



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 17 2012

Memorandum

To: Director, Bureau of Indian Affairs
Director, Bureau of Land Management
Commissioner, Bureau of Reclamation
Director, U.S. Fish and Wildlife Service
Director, National Park Service
Director, Office of Environmental Policy and Compliance
Deputy Solicitor

From: Steve Glomb, Director *Steve Glomb*
Office of Restoration and Damage Assessment

Subject: Policy for Public Participation Plans in NRDAR cases

This memorandum establishes the requirement for Department of the Interior (Department) Authorized Officials (AO) to develop a public participation plan (PPP) for Natural Resource Damage Assessment and Restoration (NRDAR) assessment and restoration activities. The purpose of this requirement is to reinforce the importance of, and ensure public participation at appropriate stages during assessment and restoration planning. Early identification and engagement of stakeholders is essential to securing a successful restoration outcome.

Background

The mission of the Restoration Program is to restore natural resources injured as a result of oil spills or hazardous substance releases into the environment. Working for the American public and in partnership with affected state, tribal and federal trustee agencies, the Department, working through AOs, conducts damage assessments as the first step toward determining restoration needs that address the public's loss of natural resources. All damage assessment and restoration activities undertaken by the Department on behalf of citizens of the United States are focused on the timely restoration of injured natural resources. The collaborative nature of these activities welcomes and encourages input and involvement of governmental, non-governmental and tribal organizations, as well as the public.

On January 21, 2009, President Obama signed the Memorandum on Transparency and Open Government, which provides meaningful foundation for bringing together the American people and their Government. The memorandum focuses on three cornerstone principles: transparency, participation and collaboration. The Presidential memorandum was followed on December 8, 2009, by an Office of Management and Budget Open Government Directive, which directs all

executive Departments and Agencies to publish Government information online, improve the quality of information, create and institutionalize a culture of open Government and to create an enabling policy framework for open Government.

On April 9, 2012 the Department introduced its own Open Government Plan 2.0. Interior's Plan firmly outlines its commitment to values of openness, transparency, collaboration and participation throughout the Department and Bureaus. It explicitly states, "We have begun a new era of Government service not just for the American public but hand in hand with the American public." In addition to providing a framework, the plan provides multiple resources to develop a culture of public participation. Immediately preceding the release of Interior's Plan on March 7, 2012 the DOI Office of Communications issued the updated DOI Communications Plan. The Communication Plan establishes the policy and procedures governing the official public communications of employees at the Department and identifies the laws, regulations and standards governing other public communications of Department employees regarding the programs, operations or activities.

As authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), the Clean Water Act (CWA), and the Oil Pollution Act of 1990 (OPA), and a multitude of other Laws, Regulations, Statutes, Court Decisions, Executive Orders and Departmental Manual Chapters, the Department executes appropriate assessment and restoration actions to restore injured trust resources, in accordance with publically reviewed plans. In accordance with provisions of the Departmental Manual (521 DM 2) the AO "Ensures compliance with all applicable provisions of law, regulation, and policy," including appropriate public notification and participation. Public participation is a critical component to ensuring compliance with all the applicable provisions of law, regulation, and policy.

Requirement

AOs will determine the appropriate scope of each PPP based on consideration of a number of factors including: nature and extent of contamination; resources injured; nature and extent of proposed restoration; potential controversy; interest by elected officials; media coverage; number of states and tribes involved; cross-boundary issues, etc. AOs will identify stakeholders and appropriate methods and times to notify them. Careful consideration must be employed to ensure materials related to potential and ongoing litigation remain confidential. In addition to the Federal Register, traditional media outlets and other public notification locations, utilizing social media and the internet is encouraged if appropriate. The development and maintenance of a PPP will be part of routine case management activities and approved and signed by the AO. In cases where Departmental funding is being sought, AOs will report on the status of the PPP in the annual funding application process. For cases where Department funding is not being used, but an AO is conducting assessment or restoration activities that will involve public participation, the AO will report on the status of the PPP in response to a request or in accord with a Case Report Schedule from the Office of Restoration and Damage Assessment.

Policies and procedures regarding official communications can be found on the [DOI Open Government Initiative website](#) and in the [DOI Communication Plan](#). Any relevant Bureau communication policies must be adhered to as well. In addition to the documents referenced above, there are many tools available throughout DOI, Bureaus and various Departments and Agencies to assist with the development and maintenance of an adequate PPP.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Additionally, nothing in this Policy is intended to affect the authority and responsibility of the United States Department of Justice with respect to the conduct of litigation on behalf of the United States. Below is a list of assorted PPP development tools.

DOI Resources

[DOI CADR Collaborative Action Toolkit](#)

[Fish and Wildlife Service Community Outreach Handbook and Director's Memo on National Outreach Strategy](#)

[Reclamation's Decision Process Guide – Public Involvement](#)

[NPS Director's Order #75A: Civic Engagement and Public Involvement](#)

[National Park Service Civic Engagement Site](#)

[Bureau of Land Management Collaborative Stakeholder Engagement and Appropriate Dispute Resolution \(ADR\) Program](#)

[Hudson River Natural Resources Trustees Public Participation Plan Phases 1 & 2](#)

Non-DOI Resources

[EPA's Public Involvement website](#)

[Public Involvement: A Manual of Tools and Techniques, University of Idaho](#)