

# Department of the Interior Departmental Manual

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**Series:** Departmental Management

**Part 301:** Major Program Issues and Decisions

**Chapter 2:** Public Participation in Decision-making

**Originating Office:** Office of Policy, Budget, and Administration

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## 301 DM 2

2.1 **Policy.** The Department of the Interior will offer the public meaningful opportunities for participation in decision-making processes leading to actions and policies which may significantly affect or interest them.

### 2.2 Definitions.

A. Public means affected or interested individuals, including consumers; organizations and special interest groups; officials of local, State, and Indian tribal governments; and officials of other Federal agencies.

B. Participation means systematic opportunity for the public to know about and express their opinions on possible Departmental actions and policies; and to know that their views are considered in shaping decisions and become part of the record of the decision-making process.

2.3 **Purpose.** These guidelines are to provide a firm policy basis and a consistent Department-wide framework within which bureaus and offices are accountable to the Secretary and to the public for timely and effective public involvement in decisions which may significantly affect or interest them. The guidelines call for early and repeated consideration of public participation by responsible officials. The guidelines suggest relationships, communications media, techniques, technical skills, and resources to consider. The guidelines establish minimum procedures and reporting requirements, and assign oversight and evaluation responsibility.

### 2.4 Responsibility.

A. Officials at every level of the Secretariat and all bureaus and offices are responsible for considering public participation early in decision-making processes leading to actions or policies which:

- (1) could have a significant effect on the public or be of significant interest to them;
- (2) could appear to the public as being significant.

B. Each Assistant Secretary, and each head of bureau or office, is responsible for:

(1) up-to-date and consistent policy guidance on the kinds of decisions or activities in his/her area in which public involvement is or is not needed or useful, and

(2) procedures for such public involvement in keeping with office missions. For advice in writing such guidance, officials may call on the Assistant Secretary - Policy, Budget, and Administration, the Director of the Office of Public Affairs, and the Solicitor.

C. These guidelines supplement laws, regulations, policies, and guidelines mandating or governing public involvement in administrative action. In determining whether to solicit public participation in a decision-making process, and in determining the form of the participation, Department officials must consider particularly:

(1) the notice-and-comment rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553;

(2) the Federal Register publication requirements of the Freedom of Information Act, 5 U.S.C. 552(a);

(3) the advisory committee requirements of the Federal Advisory Committee Act, 5 U.S.C. Appendix I;

(4) the environmental impact consideration process of the National Environmental Policy Act, 42 U.S.C. 4321, et. seq.; and

(5) the procedures for development of significant rules under Executive Order 12044 (March 23, 1978).

## **2.5 Determination of Need for public Participation.**

A. Officials will consider opportunities where public input might be necessary or useful in any decision-making process and in periodic work planning processes, as well as for the traditional procedures such as formal rulemaking, project planning, area management planning, environmental assessment, or established consumer affairs activities.

B. In decision-making processes which already require public participation, officials will consider the need for usefulness of involving the public earlier or more frequently than mandated, or than has historically been done.

C. Officials responsible for determining the need or usefulness of public participation on a possible action or policy will record the decision as to whether to involve the public or not, and identify the officials responsible for the decision, and for planning and carrying out any public participation. The record need not be separate from the normal documentation of a decision-making process.

D. Officials will review their initial determinations about public participation at key decision points leading to action or policy development to be sure the reasons for the initial determination and the scope of any involvement planned are still sound. These reviews and any changes which result will be recorded also, again identifying responsible officials.

## **2.6 Facilitating Public Involvement.**

A. Responsible officials will consult with the public affairs division of their bureau or office, or of the Department, throughout their planning for public participation, starting with the earliest discussions as to whether public participation is needed or useful for the given instance.

B. Once public participation is known to be needed or useful, responsible officials will notify and consult with other divisions of their bureau or office and other offices in the Department which have had experience with public involvement in comparable matters or addressing segments of the same public; or which have been designated as a consumer representative or other citizen contact points; or which are designated to work with disadvantaged, handicapped, aged, and minority peoples.

C. Responsible officials will identify and assign qualified personnel with necessary technical skills with staff support and funding adequate to plan and carry out public participation effectively tied to the decision-making process. Officials should not overlook opportunities for public involvement in preparing the plan itself.

D. Responsible officials will coordinate with other officials who may be addressing the same citizens in the same area at the same time. The coordination should insure that the interested public is not offered so many involvement opportunities that they cannot participate as fully as they would like. Government officials to consider would be those in Interior bureaus and offices in Washington and the field, in other Federal agencies, and in State, local, and Indian tribal offices with relevant jurisdiction.

E. Responsible officials will make special efforts throughout all planning for public participation to reach and involve reluctant or unknown segments of the public. For example, minorities can be reached by such means as minority press, television, and radio. Likewise, special media channels exist to reach special segments of the public B the aged, young people, the handicapped, the disadvantaged. Information can be posted or handed out in non-traditional places. Material inviting public participation can be written in languages other than English.

F. A basic checklist of steps allowing public participation:

(1) Notify the widest range of people of the possibility of a policy or action which might affect or interest them significantly. Allow enough lead time on the initial notification and on communications throughout the process that individuals and groups have time to consider the values at stake for them and make arrangements to participate or be represented in the involvement process.

(2) Provide information about a possible action or policy in plenty of time and in

easily used forms. The first information may simply cite a problem or activity which appears to call for some action or policy. Early information should cover expected effects of various possible actions, issues associated with various possible actions, ways to get more facts on the subject, steps for decision-making about the action, including the means for the public to participate, and names of officials knowledgeable about the action.

- (3) Allow time and means for public comments.
- (4) Allow time and process for due consideration of comments made.
- (5) Keep a brief public record of public views and of techniques used to obtain public input, noting responsible officials.
- (6) Provide for feedback to the public involved as to action or no action decisions after their participation.

G. Responsible officials will survey and select techniques for public participation which are appropriate both to the mission of the unit and to the extent of possible public interest. Sample techniques are listed below. These techniques may be used alone, or in sequence with others. They may be used once or repeated. In general, officials should consider the degree of formality useful and appropriate to various stages of the decision process: select the less formal techniques in initial stages (press releases, speeches, informal meetings, etc.), and the more formal techniques near the final decision point (public hearings, Federal Register publications, etc.). In all cases, once Departmental officials have determined that public participation is needed or useful, they should consult with the Office of the Solicitor on legal requirements applicable to that decision-making. The overall public participation plan, closely tied to the decision-making process, should be flexible enough that techniques may be added or dropped as public input shows a new level of need or interest. Here is a checklist of techniques.

- (1) For announcing possible actions or need for action and for supplying information (including public participation plans themselves): releases to press and other media, direct mail, brochures, reports, and speeches or presentations to interest groups, conferences, schools, clubs, etc.
- (2) For gathering opinion or reaction to issues, questions or proposals: public hearings, less formal public meetings or forums, A hotlines and surveys or questionnaires. (Any survey or questionnaire must conform to requirements of the Office of Management and Budget.)
- (3) To allow interaction and exchange of information and opinions on issues, questions or proposals: workshops, advisory boards, informal contacts, and several varieties of structured A nominal group discussions. These techniques may be structured to develop alternatives or modifications. The A nominal group methods especially require skilled planning and leadership, but they can be effectively used, for example, as a way to examine feasible alternatives, or to help resolve conflicts between user groups in cases where genuine trade-offs exist in the issues under discussion.

(4) For feedback to those interested, any of the techniques above may be appropriate. Techniques using discussion and interaction provide some instant feedback to participants. Feedback should include not only intermediate or final decisions, but also reference to the public views heard and considered in the participation process.

H. Officials throughout the Department, in consultation with public affairs officers, will seek opportunities to improve the general level of public knowledge about significant authorities and activities of the Department, with provision for recorded comment and feedback. Suggested means include periodic publication of calendars of anticipated actions printed in popular as well as official press; periodic open public meetings; periodic open office time; and other public involvement techniques which, being regularly scheduled, could lessen the need for numbers of separate public participation plans or events.

## **2.7 Administration, Oversight and Evaluation.**

A. Each Assistant Secretary and each head of bureau or office is to establish effective procedures allowing public participation early and at intervals throughout decision-making processes which may significantly affect or interest them.

(1) Procedures will be available to the public before June 30, 1979, and will be updated annually after that.

(2) Procedures will provide for responsible officials to record enough information about any public participation process they undertake so that public participation efforts throughout the Department can be compared and evaluated. The record would note as briefly as possible the usefulness of the bureau guidance, the public participation plans and the techniques selected, along with the adequacy of the manpower and other resources applied.

(3) Procedures will identify a staff contact point (public affairs office or other as appropriate) to deal with or refer to knowledgeable officials all matters bearing on public involvement; circulate systematically key public involvement information among interested parties including policy and program officials, public affairs, training, and equal opportunity divisions, in Washington and the field; and compile periodic reports at least annually which may be either in memorandum form, or in the form of a transcript or minutes of a Department-wide meeting. Reports will briefly summarize key memorandums, decision documents and the records or reports required by these guidelines, and will highlight significant public involvement successes and failures for Departmental review and evaluation. The list of staff contacts will be available to the public.

(4) Procedures will provide for resolution of conflicts between legitimate public interests, where possible; and for systematic consideration of complaints from the public about their opportunities for participation.

B. In circumstances where emergency direction is called for and there is not time for public participation before the actions needed, responsible officials will determine if public

participation is necessary or useful after the episode (such as natural disaster, pollution crisis or industrial accident requiring Departmental response), and will carry out appropriate public involvement procedures as soon as practicable. If the subsequent public input provides enough reason, initial decisions or guidance for future such responses will be reviewed and changed as necessary or useful.

C. Assistant Secretaries, and heads of bureaus and offices will be responsible for training programs to assure the continuing quality and usefulness of public participation plans and techniques appropriate to Departmental actions in which the public may be interested.

D. The Executive Secretariat will review issue documents submitted for Secretarial decision to be sure public participation was appropriately considered.

E. The Solicitor is assigned oversight responsibility for compliance of public participation procedures with laws governing public participation.

F. The Assistant Secretary - Policy, Budget, and Administration, in consultation with the Director, Office of Public Affairs, has oversight responsibility for:

(1) periodic review of guidance issued by Assistant Secretaries and heads of bureaus and offices;

(2) response to questions, and resolution of issues and conflicts or complaints raised by public participation activities, and not resolved at other levels;

(3) systematic exchange of information and expertise on public participation throughout the Department;

(4) periodic orientation on public participation strategy related to both Department-wide performance and currently significant issues for policy officials and program managers at all levels;

(5) adequate training in the technical skills necessary to plan and manage public participation activities;

(6) consideration of special budget needs for public participation beyond legal and normal administrative overhead requirements. If he/she finds cause, the Assistant Secretary - Policy, Budget, and Administration will make recommendation to the Secretary as to options for covering such costs.

G. The Assistant Secretary - Policy, Budget, and Administration, in consultation with the Director, Office of Public Affairs, the Solicitor, the Under Secretary, the line Assistant Secretaries, and Senior Staff of the Department will periodically evaluate the effectiveness of the Department's total effort to involve the public in a meaningful way in the decision-making processes of the Department. Data reviewed in the course of the evaluation will include reports of the Assistant Secretaries, heads of bureaus and offices, and responsible officials, and will also

include both random and systematic comment from the public.

## **2.8 Publication of Guidance.**

A. This guidance will be made a part of the Departmental Manual and published in the Federal Register.

B. Future amendments to this guidance will be similarly published.

C. The Assistant Secretary - Policy, Budget, and Administration, in consultation with the Director, Office of Public Affairs, and the Solicitor, will review, revise, circulate for comment, and publish amended guidance at any time that comment or experience with public participation proves gaps, excessive constraints, or other fault with these guidelines.

D. Even if no amendment is necessary, these guidelines will be reprinted periodically, at least annually, to help ensure access of a variety of citizens to decision-making in the Department which may impact or interest them significantly.

E. Responsible officials are encouraged to distribute these guidelines as widely as it may be useful to anyone interested in effective participation in the decision-making processes of this Department.

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