



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

DIRECTOR'S ORDER #75A: CIVIC ENGAGEMENT AND PUBLIC INVOLVEMENT

Approved: Mary H. Bond
Director

Effective Date: 8-30-2007

Duration: Until amended or rescinded.

This is a renewal and update of the November 14, 2003, edition of Director's Order #75A.

TABLE OF CONTENTS

- I. Purpose
- II. Background
- III. Authority
- IV. Scope
- V. Definitions
- VI. Policies and Standards
- VII. Roles and Responsibilities
- VIII. Evaluation and Accountability
- Appendix A – Relevant Laws and Executive Orders
- Appendix B – Tools and Resources
- Appendix C – Federal Advisory Committee Act

I. PURPOSE

The purpose of this Director's Order (DO) is to articulate our commitment to civic engagement, and to have all National Park Service units and offices embrace civic engagement as the essential foundation and framework for creating plans and developing programs. Civic engagement is a continuous, dynamic conversation with the public on many levels that reinforces public commitment to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources. The foundation of civic engagement is a commitment to building and sustaining relationships with neighbors and communities of interest.

This DO will clarify and strengthen our commitment to legally required public involvement and participation as it relates to accomplishing our mission and management responsibilities under the NPS Organic Act of 1916. The Organic Act requires us “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” This DO and its accompanying sourcebook will:

- Provide a strong philosophical direction that emphasizes welcoming and encouraging the public to enjoy the parks and participate in programs in appropriate, sustainable ways. This is the first principle of civic engagement and public involvement.
- Institutionalize a civic engagement philosophy and vision that will help ensure the relevance of NPS resources and programs to people, as well as ensure NPS responsiveness to diverse public viewpoints, values, and concerns.
- Provide a framework for successfully engaging the public in our work and activities to instill a sense of ownership in the NPS mission and provide valuable information from a variety of sources within and outside the Service.
- Provide guidance and direction on reasonable and effective means to involve the public in decisions at the park and program level.
- Assign roles and responsibilities to NPS staff who carry out public involvement activities.
- Establish evaluation processes that enable NPS to track improvements in civic engagement/public involvement practices.

Building successful relationships depends upon active and open communication. Service employees and partners must continually keep this larger aspect of their public service and public trust in mind. This philosophy means that we do more than meet the minimum legal requirements for public involvement in our decisions and activities. It means a regular, natural and sustained level of interaction with people, both from within and outside the NPS. This, in turn, will enhance our ability to achieve our mission, which is conserving park resources unimpaired for the enjoyment of present and future generations.

II. BACKGROUND

True civic engagement is more than just a formal process to involve people in our NPS mission—it is a continuous, dynamic conversation with the public on many levels. For the NPS, civic engagement is an institutional commitment to actively involve communities in our mission through the public planning process, in interpretive and educational programming, and directly in preserving significant resources. Civic engagement enhances the focus of NPS efforts to partner with communities, fulfill the NPS education mission, and work with partners and neighbors to preserve sites that represent the fullness of the American experience. Civic engagement is a discipline and a practice that will:

- Inform and enrich NPS plans and programs in both the short and long term.
- Promote environmental, historic, and cultural stewardship through collaboration with others, and help realize the broader mission of the NPS.
- Foster historical and cultural diversity of perspectives and stories through collaboration with partners, thereby improving educational experiences for the visiting public.
- Extend and expand civic responsibility by building long-term, collaborative relationships with a broad range of communities, fostering a widespread investment in stewardship of the nation's resources.

In “Rethinking the National Parks for the 21st Century,” the National Park System Advisory Board underscored the value of national parks to civic engagement and vice versa. The Board observed that: “Parks are places to stimulate an understanding of history in its larger context, not just as human experience, but as the sum of the interconnection of all living things and forces that shape the earth.... In many ways, the National Park Service is our nation’s Department of Heritage.... Parks should be not just recreational destinations but springboards for personal journeys of intellectual and cultural enrichment.... [We] must ensure that the American story is told faithfully, completely, accurately.... Our nation’s history is our civic glue.”

The benefits of inviting the involvement and participation of the public include: Sharing information and resources; facilitating understanding of NPS missions, mandates, and goals; allowing NPS managers to build upon and link to other agencies’ programs to maximize effectiveness and vice versa; minimizing the potential for duplication of effort; and minimizing the potential for contradictory or conflicting activities among NPS, other agencies, and partners.

Our Commitment.

As stated in NPS Management Policies, “the Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society.” As we welcome and encourage public involvement in our parks and programs, we must also welcome and encourage public involvement in our thinking about the future of the resources held in trust for them, and in our planning and decision-making. The public has a right to know about the challenges that confront the NPS and to participate in the process by which we find solutions to those challenges. Those who take the time to participate in public processes, raise issues and voice their concerns help our government function as it should. People who participate by raising issues and voicing their concerns help us expand our range of options and assess the impacts of our decisions.

Our interaction with the public must reflect our fundamental commitment to sustainable use of the parks. We must always remember that our first obligation is to make certain that our decisions do not compromise park resources and the right of future generations to enjoy them. Enjoyment by the public must be achieved consistent with leaving resources unimpaired for future generations. Through statute, Congress has stated that the authorization of activities and the protection, management, and administration of the parks “shall be conducted in light of the

high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established.” As we move forward with a renewed commitment to civic engagement and public involvement, we will:

- Apply consistently high standards of performance.
- Make sure that we are proactive rather than reactive.
- Accord this activity sufficient staffing and funding.
- Build upon the growing body of knowledge within and outside the Service.

Who is “the public”?

The public includes all of the individuals, organizations and other entities who have an interest in or knowledge about, are served by, or serve in, the parks and programs administered by the NPS. They include (but are not limited to) recreational user groups, the tourism industry, Tribes and Alaska Natives, environmental leaders, members of the media, permittees, concessioners, property owners within a park, members of gateway communities, and special interest groups. The public also includes all visitors—domestic and international; those who come in person and those who access our information on the World Wide Web; those who do not actually visit, but value, the national parks; and those who participate and collaborate with the NPS on a longer-term basis. For potential visitors, civic engagement and public involvement are significant tools that offer the opportunity for people to become familiar and engaged with the meanings and significance of park resources.

One very important group that is not usually thought of as being part of the “public” is NPS employees. We must recognize the valuable service that our employees provide by informing the public about the NPS mission, issues, and challenges. Because of their expertise and knowledge, we must give employees an opportunity for meaningful involvement during the decision-making process at the workplace. We must also inform employees about the reasoning behind the decisions that are made. In addition, we must build capacity in civic engagement and public involvement by training our employees in the use of resources and techniques to successfully engage the American people in our work.

III. AUTHORITY

Authority to issue this DO is contained in the NPS Organic Act (16 U.S.C. 1 - 4), and in delegations of authority found in Part 245 of the DOI Manual (DM). As is the case with all components of the NPS directives system, this order is intended only to improve the internal management of the NPS and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Authority and instruction is also found in 301 DM 2 (Public Participation in Decision-making).

Additionally, there are extensive legal requirements for public involvement and participation found in specific public laws, Executive orders, and Presidential Memoranda. These authorities and their requirements are generally found within each applicable program area's Director's Order and in the Sourcebook that will accompany this DO.

IV. SCOPE

The civic engagement and public involvement policies of this order:

- Apply to all NPS parks and program activities where interaction with the public and partners is either a requirement or an inherent and on-going part of NPS business. This order is also applicable to activities conducted directly or indirectly through contractors or partners. Examples include superintendents attending meetings of local governments, service organizations, tribal chapters or councils, and outreach efforts of the Rivers, Trails, and Conservation Assistance program, the park planning program, and museum planning.
- Apply to discretionary decision-making by superintendents, regional directors and national program directors, at all levels and within all program areas of the National Park Service where: 1) the public has an identifiable interest or is likely to be interested, 2) there may be applicable knowledge or expertise likely to be available only through public consultation, or 3) there are complex or potentially controversial issues.
- Supplement the pertinent sections of *Management Policies* and all other Director's Orders. It is important to acknowledge that education, information and messaging activities form much of the information foundation that the public receives and needs about the NPS in order to participate in public involvement opportunities. Therefore, this DO must overlay the others listed above and serve as a philosophical foundation for NPS policy guidance where it relates to the public. More information about specific orders will be found in the sourcebook.

If the generic policies contained in this Director's Order should conflict with public involvement provisions prescribed in statute and/or regulation, the provisions of the statute and/or regulation will govern.

V. DEFINITIONS

Civic engagement is a continuous, dynamic conversation with the public on many levels that reinforces the commitment of both NPS and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources. In this DO, civic engagement encompasses all of the activities that encourage public involvement in and dialogue about the meaning and future of the Nation's heritage resources.

Public involvement (also called public participation) is the active involvement of the public in NPS planning and decision-making processes. Public involvement is a process that occurs on a continuum that ranges from providing information and building awareness, to partnering in decision-making. The NPS role is to provide opportunities for the public to be involved in

meaningful ways, to listen to their concerns, values, and preferences, and to consider these in shaping our decisions and policies. NPS public involvement activities can include:

- Systematically planning a variety of opportunities for the public to learn about and express their opinions on possible NPS actions and policies, and to know that their diverse views are considered in shaping decisions and become part of the record of the decision-making process;
- Informing and educating the public about the scientific and scholarly information used by the bureau in making decisions or carrying out management activities;
- Consulting the public to gather valuable and sometimes unexpected sources of information that may substantially contribute to or inform management thinking and options;
- Learning from the public their concerns, values, and preferences as part of an advertised or targeted agenda so that we are better informed;
- Including the public's input when NPS is making informed decisions about the bureau;
- Responding to suggestions and comments from the public in a timely, truthful, and straightforward manner; and/or
- Engaging the public in the Service's work and in sustainable enjoyment of the parks.

VI. POLICIES AND STANDARDS

A. Policies

The Service recognizes that the present and future welfare of the national park system depends in large measure on the public's support of the way the Service manages the parks. The public will have a greater appreciation of, and support for, our management if they recognize that we seek, and are receptive to, their contributions to and involvement in the important decisions that are made. Toward that end, the following policies are adopted:

- 1) We will plan in advance and be clear at what stages, and how, we will invite the public to participate in our decision-making processes. It is important to make a clear and early decision about the extent of the public's involvement in each project or decision-making process. The extent of the public's role can vary from issue to issue, and at different stages in the process. This policy for advance public involvement planning will be applied to diverse areas of decision-making, such as the development of superintendents' compendia; general management and site planning processes; major exhibits; major resource management decisions; educational and interpretive programming; new site designations; fee changes; policy development; strategic planning; and a broad range of other products, services, issues, and activities.
- 2) We will plan early for appropriate opportunities for public involvement in our decision-

making process when the decisions will lead to actions or policies that may significantly affect or interest them (see VII. Roles and Responsibilities). We will also work to provide sustained opportunities for the public to enter the conversation about relevant issues (both historical and contemporary) at our parks and program offices.

- 3) We acknowledge that public involvement is particularly critical where parks and neighboring communities interact or where there are communities of interest that are engaged with parks. Members of these communities have a vested interest in what we do and it is often best to face common issues and resolve them with a coordinated approach. We will work with communities of interest, neighboring landowners, land managers, and jurisdictions to address issues and seek mutually beneficial solutions to these issues.
- 4) The NPS purpose in seeking public involvement will be more than simply meeting the minimum requirements of law; we will aspire to deliver excellent resource stewardship, be a good neighbor and host, hear what the public has to say, and foster two-way communication to achieve those goals. Public involvement is a sustained partnership with communities that requires the NPS to involve communities in NPS decision-making and is enhanced when the NPS is involved in dialogs regarding community issues and planning.
- 5) Managers are encouraged to be resourceful and employ a wide variety of methods and techniques to obtain the opinions of individuals and groups. However, we will be mindful of the requirements of the Federal Advisory Committee Act (FACA), which affects how we obtain advice from certain types of groups. Some examples of public involvement activities not implicating FACA are included in Appendix C. Additional information on FACA can be found in the NPS Guide to the Federal Advisory Committee Act (www.nps.gov/policy/DOrders/facaguide.html). We will also be mindful about the Paperwork Reduction Act (PRA) that makes it necessary to have surveys of more than nine non-federal people cleared through the Office of Management and Budget. Additionally, the Privacy Act limits how we develop, share and use contact lists.
- 6) We expect public involvement to improve, inform, and influence our decision-making. The public, however, cannot ultimately make many of the decisions that are the legal responsibility of the NPS and the Department of the Interior regarding the resources and values of the national parks and programs. We must make sure to define and communicate what decision-making responsibilities are delegated to us by Congress through enabling legislation, or by the Executive Branch through proclamations. Nevertheless, managers should approach all decision-making with a bias in favor of significant and meaningful public involvement.
- 7) We will respectfully engage the public in thoughtful participation, build understanding, find creative ways to address problems, accommodate diverse values and dissenting opinions, and encourage continuing collaboration in our decision-making processes.
- 8) On potentially controversial issues, we will be particularly mindful to plan and design public involvement opportunities at the earliest opportunity, and to use specialized techniques when dealing with controversial issues in order to minimize potential for conflict and achieve a solution smoothly. As issues arise, managers should already be

familiar with a range of alternative dispute resolution techniques and resources, including the use of facilitators or mediators, to help resolve controversial issues. If a controversy pertains to a rule-making activity (i.e., adopting a regulation), “negotiated rulemaking” should be considered, utilizing a negotiated rulemaking committee. Special procedures apply to the establishment of such a committee. Those who consider establishing one should contact the Office of Policy or their servicing Solicitor’s office.

9) To make the most of limited staffing and funding, we will:

- Keep active contact lists of interested, affected parties and groups—making sure to include those who may not agree with us, as well as our supporters.
- Seek to leverage our resources by scheduling public involvement opportunities to coincide with other scheduled activities (meetings, special events, etc.) taking place within the Service as well as external to the Service.
- Maximize sharing of knowledge and tools through NPS program websites and communication tools to provide access to ideas, information, and examples to facilitate civic engagement efforts. A web site will be developed to share information and expertise. We will call upon individuals with expertise about how to create and manage opportunities for public involvement activities.
- Work in partnership with state, local, and tribal governments, community groups, associations, park “friends” groups, and others to develop strategies to jointly sponsor, develop, and promote public involvement activities.

10) We will develop capacity in public involvement strategies and will encourage Service employees to become knowledgeable about civic engagement and public involvement techniques and principles. Interdisciplinary training materials and opportunities will be developed to help park managers and others who are responsible for public involvement activities understand and apply “best practices.” For example, superintendents should consider incorporating the knowledge, skills, and expertise of civic engagement and public involvement practitioners into their staffing requirements.

11) While this DO is oriented toward the “external” public, it is equally important that the underlying principles be applied to employees (i.e., park staff, regional and all Washington program office staffs, and Center staffs). This will lead to better, more rational and defensible decisions that will be supported and more effectively implemented by staff for the benefit of the public.

12) We will design public involvement processes that are as open and inclusive as possible so that diverse publics, including those who typically do not participate, have opportunities to share their views, values, and concerns.

13) We will maximize the use of computer and Internet technologies to expand public access to information and opportunities to participate. We recognize that many people do not

have access to these technologies, and we will provide effective alternative access opportunities for them.

B. Standards

In pursuing the policies stated above, public involvement strategies and activities will be deemed to be successful if they meet the following standards*:

- 1) **Match the tools to the job.** We respect and respond to a community's or public's unique interests, capacities and civic culture. At the beginning of a public involvement and outreach process, we test and refine engagement strategies to respond to the public's diversity of experiences and perspectives. We explain the public involvement process and help the public define how they would like to participate. We clarify visions, goals and values early, and explain how they will influence decision-making.
- 2) **Ensure that all voices are heard, but none dominate.** We actively and meaningfully seek to listen to the voices of all interests. We solicit and hear the diversity of experiences and perspectives. We actively engage those members of the public who may not have been previously or traditionally involved, and keep updated contact lists (especially phone and email) of interested parties.
- 3) **Maintain ongoing relationships.** In the parks and programs, our day-to-day, ongoing relationships provide the foundation for effective public involvement among park superintendents, managers, and staff with their neighbors, fellow agencies, tribes and indigenous communities, local and state governments, and others. We will work with national, state, and local partners, and with park "friends" groups to sustain public engagement in parks, programs, and decision-making. We do not rely merely upon written correspondence or other notification methods to get people involved, but make the necessary phone calls and try to meet in person. Whenever key matters are under consideration, to the greatest extent possible, we call major partners and follow up with written communication.

Beyond striving for quality and personal commitment to these critically important relationships, we also find ways to document and share them with succeeding superintendents and managers throughout the NPS, as appropriate, for the good of the Service.

- 4) **Build trust and understanding first, then ownership.** We include the public, project sponsors and policy makers in a collaborative exploration of the conditions and trends, precedents and possibilities, and key factors that will shape the future. That common knowledge base fosters working relationships, helps build support, and sets the stage for implementation.
- 5) **Follow a "no surprises" ethic.** As a public involvement process moves toward conclusion, we seek to ensure that no one is surprised by new information or controversy.

* Derived from Steven W. Schukraft, "Navigating the Public Process - Five Keys to Success," *Landscapes--The HOK Planning Group Newsletter*, April 2002

We keep the channels of communication open among all participants.

VII. ROLES AND RESPONSIBILITIES

Director and Deputy Directors. Will ensure that the Office of Policy coordinates and implements this DO, assists in developing further guidance and training to build organizational capacity, and serves as a liaison to the other offices of the Director, the associate and regional directors, the Department, and other federal agencies on civic engagement and public involvement opportunities and issues.

Associate and Regional Directors. Will be responsible for strategic planning and direction, policy oversight and assistance for civic engagement and public involvement for parks and/or their assigned programs. All managers should rely on the sound use of discretion in planning and conducting public involvement activities. They will ensure that their employees fully carry out this policy and all public involvement provisions of the laws that they are responsible for implementing. They should ensure that, to the greatest extent practicable, authorized and delegated program managers, grant recipients, and partners develop strategies and provide opportunities for the public to participate in decision-making related to NPS activities of public interest. Associate directors and regional directors are responsible and accountable for the adequacy and effectiveness of public involvement strategies and programs. They are also responsible for ensuring that the level of effort is commensurate with the potential impact of, and interest in, the upcoming action or decision. In addition, the following associate directorates will carry out the following responsibilities:

- **Associate Director for Partnerships and Visitor Experience.** Will provide technical assistance to the Service and ensure that all PVE activities communicate the NPS mission and invite the public to participate in that mission. This associate will also ensure that applicable DO 75A elements are incorporated into PVE Training and Development programs and PVE staff are actively encouraged to integrate the DO into their work activities.
- **Associate Director for Park Planning, Facilities, and Lands.** Will ensure that this DO is institutionalized in park planning and special studies projects and in updates of the planning guidelines and program standards. This associate will also provide assistance in developing the necessary implementation guidance, training, web site, and evaluation mechanisms.
- **Associate Director for Natural Resource Stewardship and Science.** Will ensure that environmental compliance is coordinated with civic engagement and public involvement policies, and vice versa. In addition, as part of this associate directorship, the Social Science program will provide:
 - technical assistance (upon request) to parks, park clusters, support offices, regional offices, the DOI, and NPS partners. This will include developing RFPs and reviewing proposals for surveys, focus groups, and other civic engagement/public-involvement activities;
 - assistance to regions, parks, and programs in developing social science research plans, i.e., by convening meetings of interested publics and scholars/experts to solicit individual opinions on important issues to be included in these plans; and

- coordination of the submission of applicable information-collection activities to OMB, which includes a technical review of information-collection protocols.
- **Associate Director for Cultural Resources.** Will seek, consider, and incorporate the multiple points of view of diverse groups and publics as we manage the parks and carry out our national historic preservation program responsibilities with our partners. The ADCR will, in consultation with interested partners:
 - Ensure that program policies, guidelines, professional standards, and administrative procedures are developed or modified to provide maximum opportunity to seek and consider the broadest spectrum of public interest and comment as we fulfill program missions;
 - Make available to park managers, program managers, and partner organizations assistance and training in meeting this policy goal; and
 - Periodically review and assess program guidelines, standards, and implementing regulations and administrative procedures to ensure their continued effectiveness in implementing this order.
- **Associate Director for Visitor and Resource Protection.** Will ensure that all program functions are coordinated with applicable civic engagement and public involvement policies, and vice versa. VRP programs that impact visitor use and enjoyment of park resources will make every effort to incorporate these policies and provide opportunities to engage the public before making discretionary decisions.
- **Assistant Director for Business Services.** Will ensure that relevant policies are being implemented for the fee program and other areas as appropriate.
- **Assistant Director for Human Capital.** Will ensure that relevant training is available to staff, and coordinate with the Department and other entities to maximize resources for training efforts.
- **Chief, United States Park Police.** Will ensure that all USPP functions are coordinated with applicable civic engagement and public involvement policies, and vice versa.
- **Park Superintendents.** Will be responsible for civic engagement and public involvement strategies relevant to park mission and management. Superintendents have a civic responsibility to reach out to neighboring and gateway communities and get involved in programs and activities that contribute to community vitality and park mission.
- **Program Managers.** Will be responsible for civic engagement and public involvement strategies relevant to program mission and management. Managers have a civic responsibility to reach out to the public in a way that revitalizes the NPS mission.

Building Internal Capacity. All NPS officials are responsible for identifying forthcoming activities or decisions to which this DO and relevant laws and regulations should be applied. We must take the necessary steps to ensure that adequate public involvement processes are developed and implemented. We will:

- 1) Train, devise incentives, and recognize employees for practicing civic engagement and public involvement.
- 2) Plan and budget early for public involvement activities.
- 3) Identify the interested and affected public.
- 4) Consider the many ways to effectively engage the public and make sure they feel heard.
- 5) Provide information to the public and extend an invitation to become involved.
- 6) Conduct public consultation and involvement activities.
- 7) Assimilate and assess the information, implement in the decision-making process where appropriate, provide feedback to the public, evaluate the effectiveness of our public involvement processes, and identify successful models.

More detailed information about these functions will be provided in accompanying guidance, such as a Sourcebook and web site.

VIII. EVALUATION AND ACCOUNTABILITY

To ensure that public involvement activities and processes are achieving their intended results, we will develop evaluation tools and opportunities to receive feedback. Our strengths and capabilities within the parks, regions, and program offices will be brought to bear in evaluating the effectiveness of proposed and completed public involvement activities for the purpose of decision-making. We will involve the public in evaluating the success of their role in the planning or decision-making process, by soliciting feedback on whether or not they feel they have been given adequate opportunities to participate and have had their concerns heard. Visitor comments and suggestions will be reviewed with the goal of improving park management. Attention will be focused in particular on those activities where it appears that controversy is not being addressed through proper application of this Director's Order. The planning and social science programs will be called upon to design mechanisms to broadly assess public opinions and sentiments on park-specific or Service-wide issues.

-----End of Director's Order-----

Appendix A. RELEVANT LAWS AND EXECUTIVE ORDERS

- Clean Air Act, 42 USC 7401-7671q
- Clean Water Act, 33 USC 1251-1387
- Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601-9675
- Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11011-11050
- Federal Insecticide, Fungicide and Rodenticide Act, 7 USC 136-136y
- Marine Protection, Research, and Sanctuaries Act of 1972, 33 USC 1401-1445
- National Environmental Policy Act of 1969, 42 USC 4321-4370d
- National Historic Preservation Act, 16 USC 470-470x-6
- Noise Control Act of 1972, 42 USC 4901-4918
- Paperwork Reduction Act of 1980, 44 USC 3501-3520
- Privacy Act of 1974, 5 USC 552(b)
- Solid Waste Disposal Act, 42 USC 6901-6992k
- Safe Drinking Water Act, 42 USC 300f-300j-26
- Toxic Substances Control Act, 15 USC 2601-2692
- Chemical Safety Information, Site Security and Fuels Regulatory Relief Act of 1999, 42 USC, Pub. L. 106-40
- Shore Protection Act 33 USC 2601-2623
- Wilderness Act 16 USC 1131

This Director's Order also applies to NPS activities pursuant to the following Executive Orders:

- E.O. 12580--Superfund Implementation
- E.O. 13006--Locating Federal Facilities on Historic Properties in Our Nation's Central Cities
- E.O. 13148--Greening the Government Through Efficient Energy Management, 65 FR 24595
- E.O. 13149--Greening the Government Through Federal Fleet and Transportation Efficiency
- E.O. 12866--Regulatory Planning and Review
- E.O. 13132 Federalism (which revoked E.O.12875-- Enhancing the Intergovernmental Partnership)
- E.O. 12898--Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- E.O. 13045--Protection of Children from Environmental Health Risks and Safety Risks
- E.O. 13007--Indian Sacred Sites
- E.O. 13175--Consultation and Coordination with Indian Tribal Governments
- E.O. 11988--Floodplain Management
- E.O. 13166--Improving Access to Services for Persons with Limited English Proficiency
- E.O. 13352--Facilitation of Cooperative Conservation

In addition, this policy is effective for NPS activities conducted under the following statutes for which other agencies have primary responsibility:

- Energy Policy Act of 1992, 42 USC 13201-13556; Pub. L. 102-486
- Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, (codified in numerous sections of the US Code)
- Occupational Safety and Health Act of 1970, 29 USC 651-678

- Oil Pollution Act of 1990, 33 USC 2701-2761

Implementing public involvement activities may also involve complying with the following statutes, Executive orders, Executive Memoranda, and regulations:

- Administrative Procedure Act, 5 USC 551 et. seq.
- Freedom of Information Act, 5 USC 552
- Civil Rights Act of 1964, 42 USC 1971 et. seq.; Pub. L. 88-352
- Federal Advisory Committee Act, 5 USC App. 1-16
- Government Performance and Results Act of 1993, 31 USC 1115 et. seq.; Pub. L. 103-62
- Negotiated Rulemaking Act of 1990, 5 USC 561-570a
- Administrative Disputes Resolution Act, 5 USC 571-584
- (Commonly known as the) Paperwork Reduction Act, 44 USC 3501-3526
- Regulatory Flexibility Act, 5 USC 601- 612
- Unfunded Mandates Reform Act of 1995, 2 USC 1501-1571
- National Technology Transfer and Advancement Act of 1995, 15 USC 272 et. seq.; Pub.L. 104-113
- (commonly known as the) Congressional Review Act, 5 USC 801-808
- National Environmental Education Act, 20 USC 5501-5510
- E.O. 12862--Setting Customer Service Standards
- E.O. 12999--Educational Technology: Ensuring Opportunity for all Children in the Next Century
- E.O. 11593--Protection of and Enhancement of the Cultural Environment
- E.O. 11990--Protection of Wetlands
- Presidential Memorandum on Plain Language in Government Writing (June 1, 1998)
- Presidential Memorandum on Electronic Government (December 17, 1999)
- Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments (April 29, 1994)
- Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act, 40 CFR Part 25 (2000)

Appendix B. TOOLS AND RESOURCES

(This appendix is provided for the convenience of reviewers of this Director’s Order. Web links may change or become obsolete. When the Sourcebook becomes available, this section will be removed from the order and maintained elsewhere.)

1. NPS Sources

Report on “The National Park Service and Civic Engagement”
<http://www.nps.gov/civic/>

Visitor Experience and Resource Protection handbook (U.S. Department of the Interior 1997):
<http://planning.nps.gov/document/verphandbook.pdf>

Public Involvement Toolbox, NPS Rivers and Trails, Philadelphia Office:
<http://www.nps.gov/phso/rtcatoobox>

Superintendent's Guide to Public Affairs:
http://www.nps.gov/pub_aff/refdesk/index.html

2. Other DOI Bureau Sources

A Handbook for Outreach, U.S. Fish and Wildlife Service, 2001
http://training.fws.gov/library/Pubs/outreach_handbook01pdf.pdf

3. Other Federal Sources

Public Engagement in Federal Decision-making Processes (many resources from other agencies):
<http://cooperativeconservation.gov/get-involved/publicengagement.html>

EPA's Public Involvement Web site and Policy:
<http://www.epa.gov/publicinvolvement/>

EPA: Community Culture and the Environment: A Guide to Understanding a Sense of Place
<http://epa.gov/ecocommunity/pdf/ccecomplete.pdf>

Federal Highway Administration's guidelines and policy:
<http://ntl.bts.gov/DOCS/trans.html>
<http://ntl.bts.gov/DOCS/FHWA.html>

US Army Corps of Engineers Everglades Outreach Plan
http://www.evergladesplan.org/pm/progr_outreach_plan.cfm

Advisory Council on Historic Preservation
<http://www.achp.gov/usersguide.html>

A Guide to Alternative Dispute Resolution (ADR) Links
<http://www.adr.af.mil/general/guideadr.doc>

4. Non-Federal Sources

International Association for Public Participation
www.iap2.org

International Association of Facilitators
www.iaf-world.org

National Policy Consensus Center. Building Trust, publication. (Helping Stakeholder Groups Talk More Effectively)
http://www.keystone.org/Public_Policy/Publications/Building_Trust/building_trust.xml

Appendix C: THE FEDERAL ADVISORY COMMITTEE ACT

1. When Does FACA Apply?

In general, any council, panel, conference, task force, or similar group established or utilized by NPS officials for the purpose of obtaining consensus advice or recommendations on issues or policies will likely fall within the purview of FACA. For this reason, you should be cautious when assembling a group for discussion or consultation on NPS matters. But you should also be aware that many of the meetings we typically hold are with groups that are not “established or utilized” within FACA’s meaning. Additionally, there are methods and techniques that can be used to avoid invoking FACA.

GSA regulations [41 CFR Part 102-3] recognize only a few types of advisory meetings that would not be covered by FACA. For NPS purposes, these include meetings with:

A. One individual.

B. Any committee or group created by non-Federal entities (such as a contractor or private organization), provided that these committees or groups are **not actually managed or controlled** by the executive branch.

C. Any group where advice is sought from the attendees on an individual basis and not from the group as a whole (this includes public meetings). [In meetings of this sort, remind the group that you are seeking their individual views, and are not looking for the group to necessarily agree on a particular course of action.]

D. Any group that meets with a Federal official(s) for the purpose of exchanging facts or information.

E. Any local civic group whose primary function is that of rendering a public service with respect to a Federal program.

F. Any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government and elected officers of State, local and tribal governments (or their designated employees with authority to act on their behalf), acting in their official capacities. The purpose of such a committee must be solely to exchange views, information, or advice relating to the management or implementation of Federal programs established pursuant to statute, that explicitly or inherently share intergovernmental responsibilities or administration. [NOTE: This exemption may be read broadly, but you should consult with the Division of General Law in the Solicitor’s Office when any question arises concerning this exemption.]

If you occasionally meet with individuals or groups under conditions akin to one or more of these exemptions, you should be mindful not to change the character of the meeting such that it

would be subject to FACA. Management decisions can be challenged and negated as a result of FACA procedural violations.

In structuring interactions with groups so as to avoid the need to charter a committee, you should consider all the factors a court would consider in determining whether the agency has established or "utilized" an advisory committee. These factors include:

- A. The purpose of the meeting(s).
- B. The frequency of meetings.
- C. Who attends.
- D. Whether the participants change or remain constant over the course of multiple meetings.
- E. Whether group input from participants, as opposed to expression of individual views, is an objective or result (even if "consensus" is not obtained). And,
- F. The degree of control exercised over the group.

GSA regulations governing FACA activities suggest using the following factors to determine whether or not a group is "utilized" within the meaning of the Act:

- A. Does the NPS manage or control the group's membership or otherwise determine its composition?
- B. Does the NPS manage or control the group's agenda?
- C. Does the NPS fund the group's activities?

Answering "yes" to any or all of questions 1, 2, or 3 does not automatically mean the group is "utilized" within the meaning of FACA. However, if the relationship between the NPS and the group essentially is indistinguishable from an advisory committee established by the NPS, then you should assume it is subject to FACA.

2. Are There Additional Ways to Engage the Public Without Establishing a FACA Committee?

A report prepared for the *National Performance Review* offers some other suggestions on how to obtain public participation in review of agency matters. For example, a **policy discussion group** [or "roundtable"] can be formed to discuss draft proposals, option papers, or specific issues. This allows the formal convening process associated with advisory committees to be avoided. Another option is the use of **focus groups** when there is a need for quick, anecdotal information about how different approaches to solving a problem would work in practice. Both options involve the solicitation of individual opinions only. Neither of these non-FACA options is appropriate, however, if the goal is to obtain consensus advice. Indeed, when meeting with a number of individuals under these circumstances, you should emphasize that you are seeking only the attendees' individual views, and the attendees should be discouraged from attempting to reach a consensus, or otherwise making recommendations as a group.