

Public Involvement in Vision and Guiding Documents

DRAFT 3/3/21

Background:

There are a small number of Tri-Party Agreement (TPA) joint and individual agency documents that provide fundamental frameworks for the cleanup of Hanford. These documents include overarching “visions” used in setting priorities, budgets, and schedules, and “principles and practices” that reflect widely applicable strategies for addressing the risks associated with waste management facilities and contaminated sites at Hanford.

The Hanford Advisory Board (HAB, Board) believes that it is essential that these vision, prioritization and framework documents are informed by significant region-wide public involvement and formal Tribal consultation process since these documents impact so many foundational decisions.

As background to our advice, the Board wishes to reflect on the recent public involvement aspects of two such documents, the Department of Energy 10-Year Strategic Vision and the Central Plateau Principles and Parameters. Though neither of these documents require a formal public comment period, the Board believes that both of these documents should be brought back out for public comment to ensure public input informs and lends legitimacy to the decisions that will be supported by these documents.

Department of Energy Environmental Management (DOE EM) 10-Year Strategic Vision (Strategic Vision)

The US DOE Environmental Management office developed its second iteration of a Ten Year Strategic Vision in late 2020. According to the EM website, “A strategic roadmap is needed to lay out how all the pieces of cleanup fit together to meet our ultimate and shared goal – completing the EM mission safely, effectively, and at a good value for the American taxpayer.” One stated purpose of the Strategic Vision is to support and inform the Administration’s budget proposal for DOE-EM.

The “Benefits” section of the Strategic Vision webpage states, “The Strategic Vision provides greater transparency enhancing EM’s credibility and accountability to regulators, tribal nations and local communities. EM’s cleanup plans and successes help us sustain and grow the community support we need.”

On October 20, 2020, USDOE sent the draft Strategic Vision for the Hanford site to only the primary HAB seat-holders, with a hurried eight-day deadline for comment. Only a few Board members were able to respond. The short response time and limited distribution made it impossible to put this in front of the Board for deliberation. The Board believes that for this and other vision documents, a longer and more inclusive public involvement process is necessary to achieve DOE’s stated goal of sustaining and growing community support.

Any meaningful strategic plan for major public policy decisions should start with engagement in planning for how the public will be engaged, and affected Tribes consulted, in development and updating major strategies and priorities.

The USDOE Proposed Ten Year Strategic Vision would benefit from incorporating strategy for responding to major policy challenges or unforeseen circumstances, e.g. budget and funding opportunities or reductions; major accidents, new research or findings. The Board believes that DOE should bring the annual revision of the Ten Year Vision out for annual public review and comment, and formal consultation with Tribes.

Central Plateau Principles and Parameters

On October 28, 2020, a new document was formally adopted by the Tri Party Agencies and added to a Tri Party Agreement Action Plan appendix. This document, titled, "Central Plateau Principles and Parameters," (Principles document) codifies key parameters, principles, and cleanup criteria that were agreed upon by the TPA agencies and which are intended to create a set of regulatory blueprints that can be incorporated into every cleanup plan within the Central Plateau Inner Area.

The Board remembers and appreciates that in 2014-2015, the agencies brought to the Board draft concepts called the "Inner Area Principles", for which the Board developed Advice 283 in 2015. However, the Board was surprised to see the formal adoption of this document into the TPA despite not having received any updates on the "Inner Area Principles" for the past five years. Over the past year and a half, the Board has specifically inquired about the status of the "Inner Area Principles" as a key part of a planned Committee of the Whole topic focused on risk and Hanford cleanup end states.

The Board sees the abrupt adoption of the TPA's Principles document as a missed opportunity for the agencies to engage the public on the end-states of Hanford cleanup for the Central Plateau, an accessible and important topic that has wide ranging implications for the final footprint of the Hanford site. The Board believes that the TPA agencies should have made the proposed draft of the Principles document available for public review and comment prior to formally adopting the document.

The Board understands that the Principles document constitutes a Class II change to the Tri Party Agreement, for which, "public review/comment may be required." The agencies have asserted that public involvement in this document was not necessary because formal public comment will be possible in the various separate decision documents that incorporate language from the Principles document in the future. However, during Board discussions about the Principles document and how it came to be formally adopted into the TPA, it was communicated that significant scrutiny and revision was required by agency policy, technical and legal representatives which signals the policy significance of this document to Hanford cleanup.

Responses to HAB, Tribal and public concern include that the individual decisions will be subject to public comment. However, when the Central Area Cleanup Principles are applied in developing plans, public comment raising concerns or objecting to a particular plan will likely be responded to by noting that this was developed consistent with the Principles and merely implements the adopted Principles.

The Board recognizes that public involvement in Class II changes are at the discretion of the agencies depending on situational factors but advises that when the agencies are faced with discretionary public involvement, the agencies choose more public involvement, not less.

Documents such as the Principles document and 10-year Strategic Vision can be considered "storytelling documents" that help to shape and preserve the structure and execution of the cleanup. The Principles document, and other such fundamental cleanup guidance plans or documents, also represent an

opportunity not only to show responsiveness to past Board advice, but to address stakeholder interests and concerns before they become formal comments on decision documents that can potentially hinder cleanup. Public involvement and dialogue regarding fundamental framework documents can also strengthen the legitimacy of cleanup decisions and build support for necessary funding and the continued success of the overall mission.

Advice:

The Board believes that public involvement in the overarching principles and practices of cleanup is essential, as is reflected in the following advice.

1. The Board advises the TPA agencies to use a regional public involvement process that gathers broad public and Tribal input for vision, prioritization and framework documents, such as the recently adopted Central Plateau Principles and Parameters and DOE EM 10-Year Vision documents.
2. The Board advises that both the Central Plateau Principles and Parameters and DOE EM 10-Year Vision documents be re-opened with a regional public involvement process, including seeking Board advice and Tribal consultation.
3. The Board advises that when the agencies are faced with discretionary public involvement, that the agencies choose more not less public involvement, especially for issues that meet the following criteria:
 - a) Includes fundamental cleanup criteria and principles that will apply across multiple present and future cleanup decisions,
 - b) Has wide geographic applicability across the Hanford Site,
 - c) Involves a long period of time, e.g. six months or more, between the initial public involvement process and formal adoption.
4. The Board advises the agencies to provide a presentation that clarifies how HAB Advice 283 and the agency responses from 2015 were considered and incorporated into the version of the Central Plateau Principles and Practices incorporated as a reference document in the TPA.
5. The Board advises that DOE EM involve the public on a yearly basis with formal review and comment on its annual revisions to the Ten-Year Strategic Vision.
6. The Board advises the TPA agencies to conduct a visioning process with the public on Hanford cleanup end states. This effort could potentially take the form of a joint public workshop and Committee of the Whole format, or a daytime/evening mix of Board meeting and public meeting. A good first step would be to schedule the COTW on end states with the HAB and work together to design the conditions for successful discussion.