

Reclamation Manual

Directives and Standards

Subject: Public Involvement in Reclamation Activities

Purpose: To ensure that whenever Reclamation actions may significantly affect individuals or groups, Reclamation will systematically provide opportunities for affected individuals, groups, and communities to be informed about the issues; as appropriate, participate in the definition of the problem, objectives, and possible solutions; and have their views documented and considered in Reclamation's decision-making process.

Authority: Departmental Manual (DM) 301 Chapter 2 and supporting regulations, laws, and directives listed in tables 1 - 3 in the appendix.

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1. Purpose and Benefits.

A. **Purpose.** For Reclamation activities with a potential or perceived impact on individuals and groups, Reclamation will, as appropriate, provide interested publics:

- Opportunities to participate in the decision-making process,
- Information about decisions being considered, and
- Documentation of how the publics' input was considered.

B. **Benefits.** Corollary benefits of public involvement include strengthening Reclamation's ability to:

- Address and resolve potential conflicts and issues before misunderstandings develop into active opposition and litigation.
- Develop supportable solutions.
- Build agency credibility.
- Educate the public about Reclamation's programs and objectives.
- Gain information and knowledge to effectively plan and carry out Reclamation's mission.
- Create inclusive and mutually beneficial relationships between Reclamation and the publics.

2. Definitions.

A. **Affected Publics** refers to individuals; customers; groups; organizations; communities; and officials of local, state, Federal, foreign, or tribal governmental entities that may be impacted by or interested in an action or decision. Factors which identify affected

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publics include: interests; jurisdiction; proximity; potential social, economic, and environmental impacts; resource use; and values.

- B. **Consultation** means the exchange of information and advice in order to plan or make decisions. Consultation is to occur before decision-making.
 - C. **Participation** means the systematic opportunity for the public to know about and express their opinions on Reclamation actions and policies being considered, and to know that their views are considered in shaping decisions and become part of the record of the decision-making process.
 - D. **Public Involvement** is the systematic provision for affected publics to be informed about and participate in Reclamation decision processes. It centers around effective, open exchange and communication among the partners, agencies, organizations, and all the various affected publics. Because public involvement means inviting publics to be actively involved before a decision is made, it differs from public relations, information, or education.
 - E. **Public Information** (also public affairs) means communicating and disseminating information about Reclamation activities by using various methods to inform, advise, or educate.
3. **Actions or Decisions That Require Public Involvement.**
- A. **General.** Public involvement will be undertaken to minimize or avoid potential problems and conflicts and maintain the quality of proposed and ongoing programs. Involvement must be tailored to the issues, action, and decision-making process. The level of public involvement can range from a telephone call to an affected agency (e.g., emergency actions) to a large-scale, long-term program (e.g., multi-state watershed management). Consultation requirements with other Federal, state, local, and tribal governmental entities are a part of public involvement. To determine the need for public involvement:
 - (1) Consult applicable laws and regulations.
 - (2) Consider how public involvement will help build productive relationships.
 - (3) Consult with individuals, organizations, and agencies which might consider themselves affected by the action.
 - B. **Criteria.** As appropriate, it is Reclamation's policy to integrate public involvement into actions and decision processes that meet the following criteria:

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- (1) Reclamation is responsible for the decision.
 - (2) There is a potential or perceived potential for significant impact on an individual, group, or community outside of Reclamation, or publics are interested or concerned.
 - (3) It is not part of a plan or program that has already been developed in consultation with the public.
 - (4) Conditions or actions have changed for a plan or program which was previously developed in consultation with the public.
- C. **Actions With Other Groups.** Reclamation must retain responsibility for public involvement consistent with Reclamation's role in the decision process. This includes actions when:
- (1) Reclamation has been designated as lead agency for National Environmental Policy Act (NEPA) compliance.
 - (2) A program involves cooperation or partnership with other government agencies or non-government organizations.
 - (3) Resulting decisions or actions depend on or affect Reclamation facilities, operations, or resources or otherwise impact agency agreements, contracts, or other agency obligations and authorities.
- D. **Internal Actions.** Actions exclusively involving matters of internal administration which do not impact external publics do not require public involvement.
- E. **Emergency Events.** Emergency occurrences may not provide time for extensive public participation before Reclamation takes necessary actions. However, pre-event planning activities may be required (e.g., coordination with jurisdictions located downstream from our dams is required under Reclamation's Emergency Management Directives). Notification, consultation, or coordination with other relevant organizations to plan for or manage an emergency and its consequences constitutes the public involvement activity. Responsible officials will determine if public participation is useful or necessary and will carry out appropriate efforts as soon as practical.
- F. **Consultation and Coordination.** Public involvement activities should include coordination and consultation activities with Reclamation staff who are involved in the same geographic area or dealing with the same publics and issues. Consulting with other Federal, state, local, and tribal governmental entities and affected publics is

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essential to the success of Reclamation activities and is required under specific regulations (see appendix).

- (1) **Consultation With Native American Tribes.** Tribes are nations with which the Federal Government has a unique relationship requiring direct Government-to-Government consultation.
- (2) **Special Groups.** Some related directives require identifying and analyzing potential effects on the interests of specific groups. These activities may require formal consultation with the affected publics (see legal requirements in the appendix).

G. **Litigation.** If public input indicates the possibility of litigation, appropriate managers must be notified immediately. If a Reclamation activity becomes the subject of litigation, public involvement practitioners, staff, and managers must immediately consult with the appropriate Solicitor's Office. As Reclamation's goal is to continue public involvement to the extent possible, practitioners and managers will work with the solicitors to develop a plan to facilitate public involvement activities. Reclamation must recognize that litigation may constrain public involvement, but the goal is to resolve as many issues on a level of conflict as low as possible.

4. **Standards of Practice.**

- A. **Expectations.** Managers and practitioners must recognize that decision processes require flexibility and must check periodically during the process to ensure that the following expectations are met:
- (1) Establish and maintain effective communication with affected publics throughout the project or program.
 - (2) Select public involvement activities based on the significance, type, and needs of the decision process and action.
 - (3) Clearly define the role of all participants and the scope and boundaries of the decision process and action.
 - (4) Educate publics on resource management issues so that they can participate effectively. Incorporate public input on the needs, objectives, resources and constraints, range of alternatives, evaluation, and implementation.

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- (5) Ensure agency decision processes are open, consistent, and structured to provide equal participation opportunities for all affected individuals, groups, and communities.
- (6) Identify public concerns and values. Ensure that decision-makers understand and appropriately consider the publics' desires, needs, and concerns.
- (7) Ensure that agency actions meet established standards for public notice and visibility under the requirements of applicable laws or policies such as NEPA or Indian Trust Assets policy. (See table 1 in appendix.)
- (8) Document public involvement activities, public comments, and agency responses to provide a background for new participants and decision-makers, a record of decision (if applicable), and records for court litigation. Documentation includes public involvement plans (see paragraph 4D), modifications to plans, records of public input and feedback provided to the public, and summary reports.
- (9) Use professional expertise to facilitate development of options, seek resolution of issues and agreement among individuals and groups, and avoid advocating and pre-committing to any particular alternative before the decision.

B. Actions. Reclamation will meet these expectations by:

- (1) Knowing the key publics and the customers Reclamation serves and affects.
- (2) Establishing and maintaining early and continuous two-way communication with publics and customers to identify opportunities or problem areas and provide appropriate opportunities for involvement. Note that publics and customers (both initial and latecomers) may change direction or add new perspectives during the process.
- (3) Exchanging information with the public to facilitate their understanding of Reclamation programs and operations and Reclamation's understanding of their needs, desires, and concerns.
- (4) Consulting with the public early and often on Reclamation programs and proposals to obtain timely input on problems, objectives, and solutions.
- (5) Including Reclamation decision-makers in designing and implementing programs at all stages of public involvement.

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- (6) Maintaining active internal communication channels among agency disciplines and levels.
 - (7) Analyzing data from the publics to determine relevant information and the consequences of potential actions.
 - (8) Documenting and providing analyses of the publics' input and participation to managers and team members in a form relevant to the decision.
 - (9) Deciding on an agency course of action after appropriate consideration of the publics' views.
 - (10) Providing feedback to the publics on the final decision and how their input was considered.
- C. **Resources.** Discretionary guidance (e.g., the *Public Involvement Manual*, the *Decision Process Guidebook*) shows how public involvement can be integrated into a decision process. Public involvement specialists are available to help meet these expectations.
- D. **Public Involvement Program Plan.** For programs or actions requiring public participation beyond minimal levels, the following items will be addressed in a flexible program plan tailored to the action and updated as necessary:
- (1) Issues or problems which seem to require an action or decision to resolve.
 - (2) Reclamation authorities related to the action or decision.
 - (3) Necessary decisions, how they will be reached, and who will decide.
 - (4) Specific objectives, techniques, and sequence of actions that will be used to accomplish the necessary level of public participation and the flexibility necessary to cope with changing needs.
 - (5) Necessary communication and interaction with affected publics to complete each step in the decision-making process.
 - (6) Known interested and affected publics.
 - (7) Unique conditions and context surrounding the issues and publics that could affect selection of public involvement techniques.

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- (8) Procedures that will be used for documenting and analyzing input for decision-makers and tracking issues and input to show participants how the public's views were considered.
 - (9) Internal processes to evaluate the effectiveness of the public involvement effort.
 - E. **Review.** As programs, affected publics, and perceptions change throughout the decision process, periodic reviews are needed to ensure that the public involvement strategies are still consistent with program goals.
 - F. **Information-Gathering Activities.** Activities such as surveys, questionnaires, interviews, and interactive meetings must be conducted in compliance with the Freedom of Information Act, Privacy Act, and Paperwork Reduction Act, respecting the publics' right to privacy and accessibility (see appendix).
 - G. **Unknown or Reluctant Publics.** Efforts shall be taken to reach and involve reluctant or unknown publics who may be affected, using minority or special media, translated materials, etc., as appropriate.
5. **Responsibilities.**
- A. Within the purview of their work, all Reclamation employees are responsible for public involvement when they interact with any publics (including non-Reclamation Federal, state, tribal, and local government entities; non-government organizations; and individuals). Program- and project-specific enabling legislation and authorities for Reclamation activities carry with them the authority for appropriate public involvement activities (see appendix).
 - B. Managers, team leaders, and decision-makers will, as appropriate, consider and incorporate public involvement early in the decision-making processes for Reclamation actions. Managers will also be responsible for keeping team leaders and others informed about their public discussions and negotiations so that public participation programs may be based on complete and current information and provide a consistent message to the public. As decision-makers, managers will ensure that public concerns are considered before their decisions. Team leaders and program managers will be directly responsible for considering this input in their activities.
 - C. Practitioners are specialists within the multidisciplinary team who provide unique knowledge, expertise, and skills in identifying public and issues, facilitating, and communicating. They will be responsible for carrying out public involvement, including keeping abreast of the state-of-the-art approaches and tools, planning, executing, documenting, and keeping the publics and decision-makers informed.

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- D. Team members and professional staff will incorporate public involvement into their Reclamation activities. Work and program responsibility assignments will also carry the responsibility for ensuring that public input is analyzed, considered, and recorded. Contacts with individuals and groups in areas of expertise are considered public involvement activities.

- E. Managers will ensure that training in public involvement is made available at the appropriate level for Reclamation staff. Managers and decision-makers will be provided conceptual training necessary for their duties. Team leaders, team members, and technical experts will be provided training to integrate public involvement into Reclamation activities. Practitioners, who will need to plan and implement activities with affected publics, will be provided training in state-of-the-art levels of public involvement techniques and expertise.