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Good Practice Guide  
GPG-FM-033

# **Comprehensive Land-Use Planning Process Guide**

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Department of Energy  
Office of Field Management  
Office of Project and Fixed Asset Management



1. INTRODUCTION ..... 1

2. POLICY ..... 3

3. PRINCIPLES ..... 5

    3.1 Ecosystem Management Principles ..... 5

    3.2 Sustainable Development Principles ..... 6

4. IMPLEMENTATION ..... 9

    4.1 Process Steps ..... 9

    4.2 Additional Process Information ..... 19

        4.2.1 Public Participation in the Comprehensive Land-Use Planning Program . 19

        4.2.2 Adaptive Management ..... 20

        4.2.3 Monitoring the Results of the Planning Process ..... 21

        4.2.4 Tribal Governments and Their Treaty Rights ..... 21

        4.2.5 Working with Other Government Units ..... 22

        4.2.6 Using the Best Available Information in the Planning Process ..... 23

        4.2.7 Graded Approach ..... 24

        4.2.8 Management Issues ..... 27

5. MEASURING FOR RESULTS ..... 29

    5.1 Government Performance and Results Act of 1993 ..... 29

    5.2 Measuring Implementation Performance ..... 30

    5.3 Departmental Performance Objectives for the Comprehensive Land-Use Planning Process  
        ..... 30

    5.4. References to Other Relevant LCAM Guides ..... 31

Appendix A. Supplemental Information ..... 33

Appendix B. Definitions ..... 39

Appendix C. Suggested Reading ..... 43

Appendix D. Related Training ..... 45

Appendix E. Examples ..... 47

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## **1. INTRODUCTION**

This Guide is intended to assist<sup>1</sup> Department of Energy (DOE) Field Office and contractor personnel in implementing a comprehensive land-use planning process, as required by DOE Order (DOE O) 430.1, Life-Cycle Asset Management (LCAM). After briefly describing the policy, history, and importance of effective land use planning in sections 2-3, the Guide delineates the major steps that should be taken as part of the comprehensive planning process in section 4. This section also discusses some of the major processes and issues that should be considered to develop a planning approach suited to individual site needs. In section 5, the Guide describes DOE headquarters' expectations for the comprehensive land use planning process.

Throughout the Guide, examples are provided to illustrate how sites have already begun to effectively implement comprehensive land use planning. Appendices A-E provide supporting information, definitions, and examples which address specific issues, related to the planning effort, such as public involvement, intergovernmental collaboration, geographic information systems, and performance measurement.

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<sup>1</sup> This document is for guidance purposes only. The contents of this Guide do not constitute a basis for an audit. The Guide will be updated periodically to reflect lessons learned in Headquarters' expectations and objectives. This information is provided for guidance only. In no way should this information or the supplemental information in this section be seen as a requirement of how a comprehensive planning process will be managed.

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## 2. POLICY

The Secretary's Land and Facility Use Policy concisely articulates the need for effective land use planning as part of DOE's stewardship responsibilities. It states:

It is Department of Energy policy to manage all of its land and facilities as valuable national resources. Our stewardship will be based on the principles of ecosystem management and sustainable development. We will integrate mission, economic, ecologic, social, and cultural factors in a comprehensive plan for each site that will guide land- and facility-use decisions. Each comprehensive plan will consider the site's larger regional context and be developed with stakeholder participation. This policy will result in land and facility uses that support the Department's critical missions, stimulate the economy, and protect the environment<sup>2</sup>.

**Background.** The comprehensive land use planning process came about in response to concerns raised by senior management concerning the short and long-term uses and management of DOE land and facilities. Effective comprehensive land use planning can serve as a vehicle for addressing questions, such as the following:

- What land and facilities does DOE own?
- What is the condition of specific facilities and parcels?
- What are specific facilities or parcels used for?
- What can specific sites or facilities be used for?
- What are secondary uses of specific facilities or parcels?
- What opportunities are available for public uses?
- What future uses do affected communities recommend for sites with cleanup missions?
- How do we know that we are exercising proper stewardship of resources?

To help provide answers to these questions, the comprehensive land-use planning process is used to identify an appropriate mix of land uses at each site and guidelines for development. Each site should use the comprehensive land-use planning process to develop and examine multiple land-use options based on probable future budget and mission scenarios.

Comprehensive land-use planning should be used to site management a clear view of land-use issues, capabilities, opportunities, and limitations of the site. In the coming era of

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<sup>2</sup> Secretary's Land and Facility Use Management Policy, December 21, 1994

tight construction and operational budgets, difficult land-use decisions will have to be made to guide the following decisions and responsibilities regarding

- sites for new missions and supporting ongoing mission;
- appropriate land uses and clean-up levels;
- site closings or functional realignment;
- interagency land management;
- protection of species and natural asset stewardship;
- facilitating multi-use of sites and facilities with other entities; and
- reuse, disposal, demolition, and privatization of excess land and facilities

**Integration with Other Planning Processes.** To effectively do this, it should also function as the integrator of disparate planning actions on the site. Sites, as a rule, have multiple facility, infrastructure, operation, and compliance projects at all levels of development. There are also a myriad of other land and facility related management initiatives which are outside the traditional project planning processes. Although incremental land-use decisions are necessary throughout the life cycle of an individual project or an entire site, a document with a sitewide vision is also needed to clearly and consistently identify near-term constraints and opportunities, while articulating the stakeholders' long-term land-use goals for the site and its stakeholders. Agency comprehensive land-use planning efficiencies are directly related to or predicated on a timely and interdisciplinary approach to the Departmental planning and decision-making process.

A case in point is the National Environmental Policy Act (NEPA) process. It is designed as a mechanism for incorporating environmental values (both public and institutional) into Federal planning and decision making. The NEPA process should never be separate from the Department's planning and decision-making apparatus. Sites should integrate NEPA requirements with planning and environmental review procedures required by law or by agency practice so that procedures run concurrently rather than consecutively. Integration will encourage and facilitate public involvement in decisions which that affect the quality of the human environment. Sites should use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment. (See appendix A for further guidance)



### 3. PRINCIPLES

The comprehensive land-use planning process relies on many supporting principles and processes. To understand the origin, intent, and direction of the comprehensive land-use planning process, it is necessary to become familiar with the related principles.

#### 3.1 Ecosystem Management Principles<sup>3</sup>

The Secretary's Land and Facility Use Management Policy states that DOE will exercise stewardship over its assets based on ecosystem management principles. The principles have evolved over the last decade in response to regulatory lessons learned and the realization that the environment and the economy have to be mutually supporting to provide long-term benefits to an area's residents<sup>4</sup>. Implementing the following nine principles are the organizing basis for the process described throughout section 4.

1. Establish baseline conditions for ecosystem functioning and sustainability against which change can be measured. Monitor and evaluate actions and their outcomes to determine whether goals and objectives are being achieved.
2. Integrate the best science and knowledge available into the decision-making process while continuing scientific research to improve the knowledge base.
3. Recognize that ecosystems and institutions are characteristically complex, dynamic, heterogeneous over space and time, and are constantly changing.
4. Develop a shared vision of the desired ecosystem condition, taking current social and economic conditions into account and identifying ways in which all parties can contribute to achieving common ecosystem goals.
5. Support actions that incorporate sustained economic, sociocultural, and community goals consistent with the vision.
6. Develop coordinated approaches among Federal agencies to accomplish ecosystem objectives, and collaborated with local, State, and Tribal parties based on recognition of mutual concerns.

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<sup>3</sup> The Report of the Interagency Ecosystem Management Task Force, *The Ecosystem Approach: Healthy Ecosystems and Sustainable Economies*, Volume II-Implementation Issues PB95-265591, November 1995

<sup>4</sup> Evolution of Ecosystem Management IECMG, 1994

7. Respect private property rights, and work cooperatively with land owners to accomplish shared goals.
8. Use ecological approaches that restore and sustain the biological diversity, health, and productivity of ecosystems.
9. Use an adaptive approach to management to achieve both desired goals and a new understanding of ecosystems.

### 3.2 Sustainable Development Principles

The comprehensive land-use planning process uses the goals and shared vision of the ecosystem management principles as its guiding compass. The ecosystem management principles are in turn based on the principles of sustainable development. Sustainable Development is the trans-generational ideal that the assets we pass on to our children are usable and can be passed on to their children.

The President's Council on Sustainable Development<sup>5</sup> has produced national goals for sustainable development. They are truly interdependent and flow from the Council's understanding that it is essential to seek economic prosperity, environmental protection, and social equity together. The achievement of any one goal is not enough to ensure that future generations will have at least the same opportunities to live and prosper that this generation enjoys: all are needed. Although they are national in scope, they can and will need to be adapted to the scale, resources, and functions of the site and the region around each site.

**HEALTH AND THE ENVIRONMENT.** Ensure that every person enjoys the benefits of clean air, clean water, and a healthy environment at home, at work, and at play.

**ECONOMIC PROSPERITY.** Sustain a healthy U.S. economy that grows sufficiently to create meaningful jobs, reduce poverty, and provide the opportunity for a high quality of life for all in an increasingly competitive world.

**EQUITY:** Ensure that all Americans are afforded justice and have the opportunity to achieve economic, environmental, and social well-being.

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<sup>5</sup> Established by Executive Order 12852. Council's URL is <http://www2.whitehouse.gov/WH/EOP/pcsd/index.html>

**CONSERVATION OF NATURE.** Use, conserve, protect, and restore natural resources—land, air, water, and biodiversity—in ways that help ensure long-term social, economic, and environmental benefits for ourselves and future generations.

**STEWARDSHIP.** Create a widely held ethic of stewardship that strongly encourages individuals, institutions, and corporations to take full responsibility for the economic, environmental, and social consequences of their actions.

**SUSTAINABLE COMMUNITIES.** Encourage people to work together to create healthy communities where natural and historic resources are preserved, jobs are available, sprawl is contained, neighborhoods are secure, education is lifelong, transportation and health care are accessible, and all citizens have opportunities to improve the quality of their lives.

**CIVIC ENGAGEMENT.** Create full opportunity for citizens, businesses, and communities to participate in and influence the natural resource, environmental, and economic decisions that affect them.

**POPULATION.** Move toward stabilization of U.S. population.

**INTERNATIONAL RESPONSIBILITY.** Take a leadership role in the development and implementation of global sustainable development policies, standards of conduct, and trade and foreign policies that further the achievement of sustainability.

**EDUCATION.** Ensure that all Americans have equal access to education and lifelong learning opportunities that will prepare them for meaningful work, a high quality of life, and an understanding of the concepts involved in sustainable development.

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## 4. IMPLEMENTATION

The basic model process presented in this Guide is derived from the ecosystem management principles and should be used to establish the site's initial process framework. This information is provided for guidance only. In no way should this information, or the supplemental information later in this section, be seen as a requirement of how a comprehensive planning process will be managed. The public should be consistently and constructively involved in every step of the process. The steps of the process are described below.

1. Evaluate the condition of the site's external and internal ecologic, economic, social, and cultural factors within their regional context. Build on existing data, where available.
2. Develop and analyze the site's internal land and facility use options that support mission requirements or other appropriate uses and are based on stakeholder future use preferences, asset management process inputs, ecosystem sustainability goals, economic sustainability goals, NEPA reviews, and other relevant site and programmatic information.
3. Evaluate land and facility use options for opportunities and constraints with existing and planned activities, which may include NEPA activities, Community Reuse Organization initiatives, existing and treaty rights and obligations, interagency and intergovernmental actions, legal and regulatory requirements, and other activities that may affect the comprehensive land-use plan.
4. Select recommended land and facility use options through a systematic process.
5. Prepare a comprehensive land-use plan that documents the results of the process and provides directions to achieve the selected future use options.
6. Implement the comprehensive land-use planning through actions under strategic planning, NEPA, other related planning efforts, and budget processes.
7. Monitor and evaluate land-use planning decisions to determine progress toward site goals.

### 4.1 Process Steps

Though each site is allowed to tailor this basic process, an explanation of the intent of each of the steps is shown below.

### **Process Step 1**

**Evaluate the condition of the site's external and internal ecologic, economic, social, and cultural factors within their regional context. Build on existing data, where available.**

**Condition Assessment.** Information on the condition of the natural and manmade environment is needed to begin the comprehensive land-use planning process. Establishing the natural and socioeconomic boundaries within the regional context, is the most important step. Affected governments and the public can help to identify boundaries of the various factors in establishing the regional context.

**Technical Site Information (TSI).** The site should already have some relevant regional information and analyses in their TSI. The TSI should be supplemented with available information from local, Tribal, and State governments, and other Federal Agencies, regarding external zoning and land-use planning, socioeconomic factors, growth trends, environmental assessments, cultural assets, census tract analysis, and other information, before determining if any other information is needed.

The TSI should include the following:

- NEPA, Resource Conservation and Recovery Act, Comprehensive Environmental Restoration, Liability, and Compensation Act, Environmental Justice, compliance and mitigation reports related to Endangered Species Act, and other environmental documents;
- Environmental baselines and baseline reports (BEMR, NERP Reports, etc.);
- Future Use Project, Final Report recommendations;
- National Environmental Research Parks research, resource management, and public education efforts;
- Public Laws;
- Office of Environment, Safety and Health's Cultural Resource Management Program (cultural and archeological assets);

- Community reuse organization initiatives;
- Privatization initiatives and economic development plans; and
- Other plans: 5-year plans, budget plans, capital asset management plans, etc.

**Lessons Learned.**

The use of Geographic Information Systems (GIS) has many advantages for consolidating TSI information for analysis and presentation. Analysis of land-use options, constraints, changes over time, and the ability to uncover and highlight spatial relationships between attributes are advantages over legacy and currently stand-alone data.

Hanford has consolidated their existing GIS data/systems, including previously un-coded, regulation required information. Through this process they uncovered instances of inconsistent duplicate data, parallel collection efforts, and unrecognized constraints. As a result of this effort, they have linked their data to other Agencies, both Federal and State and begun data sharing with local government. The consolidated GIS will be used as a common information source by 19 organizations (State, Tribal, Local, Federal, and site), involved in its development. (For further information see Appendix A)

**Process Step 2**

**Develop land and facility use options that support mission requirements or other appropriate uses and are based on site sustainability goals, stakeholder future use preferences, asset management process inputs, NEPA reviews, and other relevant programmatic and site information.**

**Site Goals.** Site (environmental and economic) sustainability goals for the site, support the Department and Program strategic plan (mission) and reflect input from community and other stakeholders, guide the comprehensive land-use planning process and its outcomes. Involving the public to develop an overall vision unifies these approaches before DOE plans projects and leads to better comprehensive land-use planning results. Establishing an overall direction that relates the site's mission and stakeholder's vision through collaborative goals is essential to the planning process and the need to identify, enable, and demonstrate results from the process.

**Mission.** Landlord Programs and the other programs on the site need to provide the process with current mission needs and future mission requirements (See section 5 for further guidance). From this information the mission land-use requirements are developed and analyzed. Mission land-use requirement analysis is already part of the site's TSI and may also include information and analyses from the following sources:

- Departmental and programmatic strategic plans, programmatic multi-year development plans;
- planned capital and General Plant Projects; 5 year construction plans, all project plans;
- Preconceptual Design Report and Conceptual Design Report, are needed to provide answers to what requires support in the near- and mid-term.
- Programmatic or sitewide NEPA reviews for current or new missions;
- Community Reuse Organizations initiatives, Work for Others, Technology Transfers, Cooperative Research and Development Agreements (CRADAs), or other initiatives when they require land or facilities;
- the current condition of facilities and infrastructure and mid- to long-term usability of existing facilities;
- Safety Analysis Reports and security requirements; and
- other documents which justify mission needs.

**Land-Use Option Development.** Land-use options should answer the question: What sustainable (mission based) use can I have today (or in the near future) on a particular piece of land over an indefinite time period? Comprehensive land-use planners should develop options based on current and planned missions, site sustainability goals, regional and site conditions, and the physical suitability of the land. With significant and meaningful involvement of affected governments and the public, comprehensive land-use planners should develop site land-use options to support the site mission requirements.

To help to determine the practicality of a particular use and whether the unit area could have one or multiple primary and secondary potential uses, site management should evaluate the initial assumptions and projections regarding:



- potential cleanup levels;
- final programmatic and sitewide NEPA actions (land uses or management approaches);
- new project approvals;
- budget levels;
- staffing;
- environmental, physical, and safety constraints;
- life-cycle costs;
- compatibility of adjoining uses; and
- other factors.

**Future Use Recommendations.** The comprehensive planning process should incorporate land use recommendations and data analysis generated through the site's future use planning effort. These recommendations should be serve as the basis for developing specific land and facility use options. Developed with significant involvement of affected governments and the public, the future use recommendations fall within seven land use categories: agricultural, residential, recreational, industrial, open space, storage and disposal, and open space/recreational.

**Options for Dealing With Excess Property.** Comprehensive land-use planning and the processes for determining excess property under DOE 430.1 LCAM, should be used together to identify current and future excess land and facilities and/or approaches to reduce their long-term management costs.

Executive Order 12512 "Federal Property Management" requires that agencies ensure the effective use of real property in support of mission-related activities. The Federal Property and Administrative services Act of 1949 as amended, requires all agencies to periodically review and identify property not needed, underutilized, or not being put to optimum use.

"Resourceful Reuse", a guide intended to assist managers in dealing with excess and temporarily not needed property, should be reviewed before formulating strategies for these properties. Real estate disposal, through sale, lease, or return to the Department of the Interior or the General Services Administration, requires a separate clearance and decisional process as well as NEPA review.

**Lessons Learned.** Sites that have begun a comprehensive land-use planning process have been able to more easily identify duplicative efforts, conflicting efforts, and informational disconnects. Sites should put together a crosscutting Federal/contractor team to identify, coordinate, and develop potential uses. Sites may have multiple requirements or constraints that need to be addressed on a sitewide basis.

Safety Analysis Requirements change over time in response to cleanup decisions, changes in material disposition, and facility decontamination and demolition. It is important to remember that safety and security buffer zones are the primary land use for most of the acreage at our sites.

### Process Step 3

**Evaluate land and facility use options for opportunities and constraints with existing and planned activities, which may include NEPA activities, Community Reuse Organization initiatives, existing and treaty rights and obligations, interagency and intergovernmental actions, legal and regulatory requirements, and other activities that may affect the comprehensive land-use plan.**

**Assessing the feasibility of the Options.** Some of the land-use options developed during Step 2, may involve implementation issues that make them impractical. These options may also affect or support other initiatives not previously identified. The options need to be carefully compared with other site activities and regulatory requirements to determine their viability. Potential conflicts or opportunities from the following activities and requirements may be present.

- conflicts with land-use options in ongoing NEPA and other environmental regulatory-based processes (cleanup),
- environmental justice reviews,
- cultural preservation activities,
- tribal treaty rights and requirements,
- economic development activities,
- intergovernmental actions,
- privatization and commercialization activities, and
- recently started projects and other initiatives.

**Lesson Learned.** Regulators now see the need to look at more than just the protection of a single species or the impact of a single discharge permit. The Environmental Protection Agency's Office of Enforcement and Compliance Assurance is developing strategy to include ecosystem-based management in compliance and enforcement<sup>6</sup>.

Tribal involvement in the evaluation of options is important. At Idaho National Engineering Laboratory, in accordance with the 1868 Treaty of Fort Bridger, the Shoshone-Bannock Tribes' rights to subsistence and traditional activities are protected on unoccupied Federal lands; therefore, if the site eventually becomes excess to the Federal Government's needs, the tribes could exercise their full treaty rights on the site. Given their interest in preserving their rights to use the site for subsistence and traditional activities in the future, the Shoshone-Bannock did not support continued use of the site but were particularly interested in minimizing adverse impacts of site activities on the environment and cultural resources.

At Brookhaven National Laboratory, intergovernmental actions have to be considered in evaluating development options. With more than 500 hectares of the site within the Core Preservation Area of the State of New York's Pine Barrens Management Plan, the Laboratory has agreed to use the Management Plan as a guide in site development and future use planning.

#### **Process Step 4**

##### **Select recommended land and facility use options through a systematic process.**

**An Iterative Process.** Though this step may seem out of place, it is important to consider that selecting a recommended land and compatible facility use is an iterative process. Since missions, budget, and the environment change, the selection will need to be monitored continually and revised as necessary through adaptive management.

Selection of a recommended use is also iterative from an implementation stand point. Other processes (such as the land-use decisions through the NEPA process and/or the siting of facilities) are needed to implement any selection decision. Regulatory Records of

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Ecosystem Management Strategy for Compliance and Enforcement, EPA Home Page (<http://www.epa.gov>) Dec 1995

Decisions, which specify land uses, must be incorporated into the comprehensive land-use planning process as the selected uses.

**Determining the Land-Use Selection Authority and Process.** The Federal Site Manager, with the supporting involvement of the Landlord Program, is the responsible land-use selection official. The selection process for land-use recommendation should be consistent and documentable at each site. Finalizing the land and facility use draft recommendation will involve coordinating with:

- all programs at the site to ensure inclusion of all mission needs;
- the public to maintain their trust and involvement in the process;
- local and Tribal governments to maintain their trust and involvement in the process; and
- other Federal entities responsible for regulatory and ecosystem management activities.

### **Process Step 5**

**Prepare a comprehensive land-use plan that documents the results of the process and provides directions to achieve the selected future use options.**

**The Plan.** The requirement in LCAM for a documented, comprehensive, integrated land-use planning process with stakeholder involvement. Federal Site Management, supported by the Landlord Program should develop a published plan.

The scope of any written plan is determined by the Landlord Program and Federal Site Management. Specifications for a written plan should reflect customer needs and add value. The plan should address the DOE and Landlord Program objectives, communicate the results of the process, and provide implementing strategies for achieving the desired future land-use option(s).

**Lessons Learned.** The EM-40 Management Action Plan (MAP) was developed to tie together regulatory, land-use, and programmatic activities into an actionable strategy for cleaning up contaminated sites. A comprehensive land-use plan with stakeholder involvement is an integral part of the MAP. The comprehensive land-use plan provides the recommended land uses and the MAP provides direction for achieving the selected future uses.

At Rocky Flats, the Future Use Site Working Group recognized a potential future problem with the gravel mining in the site's northwest buffer zone. Though the mining land-use category was in their recommendations, the group felt that the Federal Government should purchase the mineral rights to preclude any future mining within the buffer zone.

Identifying of the implications of budget shortfalls and proposing possible ways to work around these potential problems (of using secondary land-use options) are also important ways to prevent premature dating of the land-use planning efforts.

## Process Step 6

### **Implement the comprehensive land-use planning through actions under strategic planning, NEPA, other related planning efforts, and budget processes.**

**Strategic Planning.** The preferred land use options, selected in Step 4, should be used as a significant input in guiding strategic planning efforts at the site and Headquarters. These land uses imply certain opportunities and constraints that must be considered. Program Management and the Assistant Secretary for Policy need to be fully aware of the comprehensive plans' implications for site and complex-wide activities.

The Department's Strategic Management System and its requirement to link strategic efforts and annual performance plans to the budget will necessitate full programmatic involvement in a "big-picture" process like comprehensive land use planning to ensure that their actions can be supported and executed at a site.

Active coordination with the site's Landlord site and Headquarters Program Office is also a necessity. Landlord Programs and other site programs should be fully involved in the comprehensive land-use planning process from the beginning.

**NEPA Implementation.** Implementation of recommendations for land-use decisions can be accomplished through the NEPA process and several levels of analysis (e.g.,

programmatic, site-wide or project specific: Environmental Assessment or Environmental Impact Statements; or project specific categorical exclusions).

NEPA provides a ready-made framework, as well as a mandate, for inter- and intra-agency coordination regarding proposals that may significantly affect the environment. NEPA mandates consultation, at various stages during the development of an environmental impact statement (EIS), with any Federal Agency that has jurisdiction or special expertise with respect to any environmental impact involved, and it provides that "affected" Federal and non-Federal agencies must be notified of the proposed action and afforded an opportunity to comment on the proposal. An EIS must address possible conflicts between the proposed action and the objectives of, among other things, State and local land-use plans and policies in the area at issue.

Site planners should actively pursue partnering with the site NEPA organization to explore the possibilities of developing implementation strategies through appropriate NEPA documentation.

**Other Planning Actions.** At the site/landlord program discretion, more detailed planning processes which deal with parcel-level master planning, integration with project planning, pollution prevention, site selection (For further guidance see GPG-21, Site Selection Process), utility easements planning, definition of interim uses, parcel disposal plans, endangered species recovery plans, habitat enhancement plans, and transitional zoning designation, can be used to aid in the implementation of the site's comprehensive land-use plan. Integrate other Headquarters and Field Element practices that support or are associated with land and facility use and planning decisions into the comprehensive land-use planning process.

When sites cover significant acreage, the comprehensive land-use planning process should be extensively coordinated and integrated with the Natural Resource Management Plans. When other agencies provide these services, they should not only be informed of the planned use but should be brought into the comprehensive land-use planning process as stakeholders and customers. For example: land-use management plans or services provided through agreements with Department of Interior may already exist at sites. Sites should use implementation to integrate their current land-use management practices and planning products.

### **Process Step 7**

**Monitor and evaluate land-use planning decisions to determine progress toward site goals.**

Monitoring the results of land-use decisions is critical to the planning process. The planning team should monitor the process to ensure implementation of the comprehensive plan as well as measure the effectiveness of the plan in meeting DOE site goals. Based on the results of this review, planners may choose to restructure certain elements of the process.

After land-use decisions are made, a program should be established to monitor the impacts of the land-use decisions on mission, environment, economic, cultural, and social factors. Monitoring when part of a performance measurement system provides essential feedback for adaptive management and can be implemented in five basic steps discussed in section 4.2.3.

The land-use recommendations developed, in many cases, should be thought of as experiments. The results of the experiments need to be collected, analyzed, and communicated. Ecosystem management principles recognize that ecosystems and institutions are constantly changing and current knowledge is somewhat limited. As more information becomes available, the scope of the next comprehensive land use planning cycle can be modified to reflect new concerns, responsibilities, and areas of emphasis.

## **4.2 Additional Process Information**

The steps shown in Section 4.1 provide the general guidance for developing a comprehensive land-use planning process. This section should be considered as guidance in developing the written plan and refining the planning process at each site.

### **4.2.1 Public Participation in the Comprehensive Land-Use Planning Program**

To develop a shared vision of the desired ecosystem conditions requires the involvement of the public. DOE's Public Participation Policy clearly states that the public must be involved in the comprehensive land-use planning process with, *"The public is entitled to play a role in Departmental decision making."*

For comprehensive land-use planning to be effective, sites must consider an educated public's perceptions and values concerning ecosystems and operations. DOE's Field Office Manager should balance the public, local, regional, and national stakeholder recommendations carefully with the Department's strategic missions to make appropriate land-use management decisions. The Department, as responsible managers of Federal land, retains the ultimate responsibility for decision making.

Continuous, consistent, and direct public participation is needed to keep the expectations of the process realistic. Public participation helps to integrate use of the natural and social sciences and the environmental design arts in planning and in decision making that may have an impact on the human environment. Public participation activities allow the public to communicate their values and goals.

With this information, sites can move forward with fewer unresolved issues a better understanding of the site and its potential uses. Effective public participation in decision making reduces the possibility of adverse surprises. Members of the public can help DOE and sites with the immense task of grasping the often overlooked human scale of problems in comprehensive land-use planning and the gathering of pertinent information across the region.

Common concerns include frustration with the cumbersome process of dealing with DOE. Some other problems can be attributed to normal policy shake-down issues and working under the Federal Advisory Committee Act (see Appendix A). Other issues are reflect the need for a basic cultural change.

Federal officials (Ops Office Managers, Field Office Managers and Area Office Managers) need to be involved in establishing the type of interaction with and among community members that aids consensus building—a critical requirement in the comprehensive land-use planning approach. Site and Federal officials need to accept input, and encourage the constructive dialogue that can lead to collaborative solutions.

Once the planning process is underway, providing feedback to the public is very important. Ensure that the public gets feedback on its comments, suggestions, outcomes of efforts, and research and monitoring results. (Further guidance is found in Appendix A.)

#### **4.2.2 Adaptive Management**

Adaptive management is an iterative approach to decision making involving a cycle of planning, implementation, monitoring, research, and subsequent reexamination of management decisions based on new information that may alter existing plans and priorities. Adaptive management necessarily cuts across comprehensive land-use planning issues, including:

- budget issues (such as funding for monitoring),
- institutional issues (such as guidelines for decision-making processes),



- science and information issues (such as access to applicable and reliable scientific information),
- and legal issues (such as statutes that hinder or facilitate adaptive processes).

#### **4.2.3 Monitoring the Results of the Planning Process**

Monitoring the results of land-use decisions is critical to the planning process. It provides essential feedback for adaptive management and is implemented in five basic steps:

1. Design monitoring programs to collect data on results of past land-use decisions and assumptions.
2. Implement monitoring programs.
3. Establish a process for making monitoring data accessible to future decision makers and future monitoring programs. This process should be designed to ensure that the information collected is useful for assessing the results of past management actions, and is of the type and in a form that would be useful to decision makers.
4. Use the monitoring information to evaluate the results of past actions so that future decisions can benefit from lessons learned.
5. Examine the site information collection systems to improve process quality. Comprehensive land-use planning relies heavily on existing data and information collection systems such as environmental impact assessments conducted under the NEPA process and TSI. At the end of the current iteration of the comprehensive land-use planning process, and before the start of the next iteration, site management should identify data gaps and re-target information that should be gathered to demonstrate performance trends. Planners should be aware of other site planning, monitoring, and data collection systems; and, where necessary, efforts should be made to influence, consolidate with, or modify these systems to address identified data gaps critical to the next planning iteration.

#### **4.2.4 Tribal Governments and Their Treaty Rights**

American Indian Tribes have sovereign rights under treaties and other agreements. All American Indian Tribes, Alaskan Native Villages, and Native Hawaiian Organizations have vital interests in the comprehensive land-use planning process. Federal planners must

involve the Tribes in the planning processes. They also should consult with Tribal Governments to help in cultural asset identification, protection, and management.

Planners should know and understand the Department's obligations under DOE's American Indian Policy. Sites must also ensure that their comprehensive land-use planning process supports DOE's government-to-government relationship with Tribal governments. DOE recognizes and commits to government-to-government relationship with American Indian Tribal Governments. It recognizes Tribal Governments as sovereign entities with, in most cases, primary authority and responsibility for Indian country. In keeping with the principle of American Indian self-government, DOE will view Tribal Governments as the appropriate non-Federal parties for making decisions affecting Indian country, its energy resources and environments, and the health and welfare of its populace. (Further guidance is found in Appendix A.)

#### **4.2.5 Working with Other Government Units**

Working with other governmental units is essential to implementing ecosystem management principles. Coordination with local government has always been a discrete activity within the NEPA process and the DOE site development planning process. Throughout the planning process Federal and site personnel should look for opportunities for coordination. Several opportunities for coordination with other governmental units are discussed in the following subsections.

##### **Agreement in Principle with Local Governments**

Local governments are responsible for land-use planning on property outside the site. When land-use planning and management issues arise, strong differences of opinion may also arise. Sometimes differences over processes and policies necessitate the development of a formal agreement which, to avoid further misunderstandings, defines roles and responsibilities, objectives, time lines, and resolution of other issues to the satisfaction of all parties. Agreements in Principle are negotiated tools for formalizing intergovernmental relationships. Joint planning efforts can be pursued through an Agreement in Principle.

##### **Memorandums of Understanding between Federal Agencies to Foster the Ecosystem Management Approach**

The Department and other Federal agencies are making increasing use of Memorandums of Understanding (MOUs) to ensure coordination on issues of interest to several agencies. In particular, the MOU between the members of the Interagency Task Force on

Ecosystem Management focuses on ensuring the use of an ecosystem management approach in administering their programs. Agencies will provide leadership and cooperate with the public, local, Tribal, and State governments in activities that foster an ecosystem approach to resource management.

Participation in local MOUs should enable the area's Federal agencies to coordinate land-use management activities and evaluation of ecosystem conditions and impacts that are beyond the capacity of one agency to address.

### **Ex-officio Membership on Planning Boards**

Site and Federal comprehensive land-use planners or members of planning teams should seek out local land-use authorities on zoning and planning boards to pursue the development of an ex-officio relationship for addressing common issues in land use, transportation, economic development, and natural and cultural resource planning.

### **Community Reuse Organizations/Economic Development Authorities**

The Office of Worker Transition has encouraged the establishment of Community Reuse Organizations (CROs) at sites affected by significant worker downsizing. These CROs are established to identify opportunities for reuse of site land and facilities to offset the local consequences of DOE downsizing. They are not intended to be chartered under the Federal Advisory Committee Act. Independent of the Site Advisory Boards, CROs are usually associated with local governments and economic development authorities. Because many land-use option developments and decisions involve the CRO, coordinating or informal ties with them are critical to the comprehensive land-use planning process.

#### **4.2.6 Using the Best Available Information in the Planning Process**

The land uses developed by the comprehensive land-use planning process are intended to support the goal of sustainable use or development on our sites. Many initial decisions will have to be based on available information. Collecting all the information needed for an exhaustive evaluation of all possible alternatives will always be difficult. As a result, land-use decision will be made under circumstances that may contain varying degrees of uncertainty. Planners must use available corporate information to reduce uncertainty while developing their land use options.

## **Strategic Knowledge Sharing and Integration**

Knowledge management technology now exists to enable the Federal Government to improve and coordinate Federal plans, functions, programs, and resources in a safe, healthful, and environmentally sound manner consistent with our responsibilities as stewards of resources for succeeding generations. Knowledge management technologies can help resolve the lack of continuity in corporate knowledge by cataloguing accumulated data about the impacts of Agency activities.

Publishing the comprehensive land-use plan and environment, safety, and health information for each site on the World Wide Web would improve mission performance by optimizing resources capable of delivering information from a variety of previously un-integrated, specialized information sources that address planning, environment, safety and health issues. Web technology facilitates timely delivery of the right information to Agency planners and decision makers. Existing DOE World Wide Web sites contain, corporate information; compliance status at DOE facilities; corrective action activities; management and contractor performance and budgetary requirements; and links to other Federal, State, Tribal and international data sets useful in land-use planning. Use of the Web to publish documents can also assist managers in cross-program coordination, strategic planning and information transfer, identification of near- and long-term issues, employee orientation and training needs, staffing requirements, and provide a strategic link for interagency cooperation and information exchange. (For further information see Appendix A.)

Sites and local governments also spend a great deal of resources to collect information and build databases, which link a variety of facts with a geographic site or facility. Data layers in GIS are often duplicated or could benefit from information that resides in another GIS system. Site personnel should attempt to consolidate all data layers into a common collection. These efforts should be extended to State, local, and Tribal governments; this may eliminate duplication of efforts.

### **4.2.7 Graded Approach**

Though the objectives and results of sites should be similar, the individual site planning processes will be different. Slightly different approaches are needed to reflect the diversity of sites, their missions, and their resources. Sites are graded by physical size and conditional factors that may add to or subtract from the scope of potential efforts. Though the generalizations in this section may be useful when initially scoping the comprehensive land-use planning process at a particular site, exceptions will abound. A better way to apply a graded approach is to develop collaborative site planning goals,

objectives, and desired outcomes through work with programs, neighboring land owners, and stakeholder involvement to identify the needed level of effort.

**Geographically Small Sites (less than three square miles)**

The scope of the comprehensive land-use planning process at a small site should be similar to the site development plan for the site when:

- the impact on the larger ecosystem is limited,
- few watershed issues are involved,
- very little natural habitat is managed,
- its impact on local social factors is not great,
- the site has a good cultural asset management process
- planning staff has a high knowledge level about all site activities,
- few government entities wish to be included in the process, and
- the site has a stable mission.

The scope will become more extensive when:

- a site's budget and employment produces significant local economic impact and the need to actively plan with the local government;
- fragile wetlands, unique natural resources, or endangered species are present and necessitate management plans/strategies;
- missions are changing or declining and oblige privatization and Office of Worker Transition efforts;
- the lack of an existing involvement effort for the public, and local and Tribal governments on their quality of life, local economic, environmental, and cultural asset issues require its establishment;

- development of comprehensive land-use planning goals, objectives, and desired outcomes through ongoing work with neighboring Federal and private land owners is needed (Future Use Process); and
- the site's TSI has significant known data gaps.

### **Geographically Medium Sites (more than 3 but less than 15 square miles)**

Based on their size, these sites have a higher potential for significant impact on the larger ecosystem and local economy. These sites usually contain multiple watersheds, significant portions of regional habitats, and multiple government entities to interact with. Steady-state sites with few natural constraints and a completed Future Use Process would experience about the same land-use planning effort while:

- transitioning, declining, or consolidating missions will need additional efforts,
- the presence of hot-button or complex local issues will present problems for coordination and data collection efforts,
- the presence of fragile wetlands/unique natural resources/endangered species will necessitate management plans/strategies,
- the lack of an existing involvement effort for the public, and local and Tribal governments on their quality of life, local economic, and cultural asset issues require its establishment,
- the lack of (Future Use Process) planning goals, objectives, and desired outcomes through ongoing work with neighboring Federal and private land owners will require additional efforts.
- the lack of recent NEPA actions or mature TSI process will add to the level of effort.

### **Geographically Large Sites (greater than 15 square miles)**

These sites have significant potential for impact on the surrounding or contained ecosystem and regional economies. They usually are in transition to the cleanup phase and/or have multiple missions that complicate the strategic and comprehensive land-use planning effort. They have numerous government entities and regulators to deal with. All have developed public involvement efforts and Future Use Process land-use

recommendations for goals and desired outcomes. The scope and level of effort depend on:

- whether the decision to integrate separate planning efforts becomes a key part of the scope of planning efforts;
- the need to develop supporting or detailed plans;
- the presence of unidentified natural resources or endangered species that will add to planning efforts;
- the ability to join efforts with local and Tribal governments on their quality of life, local economic, and cultural asset issues; and
- the completion of recommendations for collaborative planning goals, objectives, and desired outcomes through ongoing work with neighboring Federal and private land owners.

#### **4.2.8 Management Issues**

Institutions change over time. The land-use planning process change requires the planners and managers attention. Each site and Federal Field Office should use quality and process improvement methods to examine its existing site development planning process and develop its comprehensive land-use planning process. Organizational and performance issues should be addressed early in the development of the site's comprehensive land-use planning process.

##### **Planning Organizations**

To implement the ecosystem management-based, comprehensive land-use planning approach, DOE must acknowledge and overcome any hurdles presented by the Federal/M&O contractor organizational structure and limitations in planning resources. Organizational structures often present barriers to crosscutting processes like comprehensive land-use planning in the areas of communication, coordination, interdisciplinary hiring and training, planning process budgeting, and public participation. Sites and Field Offices are encouraged to use quality, customer-focused methods to improve the organizational support of the comprehensive land-use planning process.

**Site Contractors**

Through performance-based contracts, the site contractor is tasked with developing comprehensive land-use planning process that fulfills the requirement in the LCAM Order, reflects headquarters and Landlord Program objectives, and fulfills performance measures developed by the Field Office. Site personnel have a key role to play in ensuring that the comprehensive land-use planning process is goal oriented, produces measurable results, identifies and eliminates barriers to crosscutting processes, is adaptable to changing circumstances, and is responsive to strategic program needs. Site personnel should also ensure that the products of the process are useful to the process's customers.

**Federal**

The Department's Federal structure, with sites having several autonomous programs, multiple contractors, and the Federal management divided between staff and operational functions at both headquarters and field may pose a significant barrier to internal issue identification, information collection, communication for those who need planning information or coordination, land-use decision making, and funding for the comprehensive planning process. To ensure that its structure does not present additional obstacles, each Federal Field Office should examine the role and effect of its organization on the comprehensive land-use planning process.

Some Field Offices now working on comprehensive land-use plans have organized Federal planning process teams and have found them to be the best avenue for identifying the organizational and internal process changes needed to meet near- and long-term process development and implementation goals. They have also found the importance of a point of contact for comprehensive land-use planning with the authority to manage the process; secure funding; identify and resolve implementation issues; and coordinate the approach across the Federal (field and headquarters), contractor, and intergovernmental entities.



## **5. MEASURING FOR RESULTS**

### **5.1 Government Performance and Results Act of 1993**

Performance accountability from the Government Performance and Results Act of 1993 provides the framework for measuring program and policy outcomes against a common standard and organized information for effective use by all stakeholders (Public, Congress, and the President). DOE's Strategic Plan, required by the Act and OMB A-11 guidance, is the starting point for all programmatic decisions and success measurements. The plan's annual desired outcomes are reflected in the Secretary's Performance Agreement with the President. Budget outlays have to be explicitly linked to the Strategic Plan and as funds are obligated, results and process performance must also be reported. Performance Agreements for Secretarial Officers and Site Managers must eventually reflect these same basic requirements.

The Act serves to strengthen the need to plan for results. Though the comprehensive land-use plans of local governments are driven by their citizens' values and desires, the site's comprehensive land-use planning process must be directed by the Department's strategic direction, implementation strategies, and commitment of resources. Ultimately, land-use decisions and their results will need to be associated to the Department's strategic goals and be linked to results. The results of the comprehensive land-use planning process are rational planning decisions and successes, which are realized over time and are anticipated in the Secretary's Performance Agreement with the President.

#### **Performance-Based Contracting and Departmental Performance Objectives**

Under LCAM and the Contract Reform Initiative, Field Offices are given the responsibility to develop asset management performance measures for M&O and other types of management contracts to ensure, comprehensive, integrated, documented, planning and control methods for the acquisition, use, maintenance, and disposal of physical assets. comprehensive land-use planning with stakeholder involvement is an area that is to be addressed by the performance measures.

Ideally, a site's comprehensive land-use planning process documentation (plans) should focus on endpoints (site goals) and on developing a set of working principles or strategies to guide development and to resolve issues that arise (e.g., budget shortfalls, new initiatives, etc.). Milestones can be developed to assess progress toward endpoints. Process and condition monitoring (feedback) efforts should be developed to answer the questions identified, especially those dealing with "sustainable" development and goal direction indicators.

Performance-based contracting presents a challenge for long-term focused processes like comprehensive land-use planning. Successful planning approaches will be developed over time, but the performance measures are very difficult to develop and use, especially when initiating the process. Managers should consider having an implementing strategy at both the site and Field Office levels. Measuring the activities (or targeting an activity level) and activity results of the strategies can function as initial process performance measures for self-assessments or contracts.

## **5.2 Measuring Implementation Performance**

There should be two basic focuses for planning measures: results and responsibilities for implementing actions. The Federal focus should be on developing a set of working principles or direction and strategies for implementing LCAM requirements and identifying Federal responsibilities and processes. The endpoints, which are the needed results from the contractor's efforts, depend entirely on the inclusion of the LCAM requirements and performance measures in the site M&O contract. Federal implementation milestones should be developed to assess progress toward those endpoints.

Performance measures developed by the Field Office for the M&O contract should address ways of demonstrating performance in attaining site sustainability goals through management directions. Usefulness (through survey or interview of process stakeholders) and incremental successful actions attributed to comprehensive land-use planning also should be measured for any plan developed. By definition, planning is intended to prevent problems. Problem-free execution of programmatic and Departmental strategic actions that can be attributed to the comprehensive land-use planning, may also be a measure of success.

## **5.3 Departmental Performance Objectives for the Comprehensive Land-Use Planning Process**

Under LCAM, Departmental objectives, criteria, and possible measures are intended to be used by the Landlord Program and Field Office to develop site-specific objectives, criteria, and measures for performance-based contracts. These objectives and criteria should be updated periodically .

### **Objective**

Comprehensive land-use planning should support the site's Departmental missions and be based on the Secretary's Land and Facility Use Management Policy.

**Criteria**

- Develop a comprehensive and documented land-use planning process, which is ultimately integrated with NEPA, real estate management, utility planning, asset management, project planning and other processes involved in land-use planning.

The process should involve evaluating conditions; identifying constraints; designating recommended land uses to support ongoing site mission and land uses for cleanup levels of environmental restoration projects; providing management with options for the development and redevelopment of land and facilities; monitoring results; and adapting the process to achieve the site's planning goals.

- Involve the public, local, State, and Tribal governments, and other Federal Agencies in the site's comprehensive land-use planning process.
- Develop implementation and direction strategies to take advantage of land-use opportunities and mitigate constraints.

These strategies (for Federal actions and contractor guidance) should fashion land-use management actions related to current and future mission support; aid in reducing the level of excess land and facilities; support economic development; and improve the effectiveness of the planning process.

**5.4. References to Other Relevant LCAM Guides**

Other LCAM Good Practice Guides are available at Uniform Resource Locator (URL) address <<http://doe.ipsg.com/fm-50/lcam/index.htm>>. Pertinent sections will eventually be referenced in this section.

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## Appendix A. Supplemental Information

### Assistance

This appendix of the Guide provides additional information on various topics. The Office of Project and Fixed Asset Management is responsible for developing and maintaining this Guide. For assistance please send a message by electronic mail to <[fm.land.ideas@hq.doe.gov](mailto:fm.land.ideas@hq.doe.gov)> or call (202) 586-1191.

### GIS

Sites and local and Headquarters DOE management level need to place a greater emphasis on standardization (to a national standard under Executive Order 12906), on establishing common technical data sets, consolidating data layers, and collecting data on broader spatial and temporal scales. Sites are strongly encouraged to consolidate GIS systems and data bases whenever possible. Consolidated and standardized data can be shared with the National Geospatial Data Clearinghouse, which is also a source for land and plant coverage data. For questions regarding GIS systems in use throughout DOE and Meta-Data standards for data, call Robert Haar at (202) 586-6243.

### NEPA

NEPA was the first statute that opened agency decision making to the public. The goal of NEPA is to foster excellent action. The NEPA process must be completed prior to the go/no-go decision point for programmatic and project decisions as well as project decisions. It is intended to provide a flexible framework to help federal decision-making officials incorporate environmental values into the planning process; the attainment of other societal goals and to make quality decisions (like traditional planning objectives) but also make decisions based on an understanding of environmental consequences; and (secondarily) to take actions that protect, restore, and enhance the environment. The NEPA process is not relegated to applying only in cases where the nature of when the Federal planning and decision making is environmental in nature (i.e., waste management mgt programmatic decisions); it but applies to every federal decision whether incremental phased project planning or a huge programmatic decision. NEPA process milestones (See GPG-21, Site Selection Process for further guidance) were established with respect to program/project management theories and practices, and were designed to overlay/coincide with the Agency's planning and decision-making time-line.

## Data Sources

Sites that are have with National Environmental Research Parks have a ready-made systems for examining mission impact on the environment over time. The parks and their ParkNet information network can also play a major role in the development and interpretation of collected data.

During Throughout the past 25 years of NEPA actions, numerous environmental analyses have been performed that contain valuable information about regions and ecosystems, but this data was not stored in a retrievable manner. In October 1993, the DOE made its corporate NEPA information resource, the DOE NEPA Web, available through via a World Wide Web site on the Internet. The DOE hopes to use information technology to enhance the effectiveness of the NEPA process by providing the instantaneous responsiveness needed for closer Federal coordination, and to enhance opportunities for public involvement in Federal planning and decision making. The Uniform Resource Locator (URL) address for the DOE NEPA Web is: <<http://www.eh.doe.gov/nepa>>.

Sites should make full use of any valuable analytical resource. Partnerships with a university environmental management programs looking for research sites, with other Federal/State Agencies or, conservation groups are also encouraged as a way to develop needed monitoring data. URL addresses for other Government, Universities, and private/nonprofit ecosystem management related sites are available from the Office of Project and Fixed Asset Management on (202) 586-9157.

Department planners shall should use corporate resources made available under the National Information Infrastructure and the Department's Information Management Strategic Plan. An example of one such comprehensive data set that is useful in regional ecosystem management is EnviroText, an on-line, searchable library that provides easy access to most environment, safety, and health Federal and State Statutes and Regulations, as well as Indian Tribal Codes and Treaties, and International Agreements. The URL address for this resource is: <<http://tamora.cs.umass.edu/envirotext/index.html>>.

## Tribal Involvement

The DOE will recognize the right of each Tribe to set its own priorities and goals in developing and managing its resources. The Department recognizes that some Tribes have treaty-protected interests in resources outside reservation boundaries. The Department recognizes that a trust relationship derives from the historical relationship between the Federal Government and American Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with the trust relationship, the DOE will

consult with Tribal Governments regarding the impact of DOE activities on the energy, environmental and natural resources of American Indian Tribes when carrying out its responsibilities. The DOE will take a proactive approach to solicit input from Tribal Governments on Departmental policies and issues. The Department will encourage Tribal Governments and their members to participate fully in the national and regional dialogues concerning departmental programs and issues. Consistent with Federal Cultural Resource Laws and the American Indian Religious Freedom Act (P.L. Public Law 95-341), each field office or DOE installation with areas of cultural or religious concern to American Indians will consult with them about the potential impacts of proposed DOE actions on those resources and will avoid unnecessary interference with traditional religious practices. The DOE will incorporate this policy into its ongoing and long-term planning and management processes.

## **Public Involvement**

### **Educating Stakeholders and Planners**

The public must be educated about the relationship between DOE missions, public health, and the health of the surrounding ecosystems in which we all live. The enormity of ecosystem-based management, the complexity of site activities, and the technical knowledge required to fully understand both of them can be overwhelming. Education of the involved public on technical, administrative, and budget issues is essential for making their role in the comprehensive land-use process effective.

Planners and managers need to possess must also acquire the interpersonal skills to effectively participate in two-way communication. The communication must be a dialogue, where site personnel listen and respond to the public. Listening more intently is critically important to in our efforts to involve the public in the comprehensive land-use planning approach.

### **Federal Advisory Committee Act and Its Implications**

Effective use of the Federal Advisory Committee Act (FACA) groups is essential. Sites that have established FACA-chartered advisory board are strongly encouraged to continue to use them for land-use option recommendations and their other intended purposes. Organizational models are important. Two models that have been used effectively in other Agencies for input, especially technical, are the master and umbrella charters.

In the master charter model, the master committee receives and evaluates advice from other entities and relays the advice. Because its meetings with other individuals and

entities are not subject to FACA, the master committee enjoys a level of flexibility and freedom from procedural burdens. It also allows for permits individuals who do not want to be on the advisory panel to provide advice.

Under the umbrella model, subcomponents, which function as subcommittees are simultaneously chartered under a single committee. In many situations this organization makes sense from a management perspective.

A great deal of concern was expressed in studies at other Agencies about how requirements affect citizen advisory groups. Although these committees can be effective in representing the views of selected interests, they do not necessarily represent the views of the public. Where a citizen advisory group is used, other means of informing and education the public and of soliciting public input should also be expected.

### **FACA Restrictions**

The Clinton administration has imposed stringent limitations on the creation and use of FACA advisory committees. Executive Order 12838 (February 10, 1993) directs each executive department and agency to terminate at least one-third of its advisory committees subject to FACA. The Executive Order also prohibits creation or sponsorship of new advisory committees subject to FACA except where (1) required by statute or (2) the Agency head finds that "compelling considerations necessitate creation" of the committee, and the Director of the Office of Management and Budget approves the advisory committee. The Administration has also announced a policy of opposing legislative language that "establishes new advisory committees or seeks to exempt groups from the requirements of the FACA." The Executive Order does not prohibit new advisory groups.

The FACA has often been criticized for its chilling effect on public participation in Federal decision making. The Act restricts non-Federal committees that advise Federal Agencies. Often they are formed under legislative or judicial directive. Some committees that were formed without a charter have been dissolved, while others have struggled on, with little or no funding. Some groups have concluded that advising Federal Agencies is futile due to interminable delays in obtaining a charter to provide input that will not be used. Some Federal personnel are equally frustrated, fearing that many activities designed to obtain public input risk violating the Act.

### **Other Options Are Available for Enhancing Public Involvement**

Other options for enhancing public participation are open to the sites. First, section 204 of the Unfunded Mandates Reform Act of 1995 creates a FACA exemption for meetings



between Federal officials and State, local, and Tribal officials for exchanging views, information, or advice related to shared responsibilities. Comprehensive land-use planning can be defined as having shared responsibilities with local, State, Tribal, and national governments

NEPA already provides another very important way of involving the public in land-use planning and decision making, disseminating public information, and educating the public on DOE's missions. The Act requires all Federal Agencies to assess and disclose the full consequences of their major actions (including biological and human health impacts beyond their jurisdictions), thereby encouraging all interested and affected stakeholders to become involved. Partnering comprehensive land-use planning and NEPA processes, benefit all parties in the long run, focuses efforts, promotes timely decisions, and reduces costs.

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## Appendix B. Definitions

- **Adaptive Management.** Implementing management decisions in an ongoing process requires monitoring and evaluation. This strategy applies scientific principles and methods to adapt resource management activities incrementally based on monitoring and evaluation, new scientific findings, and social changes and demands.
- **Community Reuse Organization (CRO).** The groups established in association with the Office of Worker and Community Transition to develop and carry out development or reuse proposals for Departmental sites.
- **Comprehensive Land-Use Plan.** This plan is a new or existing document or series of documents for guiding future site development based on the shared long-term goals and objectives of the Department, site, and stakeholders. This plan documents the land and facility use alternatives for achieving these goals and objectives.
- **Comprehensive Land-Use Planning Process.** The planning process associated with managing DOE's land and facilities in a holistic manner that integrates missions, ecology, economies, and cultural and social factors in a regional context.
- **Cultural Factor.** This factor is the total product of human creativity and intellect from a particular time and still exists in the region or on the site. They include, but are not limited to, religious sites, historic facilities, petroglyphs, archaeological sites, and other artifacts.
- **Ecologic Factor.** This factor include those items related to the idea of an association among all organisms, including humans, and their environments across time and space. They include, but are not limited to, the capabilities, stability, condition, function, diversity, resiliency, and sustainability of natural communities and physical features.
- **Economic Factor.** This factor include those items related to the development, production, and management of material wealth in the region, including the salaries, employment levels, products, and services generated on and for the site.
- **Economic Sustainability.** This is defined as the globally recognized idea for the essential partnership between economic development and responsible environmental management in which the ability to maintain desired conditions,

uses, yields, products, values, and services over time is dependent on maintaining the renewability, resiliency, and integrity of the ecosystem.(Syn. sustainable development)

- **Economic Sustainability Goals.** These goals are the desired role of Departmental land, facilities, and programs in the regional economy and their potential contribution to the community's economy while maintaining ecosystem stability over an extended period of time.
- **Ecosystem.** This is a dynamic community of biological organisms, including humans and the physical environment with which they react. This unit is a given area where a flow of energy leads to clearly defined trophic structure, biotic diversity, and material cycles.
- **Ecosystem Management.** This is defined as the integration of ecological principles and economic and social factors to manage ecosystems to safeguard ecological sustainability, biodiversity, and productivity. It is a proactive, goal-driven approach to sustaining ecosystems and their values. It needs a cooperatively defined vision of desired future ecosystem conditions that integrate ecological, economic, and social factors affecting a management unit defined by ecological, not political, boundaries.
- **Ecosystem Sustainability.** The ability of an ecosystem to maintain the integrity of ecological processes and functions, biological diversity, and productivity over time. Related to ecologic stability (balance of nature) and indefinite renewability.
- **Ecosystem Sustainability Goals.** This is the statement of desired objectives or conditions in the ecosystem related to its ability to sustain over time: diversity, uses, aesthetics, natural balances, carrying capacities, and material cycles.
- **Facilities.** These are land, buildings, and other structures, their functional systems and equipment, and other fixed systems and equipment installed therein; outside plant, including site development features such as landscaping, roads, walks, and parking areas; outside lighting and communication systems; central utility plants, utilities supply and distribution systems; and other physical plant features.
- **NEPA Reviews.** Information from categorical exclusions, findings of no significant impact, environmental assessments, and environmental impact statements, and options developed under 10 CFR 1021, National Environmental Protection Act Implementing Procedures.

- **Regional Context.** This is defined as the examination of the site's land-use issues at a scale large enough to capture each of the site's four planning factors (ecologic, economic, social, and cultural) full extent.
- **Stakeholder.** A stakeholder is defined as those individuals and groups in the public and private sectors who are interested in and/or affected by the Department's activities and decisions.
- **Social Factor.** This is defined as the tangible and intangible relationships the site has with people and organizations within surrounding communities. These factors are important because of their potential impact on use decisions. Executive Order 12898, "Environmental Justice," requirements are addressed through the assessment and actions relating to this factor.
- **Systematic Process.** This is a publicly open, procedural activity established by the Operations Office Manager or Head of Applicable Field Element to decide the choice of land and facility use options for the site or portions of the site.

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## Appendix C. Suggested Reading

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 1995.
- Durett, 1994. *Environmental Justice: Breaking New Ground*.
- Ecosystem Management Task Force Report, Volumes I, II, and III (1995, 1995, 1996).
- Congressional Research Service, 1995. *Report on Ecosystem Management in the Federal Agencies*
- Ecological Society of America, 1996. *Report on the Science Behind Ecosystem Management*
- National Environmental Policy Act, 1969, as amended (Public Law 91-190, 42 United States Code 4321 et seq.).
- National Performance Review, ENV-02, *Develop Cross-Agency Ecosystem Planning and Management*, 1994.
- Slocombe, 1993. *Implementing Ecosystem Management*.
- General Accounting Office, 1995. *Implementing Ecosystem Management*
- Szaro, 1995. *Ecosystems and Adaptive Management*.
- *Majority Staff Report: Ecosystem Management: Sustaining the Nations Natural Resource Trust*, 1994.
- *Interim Report of the Federal Facilities Environmental Restoration Dialogue Committee Recommendations for Improving the Federal Facilities Environmental Restoration Decision Making and Priority-Setting Processes*, 1993 (Keystone Report).
- *Evolution of Ecosystem Management IECMG*, 1994.
- Moote et al., 1994. *Principles of Ecosystem Management*.

- DOE, 1995. *Stewards of a National Resource*, DOE/FM-0002.
- DOE, 1994. *Forging the Missing Link*
- DOE, 1995. *Role of Future Use in Ecosystem Management*, Draft.
- DOE, 1996. *Future Use Summary Report*
- DOE 1996. *Resourceful Reuse -- Planning Future Uses of DOE Sites*, Office of Environmental Management Guide.
- DOE, 1995. *Environmental Guidelines for Development of Cultural Resource Management Plans*, Final Report, DOE/EH-0501.
- DOE, 1995. *Procedures for DOE Environmental Justice Assessment*
- DOE, 1995. *DOE Public Participation Policy*
- DOE, 1993. *Public Participation Guidance for Environmental Restoration and Waste Management*, Department of Environmental Management.
- DOE, 1995. *The Development of Site Future Use Options: Recognition of Issues Specific to American Indian Tribes, Alaskan Native Villages, and Native Hawaiian Organizations*, June 30.
- DOE/EM-0283, 1996. *Charting the Course: Future Use Summary Report*, Department of Environmental Management



## **Appendix D. Related Training**

- Site Development Planning PMMS-15 (to be revised FY 96-97)
- (Muther) Systematic Site Planning (being revised by Muther and Associates into Pre-Engineered Planning)
- Public Involvement for Managers (EM Class)

The Department has established a home page clearing house for training available within the DOE. Other related training can be found at URL address <http://cted.inel.gov/cted/>.

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## **Appendix E. Examples**

### **InterAgency Land Management Support Agreements at Idaho National Engineering Laboratory**

At the request of the Idaho National Engineering Laboratory's facility and land management personnel, a meeting was held with the Idaho Falls Office of the Bureau of Land Management to discuss land management policies and practices on neighboring lands and investigate areas where cooperative land management initiatives and agreements could improve quality and productivity. An agreement has been reached to develop a cooperative fire control initiative that could decrease fire response time and realize optimum use of government equipment and manpower. The Idaho site continues to work with the Bureau of Land Management to identify and implement cooperative agreements and complementary land-use policies.

### **Ecosystem Management Plan/Interagency Agreement with the U.S. Forest Service at Sandia National Laboratory**

DOE entered into an Interagency Agreement with the U.S. Forest Service to analyze fuels, recreation, wildlife, and other resource needs within the withdrawn lands and in non-withdrawn lands to the east of Kirtland Air Force Base. In response to a congressional Inquiry by Congressman Steven Schiff, DOE, U.S. Forest Service, and Kirtland Air Force Base entered into an agreement to establish a fuel break between the military withdrawal and the private lands located east of withdrawal boundary.

### **Public Involvement in the Future Use Project at the Savannah River**

DOE Savannah River did not attempt a consensus process in defining the recommendations on future use at the site, but the recommendations do reflect the majority of input from internal and external stakeholders. The recommendations are based on the Citizen Advisory Board's recommendations, the Land Use Technical Committee, the site's strategic plan, the Citizens for Environmental Justice recommendations, and comments from the public a numerous public meetings. The Citizen Advisory Board and Land Use Technical Committee recommendations were reached by consensus within each of those groups DOE Savannah River agreed with the sentiment of the Citizen Advisory Board recommendation, with three minor exceptions.

### **Public Involvement in the Future Use Project at Rocky Flats**

Stakeholder future use recommendations for the Rocky Flats site have been developed through the efforts of the Future Site Use Working Group. These recommendations will serve as key input in the conceptual vision that will help guide the future direction of the site, currently being developed by the Rocky Flats Field Office, Environmental Protection Agency, and the Colorado Department of Public Health and Environment.

This "Vision" focuses on all actions at the site, including cleanup, plutonium consolidation, safety, physical plant conversion, and land use. Ultimately, the "Vision" could define the intermediate site conditions for Rocky Flats at the completion of all major environmental remediation, decontamination, and decommissioning activities, and the decision on the final site conditions after all stored special nuclear materials and containerized wastes have been removed.

### **Facility Use Plan at Rocky Flats**

The Facility Use Plan at Rocky Flats will provide a vehicle for sitewide integration of building-use planning, development of strategic input for planning budget allocation, and establishment of facility use to achieve strategic objectives. The contractor, Kaiser-Hill will complete the initial Facility Use Plan in October 1995. The site is responsible for the final Facility Use Plan.

### **Public Involvement in the Future Use Project at Fernald**

The Fernald Task Force, its site-specific citizens' advisory board, met monthly for 2 years using a combination of discussions, workshops, site tours, technology demonstrations, and an extensive packet of background information. "Future Site" a modeling game for site cleanup, was developed for and used extensively by the Task Force as an educational tool to help them understand the ramification of each cleanup level and land use.

From the beginning the Task Force recognized that no single group could represent every viewpoint of the public. Members believed the Task Force needed to conduct its own outreach efforts to make clear that it was a separate entity from DOE and to obtain specific input from the public on issues. Particular emphasis was placed on public input on more controversial issues such as waste disposition. To ensure that all sides were heard, the Task Force mailed personal invitations to stakeholders in which the issues and decisions to be addressed in upcoming meetings were identified.

### **Fernald's Envoy Program**

The Fernald envoy program was established in February 1994 to promote one-on-one communication between Fernald personnel and local community groups in the tri-state area. In this program, DOE and the contractor employees serve as envoys to a wide range of stakeholder groups such as adjacent property owners, business leaders, schools, environmental groups and agencies, and public officials. The program facilitates two-way communication and improves the decision-making process at Fernald by building closer relationships with numerous stakeholder groups. An important element of the program is for envoys to listen to the ideas, suggestions, concerns, questions, and values of stakeholders. Input from stakeholders is given to Fernald's decision makers before final cleanup decisions are made.

### **Public Involvement in the Future Use Project at Hanford**

Hanford future use planning has benefitted from extensive and active stakeholder participation. The Hanford Working Group held open public meetings and comment opportunities at several points during the 9-month period in 1992 during which they developed consensus recommendations. Like the Working Group, the current Hanford Advisory Board is a broad-based stakeholder group that includes representatives from Federal and State regulators; State, county, and city governments; environmental activist groups; local business, economic development, and labor interests; civic groups, and the public-at-large.

The monthly Hanford Advisory Board meetings are open to the public and include allotted times for public comment. The recommendations of the Working Group, with subsequent refinements by the Hanford Advisory Board, have contributed significantly in defining appropriate exposure scenarios for site risk assessments, proposed plans, and Records of Decision produced during the past 3 years.

They are now being formalized into a final, legal, decisional site document (the Hanford Remedial Action-Environmental Impact Statement and the comprehensive land-use plan). They are considered to be extremely valuable stakeholder consensus input and interim land-use goals. Until such a sitewide land-use decision document is developed and signed, the Working Group recommendations will continue to be considered strongly in all environmental restoration activities and Records of Decision.