

# Department of the Interior Departmental Manual

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**Effective Date:** 5/23/84

**Series:** Legal

**Part 455:** Hearings

**Chapter 1:** Discretionary Public Hearings

**Originating Office:** Office of Hearings and Appeals

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## 455 DM 1

**1.1 Scope.** The guidelines which follow apply to all public hearings conducted as a matter of policy by the Department to elicit the views of the public on a proposal or issue.

**1.2 Planning.** Before any announcement of a public hearing is made, the Departmental bureau or office proposing the hearing should thoroughly consider all aspects in order to adopt procedures which will obtain the maximum amount of information and views from the public with reasonable dispatch, and which will afford maximum participation by the public. The bureau or office should consider such matters as:

- A. the proposal or issue on which the hearing is to be held.
- B. the extent to which and the manner in which information on the subject matter of the hearing will be made available so that public comments can be more meaningful and to the point.
- C. the extent of public participation anticipated so that the length of the hearing, the amount of notice, the size of the hearing room, the time allowed for witnesses, etc., can all be gauged.
- D. the designation of an official in the bureau or office who has the authority and responsibility for making all decisions in the arrangements for the hearing and to whom inquiries can be directed.
- E. the desirability of having an administrative law judge or other official from the Office of Hearings and Appeals designated to conduct the hearing and to see that a proper record is made.
- F. all other aspects of the proposed hearing, including the items mentioned hereafter in these guidelines.

**1.3 Notice of Hearing.** Notice of a hearing should ordinarily be published in the Federal Register at least 30 days prior to the date of the hearing. At the same time, if possible, publicity should be given through the national or local news media, the extent depending on the

anticipated public interest. Where an administrative law judge or other official from the office of Hearings and Appeals is to be designated to conduct the hearing, the notice of hearing, the notice of hearing should be submitted to that office for approval prior to publication.

The notice of hearing should include:

- A. The hour, date, and place of the hearing.
- B. The subject matter of the hearing. This should be described in such detail as to fully inform the public. If a comprehensive description would unduly extend the notice, information should be given as to where and how additional data can be obtained. If feasible, a comprehensive description of the subject matter could be prepared as a separate document for distribution to interested members of the public who request it.
- C. The issue or issues on which statements will be received.
- D. The manner in which statements will be received, both oral and written. In the case of oral testimony, time limits should be imposed, such as 10 minutes per witness unless additional time is granted in advance in accordance with a stated procedure. In the case of written statements any limitations on length should be specified together with a cut-off date for filing.
- E. The cut-off date by which witnesses wishing to testify orally must make their request in order to permit preparation before the hearing of a list of witnesses according to their order of appearance. A minimum cut-off date of three days before the date of the hearing should be the norm so that a witness list can be made available the day before the hearing.
- F. Any other special provisions or conditions governing the particular hearing.

**1.4 Conduct of the Hearing.** At the outset the presiding officer should briefly explain the nature of the proceeding and announce any particular rules that will govern the immediate hearing. Witnesses should then be heard in the order of their listed appearance unless special circumstances require a change or a witness is not present when his turn comes. Generally no interrogation of witnesses should be permitted except possibly by designated members of the bureau or office. Time limitations on presentations should be strictly enforced except that if a witness is testifying from a prepared statement and is unable to finish on time he should be allowed to complete his statement by filing a copy at that time with the presiding officer. Where an administrative law judge or other official from the Office of Hearings and Appeals has been designated to conduct the hearing, he shall be the presiding officer and have full authority to control the conduct of the hearing.

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