducted by DOE. Further, it was made specific in that understanding that this planning process would closely resemble the process used in the conductance of an Environmental Impact Statement. Moreover, it was agreed—in separate meetings and conversations with Ms. Dever—that included in that process would be thorough in-depth analyses of the consequences of different scenarios by independent, unbiased experts. It was also agreed that this process would look at the interactive effects that any action on any individual parcel of land might have on the whole Oak Ridge Reservation. It was therefore agreed that any interim “piecemeal” recommendations about individual parcels should be avoided. Such “segmentation” of decisions is contrary to the intent of

e-wide EIS, and would have been a major part of the basis for our lawsuit.

We believe that DOE has not made Mr. Lawson aware of these process-related agreements. The following is a list of behaviors on his part—during his presentation of the process and the attendant discussions during the September 28 meeting—that have led us to this conclusion:

1. Failure by Mr. Lawson to recognize the importance of formulating different scenarios and subjecting them to in-depth analyses by independent, unbiased experts. I have emphasized to the facilitator and the group on two separate occasions the critical need for a scenario evaluation process and accompanying independent, in-depth analyses. Nevertheless, any reference to such analyses have been omitted from any process material that Mr. Lawson has presented to the group.

Furthermore, in response to Ms. Marina's (Director, Tenn. Conservation League) subsequent statement at the Sept. 28 meeting to the same effect, the facilitator wrote down something on the flip chart like "(analysis?)"—in parentheses with a question mark—as if such analyses were something that might be considered as a possibility at some time by the group.

To the contrary, we strongly feel that such analyses are a central component of the process. Examples of the types of the analyses we are referring to include:

* Evaluation of the demand and supply for industrial (or residential or commercial) land in the region immediately surrounding the ORR for the next 10-20 years.

* Evaluation of the costs and benefits to the city of OR of providing utilities and services to all developments (industrial, commercial, residential) under a given scenario.

* Evaluation of the costs and benefits (including conservation, recreation, tourism, aesthetics, educational opportunities, security buffers, and scientific research opportunities) of leaving land undeveloped under a given scenario.

2. Leaving it up to the "focus group members" to establish the process, rather than setting forth in some detail what the process will be, as previously agreed to by DOE.

3. A suggestion by the facilitator that public meetings should not be held until at least 4 months into the process. This suggestion is contrary to agreements discussed prior to the beginning of this process, that a public meeting would be held early in the process and is totally inconsistent with prior statements by Ms. Dever to that effect.

4. Listing and emphasis by the facilitator upon the group's reaching recommendations about certain "interim actions," prior to completion of the entire process.

Finally, we believe it is appropriate for DOE to provide information to the group about portions of the reservation that it deems "core" areas, and critical to the fulfillment of DOE's primary missions. On the other hand, it should be made clear that these areas are still part of the reservation and therefore remain part of the planning process. Further, they should not be removed from any analyses of scenarios for the reservation nor from consideration of how the reservation might serve certain functions "as a whole."

We therefore request that these shortcomings be addressed prior to the next meeting of the focus group (October 12). DOE must communicate the agreed-upon process to the facilitator and provide him with the background necessary to understand the reason for this process. We would be glad to discuss these matters with either of you. In fact, we would welcome the opportunity to discuss them with both of you.

Sincerely,

Dev Joslin
President, Advocates for the Oak Ridge Reservation

Cc: Leah Dever, Manager, Oak Ridge Operations, DOE
Par Parr, Area Manager, Oak Ridge National Laboratory,
Mike Deacon, SAIC
Marty Marina, Director, Tennessee Conservation League
Rick Parrish, Senior Attorney, Southern Environmental Law Center