



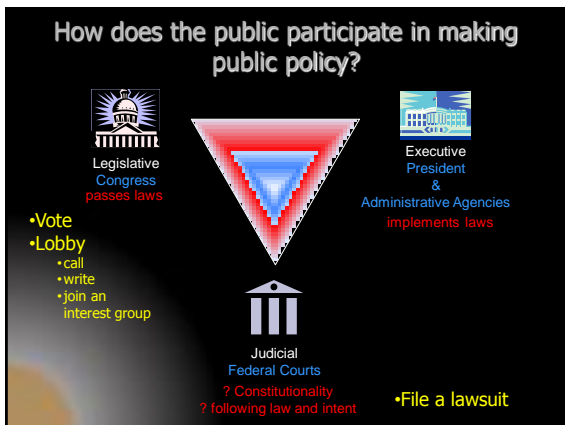
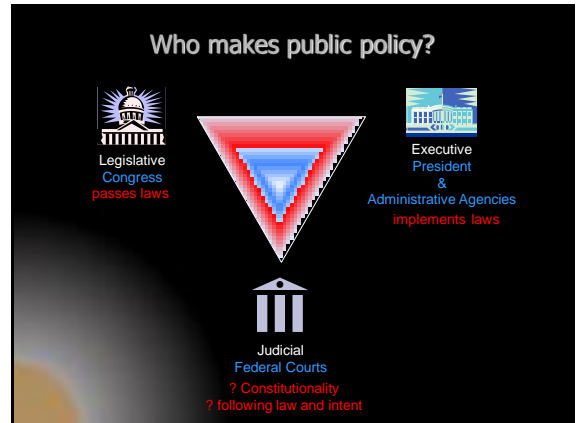
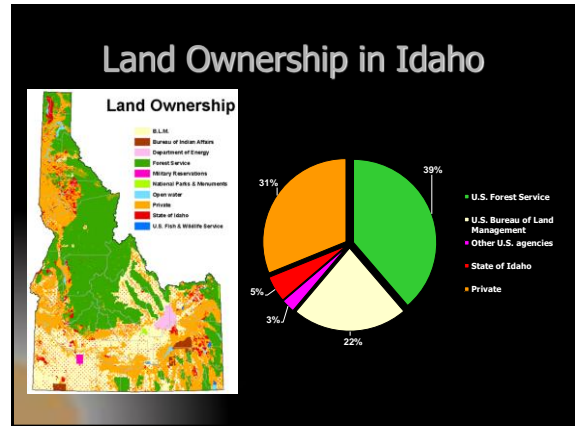
# Putting the Public in Public Policy

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CNR 235  
 September 23, 2013

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 College of Natural Resources



## How does the public participate in making public policy?



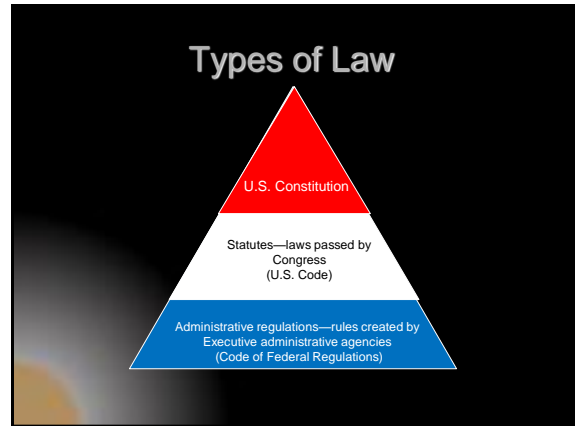
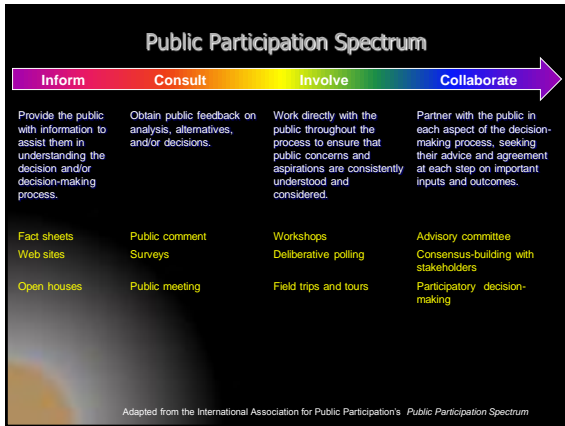
**EPA**

**NOAA Fisheries**

**US Forest Service**

**USGS**  
 science for a changing world

**USDA NRCS**  
 National Conservation Conservation Service



*"All legislative Powers herein granted shall be vested in a Congress of the United States ..."*  
**-U.S. Constitution, Article I, Section 1**

The Congress finds and declares that—  
 (1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;...

... (1) The Secretary shall by regulation promulgated in accordance with subsection (b) of this section determine whether any species is an endangered species or a threatened species because of any of the following factors:  
**-Endangered Species Act of 1973 (16 USC 1531 et seq.)**

(i) Gray wolf (*Canis lupus*). (1) The gray wolves (wolf) identified in paragraph (i)(7) of this section are nonessential experimental.  
**-Code of Federal Regulations (50 CFR 17.84)**

### What public participation is required for making administrative regulations?

Logos shown include: EPA, U.S. Department of the Interior Bureau of Reclamation, USDA NRCS, National Marine Fisheries Service NOAA Fisheries, U.S. Forest Service, U.S. Department of the Interior Bureau of Land Management, and USGS.

### Administrative Procedures Act (5 U.S. Code § 500 et seq.)

General procedures that all administrative agencies must follow when proposing new regulations.

- Must publish proposed regulations in the *Federal Register* at least 30 days prior to their taking effect.
- Must provide a way for interested parties to comment, offer amendments, or object to the regulation.
- Some regulations require one or more formal public hearings.

www.federalregister.gov

The screenshot shows the Federal Register website interface with a search bar, navigation tabs, and several news items under 'RECENT BLOG POSTS' and 'ABOUT THE FEDERAL REGISTER'.

Federal Register / Vol. 78, No. 182 / Thursday, September 19, 2013 / Proposed Rules 57573

**ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 52  
[EPA-R03-OAR-2010-0141; FRL-9901-16-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware; Attainment Plan for the Philadelphia-Wilmington, Pennsylvania-New Jersey-Delaware Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Proposed Rule; Supplemental

**SUMMARY:** EPA is issuing a supplement to its proposed approval of Delaware's state implementation plan (SIP) published in the Federal Register on November 19, 2012. The SIP revision demonstrates Delaware's attainment of the 1997 annual fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS) for the Philadelphia-Wilmington, Pennsylvania-New Jersey-Delaware (PA-NJ-DE) PM<sub>2.5</sub>.

**DATES:** Written comments must be received on or before October 21, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2010-0141 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email:* fernandez.cristina@epa.gov.

C. *Mail:* EPA-R03-OAR-2010-0141, Cristina Fernandez, Associate Director, Office of Air Planning Program, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R03-OAR-2010-0141. EPA's policy is that all comments received will be included in the public

regulations.gov

Home Help Resources Feedback and Questions

Participate Today!

Submit your comments on proposed regulations and related documents published by the U.S. Federal government. You can also use this site to search and review original regulatory documents as well as comments submitted by others.

Help Improve Federal regulations by submitting your comments.

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Unified Agency Spring 2013

Developers

A Commenter's Checklist

President's Executive Order

**Public Participation Requirements in Natural Resource Policies**

- National Environmental Policy Act of 1969 (NEPA)**

**National Environmental Policy Act of 1969 (NEPA)**

- Purpose** (Sec. 2 [42 USC § 4321])

*"To declare a national policy which will encourage productive and enjoyable harmony between man and his environment;" ...*

**National Environmental Policy Act (NEPA)**

- Environmental Impact Statement** (Sec. 102 [42 U.S. Code § 4332])

"All agencies of the Federal Government shall – ...

C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on –

(i) the environmental impact of the proposed action, ..."

**NEPA Implementation Regulations (40 CFR 1500 et seq.)**

Sec. 1506.6 **Public involvement.**

Agencies shall:

- Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.
- Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

A Citizen's Guide to the NEPA  
Having Your Voice Heard



433 J. E. Soss & D. E. Baker

hardly on the opportunity to be involved as a way to cause unacceptable delays to developing or to hold up public process they deem environmentally sensitive. For example, voluntary of Interstate 88 in the Bay Area was held up for years by a lawsuit contending that NEPA was not meeting requirements of the Clean Air Act. The challenge on problem solving took place while the money competition just returned. Funding amounts in California's Central Valley have had big water management and habitat conservation planning. Several states have had big water management and habitat conservation planning. Several states have had big water management and habitat conservation planning.

In response to the failures of participation, public agencies increasingly employ techniques of education and outreach. For example, NEPA sends out newsletters and holds workshops with presentations on what the agency has been doing about water. These approaches differ from legal participation requirements in the US in that they are inclusive of stakeholders and that dialogue is at their core. These seek to address the interests of all, allowing time for these to be explored. Participation in public agencies is not the same as the traditional design of top-down decision making. In these processes, knowledge, time, place, and resources are used and not necessarily energy (Gardall & Brown, 2001; Hargrett, 1993, 1995). The process is not given and take and just problem solving (Stewart, 2002) or long as best practice are followed (Gandy et al., 2002; Society of Environmental and Design Researchers, 1992; handbook et al., 1995).

For example, administrative rule making for the environment in the US has been highly contentious, with agencies proposing rules and industries or environmental groups challenging them in court or Congress. Creating a rule could take decades, and might not protect the natural resources. Instead of proposing regulations and waiting for comments, the US Environmental Protection Agency (EPA) began to pull together stakeholders, including representatives of the regulated industry, of the community and of the larger public to jointly recommend regulations (Gardall & Brown, 2001). The EPA also created such collaborative dialogues (Gandy et al., 2002) or long as best practice are followed (Gandy et al., 2002; Society of Environmental and Design Researchers, 1992; handbook et al., 1995).

One of the biggest issues in participation is information, who controls it and whether it is trustworthy (Hargrett, 2001). In collaborative participation, time for finding is needed in which the parties can question data (O'Brien, 1991) and present their own. Citizens and stakeholders have information that can improve the quality of decisions (Parker, 1991, 2002). For example, in a water planning process in Sacramento, California (Gardall & Brown, 2001), stakeholders presented a massive case to a federal agency's calculation of available water and forest flows from accurate modeling. Federal

**Collaborative Participation**

Many of the new participation models have been created in response to the rapid changes (Gardall & Brown, 2001; Hargrett, 1993, 1995; Stewart, 2002). These approaches differ from legal participation requirements in the US in that they are inclusive of stakeholders and that dialogue is at their core. These seek to address the interests of all, allowing time for these to be explored. Participation in public agencies is not the same as the traditional design of top-down decision making. In these processes, knowledge, time, place, and resources are used and not necessarily energy (Gardall & Brown, 2001; Hargrett, 1993, 1995). The process is not given and take and just problem solving (Stewart, 2002) or long as best practice are followed (Gandy et al., 2002; Society of Environmental and Design Researchers, 1992; handbook et al., 1995).

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# Collaboration

COUNCIL ON ENVIRONMENTAL QUALITY

**Collaboration in NEPA**  
A Handbook for NEPA Practitioners



OCTOBER 2007

**"This handbook encourages lead agencies to consider, where appropriate, going further than the minimum requirements in engaging the public throughout the NEPA process."**

---Council on Environmental Quality, 2007. *Collaboration in NEPA: A Handbook for NEPA Practitioners*. [http://www.nepa.gov/nitl/Collaboration\\_in\\_NEPA\\_Oct\\_2007.pdf](http://www.nepa.gov/nitl/Collaboration_in_NEPA_Oct_2007.pdf)



## Collaboration in law



- Omnibus Public Land Management Act of 2009**
  - PUBLIC LAW 111-11—MAR. 30, 2009**
- SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.**
- (a) IN GENERAL.**—The Secretary [of Agriculture], in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes...
- (b) ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—
  - (2) be developed and implemented through a collaborative process that—
    - (A) includes multiple interested persons representing diverse interests; and
    - (B)(i) is transparent and nonexclusive; or (ii) meets the requirements for a resource advisory committee...

## Advantages of Citizen Participation in Government Decision Making

	Advantages to citizen participants	Advantages to government
<b>Decision process</b>	<ul style="list-style-type: none"> <li>Education (learn from and inform government representatives)</li> <li>Persuade and enlighten government</li> <li>Gain skills for activist citizenship</li> </ul>	<ul style="list-style-type: none"> <li>Education (learn from and inform citizens)</li> <li>Persuade citizens; build trust and allay anxiety or hostility</li> <li>Build strategic alliances</li> <li>Gain legitimacy of decisions</li> </ul>
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>Break gridlock; achieve outcomes</li> <li>Gain some control over policy process</li> <li>Better policy and implementation decisions</li> </ul>	<ul style="list-style-type: none"> <li>Break gridlock; achieve outcomes</li> <li>Avoid litigation costs</li> <li>Better policy and implementation decisions</li> </ul>

from, R.A., and J. Stansbury, 2004. Citizen participation in decision making: Is it worth the effort? *Public Administration Review* 64(1):55-65

## Disadvantages of Citizen Participation in Government Decision Making

	Disadvantages to citizen participants	Disadvantages to government
<b>Decision process</b>	<ul style="list-style-type: none"> <li>Time consuming (even dull)</li> <li>Pointless if decision is ignored</li> </ul>	<ul style="list-style-type: none"> <li>Time consuming</li> <li>Costly</li> <li>May backfire, creating more hostility toward government</li> </ul>
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>Worse policy decision if heavily influenced by opposing interest groups</li> </ul>	<ul style="list-style-type: none"> <li>Loss of decision-making control</li> <li>Possibility of bad decision that is politically impossible to ignore</li> <li>Less budget for implementation of actual project</li> </ul>

from, R.A., and J. Stansbury, 2004. Citizen participation in decision making: Is it worth the effort? *Public Administration Review* 64(1):55-65

## Core Values for the Practice of Public Participation

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

International Association for Public Participation

*"The penalty good people pay for not  
being interested in politics is to be  
governed by people worse than  
themselves."*

---Plato