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December 6, 2017 Letter/Email

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Subj: Compliance with National Environmental Policy Act (NEPA) Issues: DOI-BLM-ORWA-MO70-0006-2016-EA Pickett West Forest Management Project (PWFMP) Environmental Assessment (EA)

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Subj: Public Comments Clean Slate Forest Management Project, BLM MDO, Scoping - Timber Sale Environmental Assessment (EA), DOI-BLM-ORWA-MO70-2018-0002-EA

Subj: BLM's Responsibilities For Citizen Involvement (CI) Purpose Of NEPA's Procedural Mandate Requires Interdisciplinary (ID) Team Members Accessible To Public

Dear Jamie Connell and Ferris Fisher:

As historical background, I had NEPA responsibilities throughout my federal civil service career with BLM as a planner and environmental protection specialist. I arrived at the BLM MDO in 1981 with a new job as a "Technical Publications Writer" and ID team member for EAs from the BLM Nevada State Office as a senior staff member for EISs. It was just in time for the local Rogue Valley "Herbicide Wars", increased citizen protests, appeals, and lawsuits of BLM and US Forest Service (USFS) timber sales, and those same agencies attempting to involve the public with more consensus building solutions in NEPA projects (Appx. A, chaps. I & II).

That same year Oregon Senator Mark Hatfield spoke to the U.S. Senate about the innovative USFS Region 6's CI approaches needed in planning and NEPA. He noted the FS was using some new, unconventional approaches to resolving land management issues and to deal with the present polarization. The method being utilized was consensus-building workshops. He stated that “*The Forest Service is bringing together groups of their own employees with representatives of wilderness and timber industry groups, encouraging these individuals to look beyond their own particular positions, to learn more about those people they have recognized only as adversaries, to understand the other point of view, and to propose positive, creative solutions to land management conflicts.*” He wanted to encourage those who have been involved thus far on the Willamette National Forest to continue their involvement, and to urge other national forest managers and those of the BLM to look at this creative approach (Appx. A, Attach. 1).

I write you for two purposes: 1. I am frustrated because I have not received any response from BLM for my comment testimony on NEPA issues for the BLM MDO Pickett West Forest Management Project (PWFMP) and EA, and 2. I provide scoping comments on the BLM MDO proposed Clean Slate Forest Management Project and Timber Sale, and its future EA.

First, the PWFMP and EA. I have not received any oral or written response from the following three BLM MDO recipients of my June 20, 2017 testimony on NEPA issues for the BLM MDO PWFMP and OI-BLM-ORWA-MO70-0006-2016-EA (Attachment 1). I did receive an anonymous BLM July 6, 2017 email acknowledging receipt of my comments, and a thank you for my work. However, because the BLM email was anonymous and made no reference to my NEPA issues, I conclude that the BLM did not consider my testimony comments.

- Elizabeth Burghard, BLM MDO District Manager.
- Allen Bollschweiler BLM Grants Pass Office Field Manager, MDO.
- Don Ferguson, Public Information Specialist, BLM Grants Pass Field Office, MDO.

The public comment period is over for the PWFMP-EA. My purpose for this communication is that I feel BLM must have a long-term policy goal to promote an educated public through its citizen involvement/citizen participation (CI/CP) program, which seeks trust in BLM toward the goal of public support through its involvement in BLM decision-making, NEPA compliance, and BLM land use planning (see Section II.A, Citizen Participation in Budgeting References, for related research on BLM CI/CP, such as Peterson. 2012. *Public Participation In Community And Regional Planning* in Oregon - <http://www.hugoneighborhood.org/ci.htm>; Chap. IV, Appx. A).

An alternate CI/CP “trust” future for many BLM public members is skepticism and suspicion, with a mix of values and opinions (i.e., overall support, don’t know, and passionate activists questioning every BLM proposal and decision for proof that BLM can, or can’t hear and consider public testimony comments in its NEPA decision-making processes).

This is in contrast with NEPA being a principal program area by the USDI Office of Environmental Policy and Compliance (OEPC), including the OEPC Pacific Northwest Region, and that the OEPC assures compliance with NEPA through review of environmental documents and by providing environmental compliance consultation with bureaus. I identified with the 2017 vision and mission of Michaela Noble, OEPC Director, to serve as a trusted source and

leader to ensure sustainable utilization and conservation of natural, cultural, and historical resources. I also found OEPC's priorities of interest: American energy, climate change, jobs, regulatory reform, stewardship, and tribal nations (<https://www.doi.gov/oepec/>).

I provide the following summary of my seven June 20, 2017 NEPA compliance testimony comment issues I had provided the BLM MDO for the PWFMP-EA, for which I received no response or apparent consideration (Attach. 1). My NEPA compliance issues are a very small part of the community's concern. Attachment 2 reflects an example of a much broader range of NEPA compliance challenges from the Deer Creek Valley Natural Resources Conservation Association (DCV) and the Illinois Valley Activity Section, Sierra Club.

The seven NEPA compliance testimony issues were originally written for my previous testimony for the Pickett West Forest Management Project and EA. For the purposes of this written comment testimony they continue to be applicable to the Pickett West Forest EA, and they are my scoping comments on the proposed Clean Slate Forest Management Project, and its future EA and timber sale.

NEPA Issue 1. Barriers to CI/CP It was difficult for the public to participate in BLM's PWFMP-EA process (Appx. A). BLM's CI method is not in compliance with BLM's own NEPA compliance regulations (i.e., *BLM National Environmental Policy Act Handbook H-1790-1*, January 30, 2008), and does not meet the CI test to "Make diligent efforts to involve the public in preparing and implementing their NEPA procedures." (BLM. Handbook, 2008, p. 2). BLM is supposed to make CI/CP easier, not harder. For example, the BLM's NEPA "shall" purpose requirement (i.e., "must" requirement) responsibility as stated in the BLM handbook for a "hard look" has compliance issues not met (NEPA, Section 102(2)(B); 40 CFR 1502.1 Purpose; 40 CFR 1502.24 Methodology and Scientific Accuracy; 40 CFR 1506.6 Public Involvement; 40 CFR 1502.22 Incomplete or Unavailable Information; 40 CFR 1507.3 Agency Procedures; Section 6.8.1.2 Analyzing Effects Methodology; BLM. 2008, p. 55).

NEPA Issue 2. False Statement BLM offered a hard-copy of the PWFMP-EA - "Hard copies are available at the Grants Pass Interagency Office at 2164 NE Spalding Avenue, Grants Pass, Oregon 97526, but never delivered. This deficiency does not promote CI/CP or comply with the BLM/USDI policy at *ECM 95-3 NEPA Responsibilities Under the Departmental Environmental Justice Policy* (<https://www.doi.gov/oepec/resources/environmental-memoranda-series>). Making hard-copy EAs and EISs available in all local libraries, and with public organizations having historical involvement with BLM management, would help soften the blow of hard-copies no longer being available, especially for those citizens without access to computers and/or the web.

NEPA Issue 3. Rational for EA Versus EIS The PWFMP-EA is almost 500 pages. The complexity of a project that requires that amount of explanation and rationale is a universe beyond what I had ever experienced for an EA (i.e., as a BLM Planner/Environmental Protection Specialist, including BLM Nevada State Office NEPA staff lead for EISs; Appx. A). The EA length alone requires consideration for developing an environmental impact statement (EIS) as described by questions from the USDI OEPC (Attach. 1, Appx. C).

6. Developing the EA (43 CFR Subpart D) (USDI OEPC. 2013, Attachment to ESM 13-13, pps. 4-5). Is the EA a concise document? (40 CFR § 1508.9). The CEQ Forty Most Asked Questions, question 36a issued in 1981 indicated that 10-15 pages is generally appropriate for EAs. However, CEQ states in its memo *Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act* that this guidance must be balanced with the **requirement to take a hard look at the impacts of the proposed action** (emphasis added). An EA's length should vary with the scope and scale of potential environmental problems. Can the EA be made more succinct and useful as a planning tool?

NEPA Issue 4. BLM NEPA Handbook Never Shared With Public I just can't make sense out of the BLM MDO's PWFMP-EA CI/CP outreach that never once referenced the BLM NEPA handbook (BLM. 2008), or any BLM handbook training on the NEPA rules for how the public can participate in the EA process. It's mystifying. BLM did reference ideas from the handbook, but without mentioning it. For example, "substantive comments" by the public was identified. I also view spontaneous BLM responses on CI/CP process and/or technical impact consequences methods during meetings and/or field trips as an excellent first step, but as inapplicable without a BLM record, and near irrelevant because no one remembers the same message without written minutes (i.e., a high reality BLM afterwards is: "*I know you believe you understand what you think I said, but I am not sure you realize that what you heard is not what I meant.*").

The CEQ's 2007 publication, *A Citizen's Guide to the NEPA: Having Your Voice Heard* (CEQ 2007, p. 2 - <https://www.blm.gov/programs/planning-and-nepa/what-informs-our-plans/nepa>; Attach. 1, Appendix D), was found on the BLM's Washington Office web page for "Planning and NEPA." It corroborates the U.S. Supreme Court's opinion of NEPA's twin aims in *Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc.* (CEQ 2007, pps. 9 - 10).

"To implement these policies, NEPA requires agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions. Two major purposes of the environmental review process are better informed decisions and citizen involvement (emphasis added), both of which should lead to implementation of NEPA's policies." (CEQ 2007, p. 2).⁴

The binding 1978 CEQ regulations (40 CFR Parts 1500-1508) require federal agencies to create their own implementing procedures that supplement the minimum requirements based on each agency's specific mandates, obligations, and missions (40 CFR 1507.3). It was astonishing that the BLM did not advertize and share the BLM NEPA handbook during public outreach as it provides the specific supplemental rules for developing EAs and EISs, and how the public can become involved in very complex NEPA processes. This BLM non-action is not in compliance with 40 CFR 1506.6 Public involvement. *Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures,* or with (40 CFR 1507.3).

It would be extremely helpful in promoting CI/CP toward compliance with NEPA if the following BLM NEPA references for preparation of NEPA documents were published on the BLM MDO web page and/or a reference on the web page where the documents are web published, and available in hard-copy. The purpose is public understanding of the analysis process standards, and why the particular analyzing effects methodologies were used, and, most importantly, the rules for CI in a BLM NEPA process (Attach 1. App. C; USDI OEPC. 2013, Attach. to ESM 13-13, p. 12).

- The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347).
- Council on Environmental Quality regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508).
- Council on Environmental Quality Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act regulations (46 Fed. Reg. 18026 (March 23, 1981)).
- Department of the Interior regulations for Implementation of the National Environmental Policy Act (NEPA) of 1969, at 43 CFR Part 46.
- Department of the Interior, Departmental Manual (Part 516 DM, Chapters 1-15).
- Individual bureau and office NEPA handbooks (i.e., *BLM National Environmental Policy Act Handbook H-1790-1*: January 30, 2008 (BLM. 2008), and other USDI bureau handbooks).

NEPA Issue 5. “Analyzing Effects Methodology” & Public Access To ID Team Members

The BLM's NEPA compliance responsibilities for the CI/CP purpose of NEPA's procedural mandate require ID team members to be accessible to the public when “Analyzing Effects Methodology” questions to BLM management, including the ID team leader, are not responsive in describing the effects methodology(ies) so that the reader can understand how the analysis was conducted and why the particular methodology was used (e.g., when during meetings the management representative, without providing answers to effects methodologies questions refers to a planning document without any reference page numbers; when the ID team leader promises to contact the appropriate ID team member for the information and get back to the public individual asking questions, but never does in a meaningful way; etc.).

Public access to both EA and EIS ID team members is a function of the “Analyzing Effects Methodology” of information the public needs to understand “significant” impacts ” (Chapter 6, Section 6.8.1.2 “Analyzing Effects” *BLM NEPA Handbook (H-1790-1)* (BLM. 2008, p. 55). This public access is part of NEPA's “twin aims” and the “hard look” NEPA mandate as clarified by the 1983 U.S. Supreme Court in *Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc.* (Appendix A. CRS. 2005. p. CRS 9). It is especially so when the U.S. Supreme Court opinion is combined with the BLM's procedures to supplement the CEQ regulations (40 CFR 1507.3; BLM. 2008) including the USDI regulations for implementation of NEPA (43 CFR Part 46), and the USDI Manual (Part 516 DM, Chapters 1-15) and Attachment 1, Appendix A (CRS. 2005. p. CRS 9).

The Chapter 6 “NEPA Analysis” identifies BLM's must “Analyzing Effects Methodology” implementing regulations responsibility of its EA and EIS ID team members (40 CFR 1507.3; BLM. 2008, pps. 33 - 68). “*Chapter 6 identifies the essential analytical elements that are common to NEPA analysis, regardless of whether you are preparing an Environmental Assessment or an Environmental Impact Statement.*” (BLM. 2008, p. ix). The handbook's Section 6.8.1.2 Analyzing Effects Methodology provides “*A NEPA document must describe the analytical methodology sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used.*”

Per *Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc.* (CRS. 2005, pps. 9 - 10), the CEQ NEPA regulations, the USDI NEPA regulations and manual, and the BLM NEPA handbook identify that the minimal NEPA “CI/CP” compliance standards require access by the public to both EA and EIS ID team members, one-on-one (i.e., if management does not respond

to public questions concerning “Analyzing Effects Methodologies” - BLM. 2008, Section 6.8.1.2). In these conditions, it includes BLM permission to contact ID team members and for them to share information. Again, the purpose for access is public understanding of the ID team members individual “hard look” impact analysis work and their avoidance of bald conclusions (BLM. 2008, pps. 33 - 68, 70 - 74; Attach. 1, Appx. E), especially to clarify their individual descriptions of scoping issue analytical methodologies sufficiently so that the public can understand how the analyses were conducted, and why their particular methodologies were used.

NEPA Issue 6. Hard Look by EA and EIS ID Teams The issue is the BLM ID team’s responsibility to describe any significant environmental impacts of a proposed action through a “hard look,” and its role to ensure that the BLM’s CI/CP program will *make diligent efforts to involve the public* in projects covered by NEPA, while providing a professional, relevant, and safe setting for the public and ID team members.

- NEPA Issue 6a. “Shall” Hard Look by EA and EIS ID Teams.
- NEPA Issue 6b. “Shall” Diligent Efforts to Involve the Public by EA and EIS ID Teams.
- NEPA Issue 6c. Profession, Relevant, & Safe Setting for Public & EA and EIS ID Teams.

NEPA Issue 6a. “Shall” Hard Look by EA and EIS ID Teams The BLM ID team’s mandate is to utilize a systematic, interdisciplinary approach (Section 102(2)(A) of NEPA) which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on the human environment (40 CFR 1508.14).

The NEPA authority and responsibility of the ID team members is at the center of NEPA’s required systematic, interdisciplinary approach. The BLM management, land use planners, NEPA specialists, and team leaders are not responsible for identifying and developing methods and procedures for determining significant impacts (Section 102(2)(B) of NEPA), nor to study the effects of appropriate alternatives (Section 102(2)(E) of NEPA). It is also suspect when BLM management employees, with expert resource knowledge, are members of ID teams (i.e., Email section: *Assoc. Field Manager for Recreation/Visual Resources and Assoc. Field Manager for Port-Orford cedar/Management Representative*). How can these ID team members truly represent NEPA’s required systematic interdisciplinary approach when their present employment positions are to represent management?

Applying NEPA’s required systematic, interdisciplinary approach is the job of the ID team. Its members may get direction, advice, and/or consul from management and other specialists, but the authority and responsibility for the determination of analyzing effects methodologies and their products of significance and/or non-significance, is their’s alone (BLM. 2008, p. 55). This division of authority might be thought of like the separation of power among the branches of the national government. The NEPA structural separation and independence means that neither management nor the ID team is the boss of the other for their assigned responsibilities: management decisions and ID team analyses of impacts. Without public access to individual ID team members to explain their analyses of effects, the public will fail to really understand how the analysis was conducted and why particular methodologies were used.

The BLM ID team's responsibility is to determine the significance (40 CFR 1508.27. Significantly) and/or the non-significance of "issue" effects/impacts (40 CFR 1508.8. Effects (direct and indirect); 40 CFR 1508.7 Cumulative Impact) to the natural and physical environment and the relationship of people (i.e., the economic or social effects with that environment; 40 CFR 1508.14; BLM. 2008, pps. 54 - 62).

The ID team members for an EA/EIS must take a "hard look" at the environmental impacts and consequences, as opposed to reaching bald conclusions, identify the relevant areas of environmental concern, and make a convincing case that environmental impacts are insignificant in order to support a conclusion that an EIS is not required. A party challenging a hard look analysis must demonstrate either an error of law or fact or that the analysis failed to consider a substantial environmental problem of material significance to the proposed action. The standard by which the USDI, Interior Board of Land Appeals (IBLA) reviews an EA has been set forth in numerous decisions (Attach. 1, Appx. E). An EA must (*Lynn Canal Conservation, Inc.* 167 IBLA 136. October 19, 2005):

- (1) **Take a hard look at the environmental consequences, as opposed to reaching bald conclusions,**
- (2) **Identify the relevant areas of environmental concern, and**
- (3) **Make a convincing case that environmental impacts are insignificant in order to support a conclusion that an EIS is not required.**

Bald Conclusions - *McDowell v. Schlesinger*, 404 F. Supp. 221, 253 (W.D.Mo. 1975) (Attach. 1, Appendix E)

Certain general **requirements for agency threshold determinations** (emphasis added) have been developed, however. The agency must identify all areas of potential environmental concern flowing from the proposed action, and must take a "hard look" at all potential impacts so identified, including secondary impacts. **Sufficient investigation** (emphasis added) must be done and **sufficient data gathered** (emphasis added) to allow the agency to consider realistically and in an informed manner the full range of potential effects of the proposed action. In making a negative determination as to the applicability of § 102(2) (C) to a particular project, the agency must avoid making "**bald conclusions**" (emphasis added) as to the magnitude or variety of potential effects of the proposed action. Similarly, the agency is not permitted to base a negative decision as to the applicability of § 102(2) (C) upon **superficial reasoning or perfunctory analysis** (emphasis added). Rather for an agency's **threshold decision that § 102(2) (C) does not apply to a particular proposed action to be upheld in review, it must affirmatively appear from the administrative record, and from the written assessment** (emphasis added) where one is prepared, that the agency has given **thoughtful and reasoned consideration** (emphasis added) to all of the potential effects of the proposed action, and that a **convincing case** (emphasis added) has been made that the proposed impacts are insignificant **after a careful balancing of the relevant factors** (emphasis added).

Besides the lack of access to BLM ID teams, a major BLM NEPA handbook problem is the lack of examples for scoping issues and their analyses methodologies, including threshold determinations as provided in the early USFS and BLM impact analyses methodologies (i.e., BLM's approach – *Systematic Interdisciplinary Language For Environmental Analysis Under NEPA* - Haug, BLM. 1982; *Determining Significance of Environmental Issues Under NEPA* - Haug, BLM 1984; *A Systematic Interdisciplinary Language For Environmental Analysis Under the National Environmental Policy Act* - Haug, BLM 1984). Also instructive are examples like Fogleman's *Threshold Determinations Under the National Environmental Policy Act* (Fogleman. 1987), and the USFS' *Numerical Visitor Capacity: A Guide to its Use in Wilderness* (USDOA USFS. 2010). The current BLM MDO ID team members' responsibilities for analyzing effects methodologies follow (BLM. 2008, p. 55).

- **Section 6.8.1.2 Analyzing Effects Methodology:** A NEPA document must describe (emphasis added) the analytical methodology sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used (40 CFR 1502.24). **This explanation must include a description of any limitations inherent in the methodology. If there is substantial dispute over models, methodology, or data, you must recognize** (emphasis added) the opposing viewpoint(s) **and explain the rationale for your choice of analysis** (emphasis added) (Chap. 6, Sect. 6.8.1.2 “Analyzing Effects” BLM NEPA Handbook (BLM. 2008, p. 55).
- **40 CFR 1502.22 Incomplete or Unavailable Information** When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an EIS and there is incomplete or unavailable information, **the agency shall always make clear that such information is lacking** (emphasis added).
- **40 CFR 1502.24. Methodology and Scientific Accuracy.** Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.
- **40 CFR 1507.3 Agency Procedures.** (a) . . . each agency shall as necessary adopt procedures to supplement these regulations. When the agency is a department, major subunits are encouraged (with the consent of the department) to adopt their own procedures.

The BLM’s EA and EIS documents must describe the analytical methodologies used to determine effects and significantly sufficiently so that the reader can “understand” how the analyses was conducted and why the particular methodologies were used (BLM. 2008, pps. 33 - 68). This “public understanding” NEPA compliance standard is usually not met by all ID team members’ documented impact methodologies for scoping issues in EAs/EISs, and, therefore, public access to ID team members’ expertise and explanations are crucial to meet the standards.

NEPA Issue 6b. “Shall” Diligent Efforts to Involve the Public by EA and EIS ID Teams In 2005 the Congressional Research Service published a report for the U.S. Congress, *The National Environmental Policy Act: Background and Implementation*. The report identified four purposes of the NEPA process, two of which address public involvement (CRS. 2005, p. 11).

- Ensure that the environmental information made available to public officials and citizens is of high quality (i.e., includes accurate scientific analysis, expert agency comments, and public scrutiny).
- Facilitate public involvement in the federal decision-making process.

The following CEQ NEPA regulations make it clear that NEPA’s statutory scheme clearly envisions meaningful CI in the NEPA process. The regulations are also a mandate applicable to, and binding on, all federal agencies, including BLM, for implementing the procedural provisions of NEPA (40 CFR 1500.3). Further, each agency shall interpret NEPA as a supplement to its existing authority. They shall review their policies, procedures, and regulations accordingly and revise them as necessary to insure full compliance with the purposes and provisions of the Act. The phrase “to the fullest extent possible” in section 102 means that each agency of the federal government shall comply with that section unless existing law applicable to the agency’s operations expressly prohibits or makes compliance impossible (40 CFR 1500.6; Attach. 1 for full list).

- 40 CFR 1500.1(b), the purpose of NEPA is to “ensure that the environmental information made available to public officials and citizens is of high quality (i.e., includes accurate scientific analysis, expert agency comments, and public scrutiny).
- **40 CFR 1500.2(b)** requires “all Federal agencies, including BLM, ‘to the fullest extent possible’ . . . “Implement procedures to make the NEPA process more useful to decisionmakers and the public.”
- 40 CFR 1500.2(d) requires “all Federal agencies, including BLM, ‘to the fullest extent possible’ . . . “encourage and facilitate public involvement in decisions which affect the quality of the human environment.”
- 40 CFR 1501.4(b) requires agencies to involve the public “to the extent practicable” in preparing an EA.

- 40 CFR 1506.6 Public involvement. Agencies, including BLM, shall: . . . 40 CFR 1506.6(a) requires that Federal agencies shall “Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.”

It is especially troubling when BLM’s own NEPA handbook makes a point sharing a policy view of believing the public will help it in meeting the legal requirements of NEPA (i.e., if the public knows about the handbook guidance for CI opportunities), but its CI/CP program does not acknowledge the handbook during public outreach for the PWFMP and EA. The BLM management and the BLM MDO ID teams’ CI/CP purpose of NEPA’s “shall” requirement (i.e., “must” requirement) responsibility follows (NEPA, Section 102(2)(B); 40 CFR 1502.24; BLM. 2008, pps. 2 & 55).

- *“Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.”*
- *“We” (BLM) believe it [BLM NEPA Handbook] will help “you” (the reader) [Interested Public] help us in meeting the legal requirements of the NEPA.”*

The BLM management should permit and encourage individual EA and EIS ID team members being allowed to supplement BLM NEPA handbook training for the public by reaching out, or at least by being accessible to the public with information on their individual “Analyzing Effects Methodologies” for documenting significance or non-significance (40 CFR 1502.24; BLM. 2008, p. 55). If not, a significant problem is that BLM employees loyal to their supervisor’s view of BLM policies don’t usually share any legitimate conflicting interpretations of NEPA law with the public. This is a potentially dangerous ethical dilemma and/or contributor to declining BLM morale (i.e., capacity of employee(s) to maintain belief in BLM, or its goals, particularly in the face of opposition or hardship), as in this situation employees do not have “conflicting” free speech rights without wondering if they might be **potentially transferred and/or fired** (emphasis added).

The ethical dilemma or ethical paradox is a BLM decision-making problem between two possible moral imperatives, neither of which is unambiguously acceptable or preferable to employees. The complexity arises out of the situational conflict in which obeying one would result in transgressing another. Contrarily, morale is often referenced by authority figures as a generic value judgment of the willpower, obedience, and self-discipline of a group tasked with performing duties assigned by a superior or manager.

The theme of the many CEQ regulations is the relationship of CI/CP, “must describe” analyzing effects methodologies, and access to ID team members by the public (see Attach. 1 for more information on arguments).

NEPA Issue 6c. Profession, Relevant, & Safe Setting for Public & EA/EIS ID Teams As vital as access to the BLM MDO ID teams by the public is for understanding NEPA’s required “Analyzing Effects Methodologies,” it must be recognized that this access is not unconditional (i.e., people security is beyond NEPA requirements). To proceed beyond the traditional CI/CP stage of the availability of an environmental document for public review and public meetings, the access must have the goal of understanding by the public and BLM, that it must be relevant, professional, and safe for the public and ID team members. This should include some kind of understanding between the public member(s) and the BLM ID team member(s) that all four of

the following meeting criteria exist prior to scheduling one-on-one meetings. Criteria 1 and 2 are the NEPA “shall” requirements. Criteria 3 - 4 are brainstorming ideas for consideration by BLM.

1. Goal Of Understanding By Public.
2. Relevant Comments From Public Are Substantive Comments.
3. Professional Relationship Between Public and ID Team Members.
4. Meeting Safe for Public and ID Team Members.

1. Goal Of Understanding By Public. A NEPA document must describe the analytical methodologies sufficiently so that the public can understand how the analyses were conducted and why the particular methodologies were used (see previous).

2. Relevant Comments From Public Are Substantive Comments (BLM. 2008, pps. 65 - 67; Attach. 1, Appx. B).

Substantive Public Comments do one or more of the following:

- Question, with reasonable basis, the accuracy of information in the EIS or EA.
- Question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis.
- Present new information relevant to the analysis.
- Present reasonable alternatives other than those analyzed in the EIS or EA.
- Cause changes or revisions in one or more of the alternatives.

Public Comments that are not considered substantive include the following.

- Comments in favor of or against the proposed action or alternatives without reasoning that meet the criteria listed above (such as “we disagree with Alternative Two and believe the BLM should select Alternative Three”).
- Comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as “more grazing should be permitted”).
- Comments that don’t pertain to the project area or the project (such as “the government should eliminate all dams,” when the project is about a grazing permit).
- Comments that take the form of vague, open-ended questions.

3. Professional Relationships Between Public Members and ID Team Members. For this discussion a professional relationship has to do with how business is conducted between a member(s) of the public and a ID team member(s). A number of important example professional relationships characteristics for consideration that can apply to virtually any type of human interactions follow, including one-on-one meetings between the public and the ID team members.

- NEPA Processes & Relevant Issues. Stick to the understanding the NEPA processes and relevant issues.
- Demeanor. Be polite and well-spoken. Communications, both oral and written, should be relevant to the analysis of the proposed action, and the tone of the communications should be polite and respectful. People with understanding relationships treat others as they want to be treated. Do not make it personal.
- Written Communication Pre-requisite. Written information questions from public and responses from BLM provided before meeting.
- Reliability. As a professional, you will be counted on to find a way to get the job done. Responding promptly and following through on promises in a timely manner is also important, as this demonstrates reliability and creates trust.
- Competence. Professionals strive to become experts in their field, which sets them apart from the rest of the pack. This includes citizens by making relevant comments and asking information understanding questions, including responses from BLM ID team members.
- Ethics. You should display ethical behavior at all times.
- Maintaining Your Poise. Professionals maintain their poise even when facing a difficult situation.
- Etiquette. Be sure not to dominate the conversation and listen intently to the other party.
- Accountability. Professionals are accountable for their actions at all times. If you make a mistake, own up to it and try to fix it if possible. Don't try to place blame, take responsibility and work to resolve the issue.

4. Meeting Safe for Public and ID Team Members. Safe for all parties is more than physical safety. It includes honest and appreciative listening without judgement. Its focus is asking and responding to “understanding information” questions from all parties. It is a safe environment without the stress of hostile situations. A meeting would normally only occur after it is obvious that: 1. the public member(s) had read a description of the available analytical analysis effects methodologies (i.e., scoping), or the environmental document in question (i.e., after document availability for public review) and public review member had provided written questions to the ID team member(s), and 2. the appropriate ID team members had read any disputes over models, methodology, or data, from the public and recognized the opposing viewpoint(s) as well as explaining the rationale for the choice of methodologies. No. 2 also includes a written clarification response(s) from the BLM ID team member(s) on the analytical methodology and/or methodologies in question that were not sufficient for the public to understand how the analysis was conducted, and why the particular effects methodologies were used (BLM. 2008, p. 55). If possible, early public scoping, before the availability of the environmental document and comment periods, is the best CI stage for this communications work.

- Scheduled Meeting. Known time and meeting duration, after public written information questions provided and ID team member response(s).
- Keep your calm, even during tense situations.
- Public access should not be used as a platform for irrelevant comments, nor intimidation or political abuse because the public member(s) disagrees with an ID team member(s)’ analyzing effects methodology(s) and/or resulting impacts.
- Number of Participants. If the number of participants is more than one-on-one, consideration of mutual support from all parties for a meeting criteria rules facilitator should be considered.
- Maintaining Your Poise. Participants in a professional relationship must maintain their poise even when facing a difficult situation. If one meeting participant treats another in a belligerent manner, you should not resort to the same type of behavior. This is also a potential reason for ending the meeting.
- Threats of property or personal injury are relevant reasons for terminating the meeting.

The goal of understanding each others’ viewpoints through one-on-one meetings is hard work. This does not normally occur in internal BLM ID team meetings as each ID team member is usually the only specialist responsible for the scoping issue, and probing cross-ID team member questions from other ID team member disciplines are minimal. It also does not happen in straight public presentation meetings, with Q and A sessions, which are primarily good for public venting and generally sharing ideas with other participants. Open-house meetings of small groups are good, but usually are controlled by a BLM facilitator without time to comprehensively address specific detailed public comments. And, most important public meetings where ID team members participate almost never provide written responses to public comments in any CI/CP format (i.e., comprehensive meeting minutes do not exist for the record). Regardless, I recommend the BLM continue these CI/CP strategy types of meetings, especially combining both strategies in one meeting. They are a good first step even though this traditional BLM MDO CI/CP strategy is almost 40 years old. Has it reduced public comments, protests, appeals, and civil litigation?

In summary, the need for public access to the ID team members is a function of the information the public needs to understand “significant” and “non-significant” impacts, and the NEPA mandate to provide this information in environmental documents. This access is part of NEPA’s “twin aims” of CI and better decisions, and the courts’ “hard look” mandate.

I now share my more personal opinions about CI/CP based on a lifelong involvement with NEPA, including after retirement from federal civil service. Some life after BLM examples follow (Appx. A, chaps. I & II). I formed a private business, NEPA Design Group, in business from 1998 - 2017. The Hugo Justice System & Public Safety Services (JS&PSS) Exploratory Committee operating since 2013 has proposed a citizen JS&PSS study based on NEPA analyses standards. I volunteer time as a NEPA consultant to the interested public.

Without public access to the BLM MDO ID teams for the purpose of the public understanding the NEPA required hard look “Analyzing Effects Methodologies,” or written meaningful responses from the ID teams, the BLM has in effect an minimalist CI program for that element not in compliance with NEPA. This is a strategy primarily based on a one-way flow of information of the BLM MDO ID teams’ proposed “Analyzing Effects Methodologies” in EAs/EISs, and BLM management’s public NEPA hearings. This ‘review and comment’ methodology – BLM management decide on the decision, then introduce it to the public primarily in an EA with a public hearing(s) – is a poor educational vehicle for complex topics, not to mention grossly inadequate as a persuasion tool. What I experienced at the BLM MDO about NEPA follows.

1. NEPA’s unique scoping standards are very good at providing opportunities for early expression of public concerns; BLM is equally poor at documenting these concerns as public information, including BLM meeting responses, and written BLM analyses for how public comment testimony will be (i.e., scoping), or was (i.e., EA), considered in the decision-making process.
2. NEPA has high quality analyses information requirements; however, “hard look” standards are still regularly challenged (i.e., protests, appeals, and lawsuits) by the public as inadequate.
3. NEPA process normally has adequate to good formal public comment periods (i.e., timing and length) for EAs/EISs. BLM is very poor at recording these comment period EA concerns, and in documenting its responses, including written BLM analyses for how public comment testimony was considered in the decision-making process. My June 20, 2017 testimony comments during the comment period on an EA prove this point (Attach. 1).

The public must also realize that involvement does not necessarily mean the public will gain any influence over the decision (NEPA, Title I, Sec. 101 vs Sec. 102). I also argue that EAs/EISs should rigorously assess all potentially significant impacts, including those that will be circumscribed by or substantively regulated under other environmental laws such as T&E.

The BLM MDO has a traditional CI program – public hearings, including review and comment processes. The CI/CP issue is that the BLM must want to seek participation as much as the participants want to give it, and citizens are less likely to participate if the BLM cultural environment is not positive and accepting of input, including written demonstrations that comments are heard and considered. Knowledgeable citizens not trusting BLM are just as likely to minimally participate in the CI/CP NEPA processes, and later protest and appeal the BLM decisions. The motivations of the local BLM MDO managers and ID team members to shape the adoption of future meaningful CI/CP are the key. This includes the flexibility by BLM management at the OR/WA and Washington DC offices to encourage innovation within the range of CI/CP goals (i.e., inform, consult, involve, collaborate, and empower; Appx. A). To get different results, the BLM needs to move CI/CP beyond its primarily traditional and default emphasis of inform and consult.

I argue it is again time to face facts we know, but prefer to ignore. The BLM's legally minimal required CI methods in NEPA processes have rarely produced results where BLM managers are satisfied. They do not achieve genuine participation in planning or other decisions; and they do not satisfy significant elements of the public that they are being heard as expressed by their later legal challenges. This pattern makes it difficult for BLM decision makers to sort through what they hear, much less to make a choice using public input. At high cost, winning the hearts of the citizens by meeting with them regularly over the long-term, and ultimately gaining their trust and friendship may be the only way that BLM can promote its policies, where anti-BLM government sentiment has been running high for 40 years.

Time and budget to support the CI/CP job is extremely important, and historically has not been overcome, . . . not limited to projects deemed necessity for field office managers' attention and implementation, . . . needs a standing BLM MDO CI/CP program commitment to demonstrate listening and understanding for the mission of improving trust in BLM and its decision-making.

This would include permanent career personnel for a BLM MDO "Public NEPA Coordination Program" whose planning CI/CP model is more collaborative. My rationale is based on my observations for the last 40-years, and my belief that there is a high probability that BLM MDO managers will never be completely satisfied with the traditional NEPA projects CI/CP process (i.e., projects with EAs/EISs) that normally produce potential/probable accompanying protests, appeals, and lawsuits. It specifically needs the assistance and guidance of a BLM "Public NEPA Coordination Manager." The purpose is to improve coordination, working relations, and trust between the BLM MDO managers and ID teams, and their different public customers. To accomplish these CI/CP purposes needs a transition from the traditional BLM NEPA CI/CP program to a long-term collaborative approach beyond NEPA minimums. The difference is that a collaborative model is more welcoming to CI in planning. Oh, and by the way, the short-term altruistic BLM MDO managers who develop and establish this program will not receive due credit for their hard work, and selfless concern for the well-being of the public and BLM programs. Hopefully, their successors will acknowledge and thank them.

The objective of traditional CI/CP models is, "*Legal conformity, inform and educate, gain support of public for agency policies.*" Whereas the collaborative model aims to, "*create conditions for social learning and problem-solving capacity.*" (Appendix A, Section IV.E. Public Participation In Community And Regional Planning). Some key factors of a collaborative CI/CP program that BLM, under its present legal authorities, can implement follow (see Sec. IV.E).

1. Maintain Legitimacy and Build Trust.
2. Produce Long-Term Support.
3. Public Value Choices.
4. Inform the Public and Facilitate Quality Public.
5. Respond to Complex Problems and Resolve Conflicts.
6. Build Social Capital and an Ethic of Mutual Aid.

A collaborative CI/CP program would also need to address the following themes (see Sec. IV.E).

1. Broad Participation and Equity in Recruitment.

2. Equity in Sharing Opinions.
3. Inform the Public with Clear, Unbiased Information.
4. Public Influence on the Decision.
5. Utilize an Array of Public Participation Techniques.

On a different CI topic, citizens who want to raise issues should do so at the earliest possible stage in any process with substantive written comments, as federal agency decision-makers are much more likely to meaningfully evaluate a new alternative or address a concern before time and investment have been expended on an established product schedule. For the same reasons of efficiency, the BLM should do more than make a CI/CP opportunity available. It should facilitate and encourage early public involvement as part of its “*Make diligent efforts to involve the public*” NEPA compliance standard during scoping, and the development of EAs/EISs.

Formal written comments “For the Record” are the most important contributions from citizens, especially during the earliest possible CI/CP stages. Public comments, both oral and written, should be relevant to the analysis of the proposed action, and the tone of the comments should be polite and respectful. People with understanding relationships, even if they don’t always agree, are a major means for achieving more of the BLM’s and the public’s goals. For example, when the public and BLM understand and accept mutual ground rules (e.g. BLM NEPA Handbook, etc.) for managing a conflict, resolution becomes much more likely.

Working collaboratively is more important than ever to both the public and the BLM MDO. They should meaningfully address conflict issues, and acknowledge their much larger areas of agreement (i.e., consider the “Ziggenick” effect). Folks need to acknowledge and seek solutions to the often knowledge gap between the BLM and its stakeholders (i.e., each use their own vernacular and own a set of expectations). I argue that the BLM NEPA handbook is the document that could help bridge the gap in a clear, concise and usable way by identifying opportunities and presenting techniques for collaboration through mutual trust in agreed information interpretations of NEPA processes and standards identified in the handbook.

Please acknowledge that these public comments, for the Pickett West Forest Management Project EA, and the Clean Slate Forest Management Project scoping and EA, were received, by BLM management responsible for the resource decisions, and the BLM MDO ID teams for Pickett West and Clean Slate responsible for the analyses of impacts.

Sincerely,

Mike :)



Mike Walker, Chair
Hugo JS&PSS Exploratory Committee
Hugo Neighborhood Association & Historical Society

p.s., Wouldn’t it be beneficial to share stories and show pictures of people from BLM and the public working together, respecting each other, and trusting each other at different events and activities (e.g., inventories, analysis methods, field trips, meetings, etc.) in different BLM and citizen outreach mediums?

Appendices

Appendix A. A BLM Planner's Perspective: BLM Evolutions In Promoting and Enabling Citizen Involvement & Citizen Participation

Copies: Participants Potentially Interested In Following Subjects

- Subj: Compliance with National Environmental Policy Act (NEPA) Issues: DOI-BLM-ORWA-MO70-0006-2016-EA Pickett West Forest Management Project (PWFMP) Environmental Assessment (EA)
- Subj: Public Comments Clean Slate Forest Management Project, BLM MDO, Scoping - Timber Sale Environmental Assessment (EA), DOI-BLM-ORWA-M070-2018-0002-EA
- Subj: BLM's Responsibilities For Citizen Involvement (CI) Purpose Of NEPA's Procedural Mandate Requires Interdisciplinary (ID) Team Members Accessible To Public

I. EMAIL AND/OR HARD COPIES TO FEDERAL AGENCIES, INCLUDING USDI & BLM (distribution in not limited to the following)

- Scott Cameron, Assistant Secretary, Policy, Management and Budget (PMB)
United States Department of Interior
- Steve Glomb, Deputy Assistant Secretary, Policy & International Affairs (PIA)
United States Department of Interior, 1849 C Street, N.W., Washington DC 20240
Email: feedback@ios.doi.gov
Organization Chart: Assistant Secretary, Policy, Management and Budget
https://www.doi.gov/sites/doi.gov/files/pmb_org_chart_10-17-17.pdf

The USDI OEPC Director supervises all functions of the OEPC, and reports to the Assistant Secretary - Policy, Management and Budget, USDI.

- Michaela Noble, Director (<https://www.doi.gov/oepec/director-office/noble>)
- Bryan Arroyo, Deputy Director (<https://www.doi.gov/oepec/director-office/arroyo>)
Office of Environmental Policy and Compliance (<https://www.doi.gov/oepec/director-office>)
Policy & International Affairs, Policy, Management and Budget
United States Department of Interior
1849 C Street, NW MS 5538, Washington, DC 20240
202-208-3891

Office of Environmental Policy and Compliance (Attach. 1, Appx. C)
United States Department of Interior
Email: feedback@ios.doi.gov, <https://www.doi.gov/oepec>

A principal program areas of the USDI OEPC regional offices includes the National Environmental Policy Act (NEPA). The OEPC assures compliance with NEPA through review of environmental documents and by providing environmental compliance consultation with bureaus.

- Allison O'Brien, Regional Environmental Officer
- Brian Milchak, Regional Environmental Protection Specialist
Office of Environmental Policy and Compliance, Pacific Northwest Region
United States Department of Interior, 620 SW Main Street, Suite 201, Portland, OR 97205
503-326-2489, Email: feedback@ios.doi.gov, <https://www.doi.gov/oepec/regional-offices/portland>

BLM Washington Office (WO) NEPA Contacts

- - Leah Baker, BLM NEPA Contact. 202-912-7282, lbaker@blm.gov
 - - Andrew Tkach, BLM NEPA Contact. 202-912-7283, Atkach@blm.gov
- Bureau Land Management NEPA Contacts
20 M Street SE, Washington, DC
https://edit.doi.gov/sites/doi.gov/files/uploads/bureau-nepa-contacts_as_of_september_2017.pdf

The EPA plays a unique role in the NEPA process. It is charged under Section 309 of the Clean Air Act to review the environmental impact statements (EIS) of other federal agencies and to comment on the adequacy and the acceptability of the environmental impacts of the proposed action.

Trice Jessica NEPA Compliance EPA WO trice.jessica@epa.gov

- - NEPAassist, NEPAassisthelp (Email: NEPAassisthelp@epa.gov)
- - EPA's Compliance with NEPA, Jessica Trice (Email: trice.jessica@epa.gov), (202) 564-6646.
US Environmental Protection Agency
Office of Enforcement and Compliance Assurance (OECA) (2251A)
1200 Pennsylvania Ave, NW, Washington, D.C. 20460. <https://www.epa.gov/nepa>

BLM MDO Responsibilities For DOI-BLM-ORWA-MO70-0006-2016-PWFMP EA

- Allen Bollschweiler Grants Pass Field Office Manager
BLM Medford District Office (MDO), 2164 N.E. Spalding Ave, Grants Pass, OR 97526
541-471-6500. Email: BLM_OR_MD_Mail@blm.gov
- Don Ferguson, Public Information Specialist
BLM MDO, Grants Pass Interagency Office, MDO, 2164 NE Spalding Avenue, Grants Pass,
Oregon 97526; 541-471-6520; Email: BLM_OR_PWest@BLM.gov
- Elizabeth Burghard, BLM MDO District Manager
BLM MDO, 3040 Biddle Road, Medford, OR 97504; 541-618-2200;
E-mail: BLM_OR_MD_Mail@blm.gov
- Jim Whittington, BLM Spokesperson, BLM MDO, E-mail: BLM_OR_MD_Mail@blm.gov
- BLM MDO NEPA Coordinators
- BLM MDO NEPA EA/EIS Project Team Leaders

BLM MDO NEPA Interdisciplinary Field Office Team Members For Pickett West Forest Management Project (PWFMP) Environmental Assessment (EA) (PWFMP-EA, p. 303), BLM MDO.

Email: BLM_OR_MD_Mail@blm.gov.

<u>ID Team Member</u>	<u>Title</u>	<u>Responsibility</u>
Dan Stephens	Forester	Harvest System and Road Design
Rachel Showalter and Stacey Johnson	Botanists	Special Status Plants/Noxious Weeds
Mike Main	Fuels Specialist	Fire and Fuels/Air Quality
Andrew Spencer	Silviculturist	Vegetation
Julie Arwood and Pete Meadville	Archaeologists	Cultural Resources
Erica Freeman	Engineer	Road Specifications/Engineering
Jay Wise	Soil Scientist	Soil Compaction and Productivity/Erosion
Todd Neville	Assoc. Field Manager	Recreation/Visual Resources
Jim Brimble	Assoc. Field Manager	Port-Orford cedar/Management Representative
Don Ferguson	Public Info. Specialist	Public Outreach and Coordination
Scott Hicks	Planning & Envir. Coord.	Writer/Editor
Ferris Fisher	Planning & Envir. Coord.	Project Lead/NEPA Writer

- Hydrologist (water quantity & quality); Wildlife Biologist; Fisheries Biologist? It was also odd for management (i.e., Assoc. Field Managers) to act as ID team members. NEPA's CI compliance standards had a focus of public outreach and coordination rather than citizen participation.

Interdisciplinary Field Office Team Members of Clean Slate Forest Management Project, BLM MDO

Scoping (same as ID team for PWFMP EA?) - Timber Sale, DOI-BLM-ORWA-M070-2018-0002-EA, <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=137790>
c/o Ferris Fisher, Planning & Envir. Coordinator, Grants Pass Field Office, MDO, Email: ffisher@blm.gov.

II. EMAIL AND/OR HARD COPIES TO POTENTIALLY INTERESTED PUBLIC (Wanting to Learn About National BLM NEPA Handbook; distribution in not limited to the following)

Mike Walker's list of a selected interested public is narrow and focuses on the public that might be interested in knowing more about the present October 25, 1988 *BLM National Environmental Policy Act Handbook H-1790-1* as it applies to local BLM MDO NEPA actions. Many times he was not able to find email addresses for those identified. Please share this communication with them if possible, and/or others that might be interested in learning more about the BLM NEPA handbook.

He advises the Deer Creek Valley Natural Resources Conservation Association (DCV) about NEPA on an ad hoc voluntary basis with discussion requirements, and restrictions for health issues. He could be available to any interested public to discuss their NEPA questions under the same ground rules, pro or con on values to BLM's proposed NEPA actions, just as long as the main focus is understanding the BLM NEPA handbook. Walker is not a member of the DCV organization and is acting in the capacity of a private citizen and voter, and as the Chair of the Hugo JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society (HNA&HS) (Appx. A, chaps. I & II).

Mike Walker, Chair
Hugo JS&PSS Exploratory Committee, HNA&HS, P.O. Box 1318, Merlin, Oregon 97532
541-471-8271, Email: hugo@jeffnet.org
Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>.

He can, as he has acted in this independent NEPA advisor capacity (e.g., this communication, Attach. 1, etc.) before, and will again. Regardless that this communication focuses on "Analyzing Effects Methodology" and public access to ID team members (NEPA Issue 5), it is a blueprint of NEPA CI authorities that could involve any public with their own CI NEPA challenges to access BLM NEPA issue information.

The BLM's NEPA compliance responsibilities for the CI/PI purpose of NEPA's procedural mandate require ID team members to be accessible to the public when "Analyzing Effects Methodology" questions to BLM management, including the ID team leader, are not responsive in describing the effects methodology(ies) so that the reader can understand how the analysis was conducted and why the particular methodology was used.

The ultimate goal is to develop a "Welcome to the BLM NEPA Handbook Email Forum". This would be place to come if you want to share your NEPA experience, or ask NEPA email-related questions. Please note that this forum would be independent and not associated with any particular provider, or advocacy group, except perhaps those promoting CI in NEPA applications. This could start out as an email string.

DOI-BLM-ORWA-MO70-0006-2016-EA Pickett West Forest Management Project (PWFMP) Environmental Assessment (EA)

- Participants Providing Comments on DOI-BLM-ORWA-MO70-0006-2016-PWFMP EA
 - Mary Camp, President
Deer Creek Valley Natural Resources Conservation Association (DCV)
2100 Thompson Creek Rd, Selma, Oregon 97538
541-597-4313, Email: maryc@rogueriver.net
 - Serena Barry, Vice-President DCV, Email: serena.r.barry@gmail.com

- Orville Camp as DCA Advisor, Email: c/o Mary Camp
- Frederick Mittleman, Chair Illinois Valley Activity Section, Sierra Club
PO Box 713, Selma, OR 97538
c/o Elaine Wood Illinois Valley Chair, Email: elayne2@frontiernet.net
Rogue Group, Oregon Chapter Sierra Club
- Klamath Siskiyou Wildlands Center (KSWC)
3185 E Main St, Ashland, OR 97520, 541-488-5789
- Joseph Vaile, Executive Director, KSWC, Email: joseph@kswild.org.
 - Tim Ream, Program Director, KSWC, c/o Joseph Vaile.
 - George Sexton, Conservation Director, KSWC, c/o Joseph Vaile.
 - Rich Nawa, Staff Ecologist, KSWC, c/o Joseph Vaile.
 - Laurel Samson, Treasurer, KSWC, c/o Joseph Vaile.
- Participants Providing Comments as Academics and/or with A Scientific Organizational Approach
 - John Talberth, President and Senior Economist. Center for Sustainable Economy (CSE). 2016 Protest of BLM's Proposed Resource Management Plan and Final EIS for Western Oregon. CSE spends considerable resources developing its expertise and reputation for critiquing economic analyses in the NEPA process; non-disclosure of key economic and environmental information thus undermines CSE's activities and mission. Email: jtalberth@sustainable-economy.org; <http://sustainable-economy.org/wp-content/uploads/2016/05/RMP-Protest-CSE.pdf>
 - Pickett West Not Best Use of Public Resources, Letter to the Editor, Grants Pass Dailey Courier
 - Christine Perala Gardiner, Ph.D. watershed scientist, Cave Junction, July 25th, 2017?
 - Dominick DellaSala & Chad Hanson, Ph.D.s, "*The Ecological Importance of Mixed Severity Fire*"
- Participants at BLM DOI-BLM-ORWA-MO70-0006-2016-PWFMP EA Meetings
- Forestry/Wood Products Industry From 2017 Newspaper Articles (Appx. A, Sec. III.B)
DOI-BLM-ORWA-MO70-0006-2016-EA PWFMP Environmental Assessment (EA)
 - Ron Ruby, Vice Chair of Southern Oregon Resource Alliance. <https://soranews.com/>
 - Steve Swanson, President of Swanson Group. <http://www.swansongroup.biz/contact/>
 - Boise Cascade of Medford. <https://www.bc.com/locations/medford-plywood/>
 - Murphy Company of Rogue River. <http://murphyplywood.com/about/>
- DOI-BLM-ORWA-MO70-0006-2016-EA PWFMP Environmental Assessment (EA)
 - Luke Ruediger. The Siskiyou Crest. November 28, 2017 Bark Beetles, Timber & the BLM in the Applegate Valley; November 10, 2017 Pickett West Units Withdrawn, New Timber Sale Proposed by BLM. Email: iskiyoucrest@gmail.com; <http://thesiskiyoucrest.blogspot.com/>
 - Klamath Forest Alliance (KFA). <https://www.klamathforestalliance.org/index.html>. KFA Forest Program-Public Lands: Our forest watch program activists and staff monitor and comment on Forest Service and BLM timber sales, grazing allotments, and mining proposals throughout the Klamath region. <https://www.klamathforestalliance.org/forestprog.html>
 - Applegate Neighborhood Network (ANN). Current Project: Pickett West Timber Sale. <http://www.applegateneighborhood.net/>
 - Cathy Seitz, Cave Junction (newspaper article)
 - Nya Barton & Ian Barton (newspaper article)
 - Ralph Bloemers, Co-Executive Director Crag Law Center, 917 SW Oak, Suite 417, Portland, OR 97205. 503-525-2727. Email: ralph@crag.org (newspaper article)

Forestry/Wood Products Industry Priorities: Priority 1. Accelerate the Scale and Pace of NEPA Planning in Dry National Forests in Eastern and Southern Oregon

- **Forestry/Wood Products
Oregon Business Plan**

<http://www.oregonbusinessplan.org/industry-clusters/about-oregons-industry-clusters/forestry-and-wood-products/>
c/o John Tokarczyk, Policy Analyst, Forest Resources Planning
Oregon Department of Forestry, 2600 State Street, Salem, Oregon 97310
503-945-7414, Email: jtokarczyk@odf.state.or.us

Industry Priorities and Initiatives: Manage Oregon's public forests to restore ecosystem health, protect society from wildfire, improve rural economic vitality, and increase utilization of biomass energy.

1. **Accelerate the scale and pace of NEPA planning in dry national forests in eastern and southern Oregon so that forest management activity can occur to restore ecosystem health, protect from wildfire, and revitalize rural economies** (emphasis added).
2. Support state and federal leaders' efforts to resolve the Oregon & California Lands issue to increase active management, restore sustainable timber harvest, and revitalize rural economies
3. Protect rural jobs and communities by increasing the state's wildfire initial attack capacity, addressing the affordability of protecting lower-productivity eastside lands; and phasing in a public-private funding partnership for large fires
4. Engage with state agencies identified in the Governor's Executive Order No. 12-16 to promote wood products as a green building material, encourage innovative use of wood products and increase markets for Oregon wood products
5. Implement the recommendations of the state's new Forest Biomass Strategy and continue state and federal support to develop Oregon's biomass industry
6. Promote sustainable harvests from state forests, especially in depressed coastal communities

Who Is Involved?

- Businesses
- Industry Associations
 - Association of Oregon Loggers
 - Oregon Forest Industries Council
 - Oregon Small Woodlands Association
- Education and Research Institutions
 - Institute for Natural Resources
 - Oregon Built Environment & Sustainable Technologies Center
 - Oregon Forest Resources Institute
 - Oregon State University College of Forestry
 - Oregon Wood Innovation Center – Oregon State University's College of Forestry and Extension Service
- Nonprofit Organizations
 - Defenders of Wildlife
 - Sustainable Northwest
 - The Nature Conservancy
- State Government Agencies
 - The Oregon Business Development Department
 - The Oregon Department of Forestry
 - The Oregon Department of Energy

Oregon Universities/Colleges: Public Participation In Community & Regional Planning Interests

University of Oregon (UO)

. Rich Margerum, Head of School and Professor, Email: rdm@uoregon.edu, School of Planning, Public Policy and Management. Email: pppm@uoregon.edu, <https://pppm.uoregon.edu/>.

Peterson Nicole. December 2012. *Public Participation In Community And Regional Planning*. Masters of Community and Regional Planning Exit Project Document. School of Planning, Public Policy and Management Department, University of Oregon. Eugene, OR. <http://www.hugoneighborhood.org/ci.htm>.

Oregon State University (OSU)

. Brent S. Steel, Director School of Public Policy, OSU. Email: bsteel@oregonstate.edu.

<http://liberalarts.oregonstate.edu/spp/mpp>.

. Rich Sandler, Program Coordinator, Rural Studies Program, OSU. Email: rsp@oregonstate.edu.

<https://appliedecon.oregonstate.edu/users/richard-sandler>

. Bruce Weber, Emeritus Professor & Director Rural Studies Program, OSU. Email:

<https://ruralstudies.oregonstate.edu/>.

Davis, Nathan. Presented June 10, 2016, Commencement June 11, 2016. *Citizen Perceptions of Public Safety Levies in Josephine County, Oregon: A Test of Group Engagement Theory*. Masters of Public Policy (MPP) Essay, Submitted to Oregon State University In partial fulfillment of the Requirements for the degree of Master of Public Policy. Corvallis, OR. http://www.hugoneighborhood.org/JSPSS_Studies.htm.

Rogue Community College

• Henry Wisniewski, Faculty, Social Science & Human Services Department, Rogue Community College

Email: Hwisniewski@rogucecc.edu; <http://www.rogucecc.edu/>.

Josephine County Elected and Appointed Officials

This group may not have been involved in the BLM's local MDO PWFMP and OI-BLM-ORWA-MO70-0006-2016-EA process. It could include the following interests: 1. Local government responsibilities such as providing services with reduced revenues, 2. Public interested in public safety services provided by the government, 3. Public interested in promoting employment opportunities, 4. Forestry/Wood Products Industries.

Josephine County Board of County Commissioners

- Simon Hare, Chair
- Lilly Morgan, Vice-Chair
- Dan DeYoung, Commissioner

Other Josephine County Elected Officials

- Dave Daniel, Sheriff, Josephine County Sheriff's Office, Josephine County
- Ryan Mulkins, District Attorney, Josephine County
- Connie Roach, Assessor, Josephine County
- Rhiannon Henkels, County Clerk & Recorder, Josephine County
- Peter Allen, Surveyor, Josephine County
- Eve Arce, Treasurer, Josephine County
- Wally Hicks, Legal Counsel, Josephine County

Josephine County Management Team

- JO CO Management Team, c/o Rob Brandes, Director, JO CO Public Works Department
- Nate Gaيران, Director JO CO Community Corrections.
- Cheryl Walker, Interim Public Health Director, JO CO Public Health Department.
- Julie A. Schmelzer, Community Development Director, JO CO Planning Office
 - James C. Black, Planner III, JO CO Planning Office
- Sarah Wright, Parks Director JO CO County Parks Department
- Jim Goodwin, Director JO CO Juvenile Justice.
- Larry Graves, Manager JO CO Airports.
- David Streeter, Forestry Timber Manager JO CO Forestry (no email, sent to JO CO BCC).
- Ryan Johnson, JO CO Building Operations Manager.
- Connie Roach, Assessor JO CO Assessor's Office.
- Arthur O'Hare, Finance Director JO CO Finance Department.
- Robert Rice, Building Safety Director, JO CO.
- Lisa Pickart, Program Manager JO CO Veterans Service Office.

Attachments

Attach. 1. EA Testimony Comments June 20, 2017 Letter/Email to Don Ferguson, Public Information Specialist, BLM Grants Pass Interagency Office from Mike Walker, Chair Hugo Justice System & Public Safety Services (JS&PSS) Exploratory Committee, Hugo Neighborhood Association & Historical Society. 64 pages. The subject of the letter/email and those copied, appendices, and references are below.*

Attach. 2. Administrative Protest September 5, 2017 Letter to Allen Bollschweiler, Field Manager, Grants Pass Resource Area, Medford District BLM, from Deer Creek Valley Natural Resources Conservation Association, Re: Administrative Protest of Decision Record#1 and Associated Pickett West Forest Management Project Environmental Assessment (DOI-BLM-ORWA-M070-2016-006-EA) and the Final Finding of No Significant Impact (FONSI). Administrative Protest 253 pages.

Attach. 1* June 20, 2017 Letter/Email to BLM Medford: Subjects & Persons Copied

Subj: Public Comments For the DOI-BLM-ORWA-MO70-0006-2016-EA Pickett West Forest Management Project Environmental Assessment (EA).
Subj: BLM's Responsibilities For Public Involvement (PI) Purpose Of National Environmental Procedures Act's (NEPA) Procedural Mandate Requires Interdisciplinary (ID) Team Members To Be Accessible To The Public.
To: Don Ferguson, Public Information Specialist, BLM Grants Pass Interagency Office.
Copied: Elizabeth Burghard, BLM Medford District Office District Manager.
Copied: Allen Bollschweiler, BLM Grants Pass Interagency Office Field Manager.
Copied: Mary Camp, President, & Serena Barry, Vice-President, Deer Creek Valley Natural Resources Conservation Association.

Attach. 1* June 20, 2017 Letter/Email to BLM Medford: Appendices

Appendix A. National Environmental Procedures Act's (NEPA) Procedural Requirements.
Appendix B. Interdisciplinary Team's Responsibilities for Public Involvement From BLM National Environmental Policy Act Handbook H-1790-1 (April 24, 2008).
Appendix C. USDI *PEP – Environmental Statement Memorandum No. ESM 13-131* (January 7, 2013).
Appendix D. A Citizen's Guide to the NEPA: Having Your Voice Heard.
Appendix E. The Hard Look and Bald Conclusions.

Attach. 1* June 20, 2017 Letter/Email to BLM Medford: References

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2013. USDI Office of Environmental Policy and Compliance (OEPC). January 7, 2013. *PEP – Environmental Statement Memorandum No. ESM 13-131: Standard Checklist for Use in Preparing National Environmental Policy Act (NEPA) Documents and for Complying with NEPA*, Council on Environmental Quality, and Departmental Procedures. Washington, D.C. (USDI OEPC. 2013).

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**Appendix A. BLM Planner's Perspective:
BLM Evolutions In Promoting and Enabling Citizen Involvement (CI) &
Citizen (CP) Participation**

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**Appendix A. BLM Planner's Perspective:
BLM Evolutions In Promoting and Enabling Citizen Involvement (CI) &
Citizen (CP) Participation**

I. BACKGROUND

There are things in life that we have just accepted – good things, excellent things, and difficult things, unfair things for which we have no explanation. But the time may come when we're forced to confront the "why" questions. We may either accept the fact that we have no answers or perhaps come up with answers that may later be proved wrong. That takes us back to square one. Is it possible to find the answers we need? What do we personally have control over?

Michael L. Walker was a BLM Planner and/or a BLM Environmental Protection Specialist for 20 plus years, including the lead BLM Nevada State Office NEPA planner for EISs. During his entire federal civil service career he was professionally involved with the responsibilities for planning and the National Environmental Policy Act (NEPA).

Congress enacted NEPA December, 1969, and President Nixon signed it into law on January 1, 1970. This was a few years after Walker, a generalist, received a B.S. in Natural Resources, from Oregon State University (OSU) in 1966. His interest in natural resources was because he had grown up on a dirt farm in Josephine County, Oregon and probably would have been a farmer if he could have made a living. NEPA was the first major environmental law in the U.S. and is often called the "Magna Carta" of environmental laws. Importantly, NEPA established this country's national environmental policies. In 1967 - 1969 Walker was a U.S. Navy pilot, but his first real job in 1966 upon graduating from university was a county planner responsible for the local government's planning process, including CI.

- 1966 - 1967. Assistant County Planner, Josephine County, Oregon.
- 1967 - 1972. Officer in the United States Navy. Aviator, Vietnam conflict.
- 1975 - 1979. Community Planner & Interdisciplinary (ID) EIS Team Member, BLM Alaska Outer Continental Shelf Office, Anchorage, AK.
- 1979 - 1981. Environmental Protection Specialist, BLM Nevada State Office, Reno; Staff leader for NEPA Standards in EISs
- 1981 - 1984. Technical Publications Writer/Team Member, BLM Medford District Office (MDO) for EAs.
- 1981 District Planning Coordinator, BLM MDO.
- 1985 - 1986. Environmental Specialist, BLM MDO. Team Leader for the MDO RMP/EIS effort and Team Leader of a supplemental EIS for the Jackson/Klamath and Josephine Timber Management EISs.
- 1986 - 1990. Environmental Specialist, BLM MDO. ID team member responsible for the Technical Coordinator functions of developing the BLM MDO's RMP/EIS and as an ID team member responsible for writing the section on the rural interface areas (RIAs). The formal RIA issue was new and without precedent in RMP/EIS planning.
- 1991 - 1997. Resource Area Outdoor Recreation Planner, MDO ID Team Leader for Recreation EIS.
- 1997. Retired from federal civil service career.
- 1998 - 2017. President of NEPA Design Group (see Section II.A 2004 resume goal).
- 1999 - 2017. Secretary and/or Education Chair, Hugo Neighborhood Association & Historical Society (HNA&HS). Advocate for Oregon Statewide Goal 1 - Citizen Involvement.
- 2013 - 2017. Chair, Hugo Justice System & Public Safety Services (JS&PSS) Committee, HNA&HS (<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>).

In 1973, after his Navy tour, Walker was introduced to Oregon Senate Bill (SB) 100 while working on a M.S. in the Resource Geography Department at OSU. His M.S. program emphasis was in water resources and land use techniques. Oregon SB 100 created an institutional structure for statewide planning. It required every Oregon city and county to prepare a comprehensive plan in accordance with a set of general state goals. While preserving the principle of local responsibility for land-use decisions, it established and defined a broader public interest at the state level. Oregon's Statewide Planning Goal 1: Citizen Involvement is to develop a CI program that insures the opportunity for citizens to be involved in all phases of the planning process. In 1975 his Ph.D (abd) goal in Urban Planning/Resource Geography at the University of Oregon and OSU was interrupted after securing a community planner job in Alaska working for the BLM Outer Continental Shelf Program (i.e., G.I. education funds were depleted).

In NEPA's early years without regulations, legally binding on federal agencies, found the courts playing the prominent role in interpreting and, in effect, enforcing NEPA's requirements since its enactment. Title I of NEPA contains a "Declaration of National Environmental Policy." Title I, Section 101 policy (i.e., substantive) requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony. Title I, Section 102 policy (i.e., procedural) requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach.

Beginning almost immediately and continuing into the early 1980s, the courts emphasized agency compliance with NEPA's procedural requirements (i.e., Title I, Section 102) but did little to delineate specific compliance requirements connected to NEPA's substantive environmental policy (i.e., Title I, Section 101) goals (Attach. 1, Appx. A).

Authority to promulgate regulations to implement NEPA's provisions was not expressly included among the duties and responsibilities given to CEQ under NEPA even though President Nixon issued an Executive Order (EO) on March 5, 1970 authorizing CEQ to issue "regulations" for the implementation of the procedural provisions of the act. However, the EO did not extend to CEQ the authority to make these regulations legally binding on federal agencies. Therefore, they would serve only as guidance for compliance. During the mid-1970s, frequent complaints were raised regarding the delays that the NEPA process was perceived to cause in the decision-making process. Some observers attributed these problems to a lack of uniformity in NEPA implementation and uncertainty regarding what was required of federal agencies. Also, in response to increasing NEPA-related litigation, agencies often produced overly lengthy, unreadable, and unused EISs.

In an effort to standardize an increasingly complicated NEPA process, President Carter amended President Nixon's Executive Order May 24, 1977, directing CEQ to issue regulations that would be legally binding on federal agencies (Attach.1 Appx A).

- Congressional Research Service (CRS), The Library of Congress. November 16, 2005. *The National Environmental Policy Act: Background and Implementation*. CRS Report for Congress. (CRS. 2005)

To implement America's national environmental policies, NEPA requires federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions. Two major purposes of the environmental review process are better informed decisions and citizen involvement, both of which should lead to implementation of NEPA's policies (Attach. 1, Appx. D).

- Council on Environmental Quality, Executive Office of the President. December 2007. *A Citizen's Guide to the NEPA: Having Your Voice Heard*. Washington, D.C (CEQ. 2007).

Council on Environmental Quality (CEQ) Final Regulations for Implementing the Procedural Provisions of the NEPA, 40 C.F.R. parts 1500-1508: November 29, 1978. There are updates. By 2008 the following, along with court opinions (Attach. 1, Appx. E for NEPA hard look and bald conclusions standards), were the BLM's primary legal NEPA requirements.

- The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347).
- Council on Environmental Quality regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508): 1978.
- Council on Environmental Quality Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act regulations (46 Fed. Reg. 18026 (March 23, 1981)).
- Department of the Interior regulations for Implementation of the National Environmental Policy Act (NEPA) of 1969, at 43 CFR Part 46.
- Department of the Interior, Departmental Manual (Part 516 DM, Chapters 1-15).
- Individual bureau and office NEPA handbooks (i.e., *BLM National Environmental Policy Act Handbook H-1790-1*: January 30, 2008).

Under NEPA the analytical earth is the "Human environment" composed of four broad categories or environments.

- Natural.
- Physical.
- Social.
- Economic.

40 CFR §1508.14 Human environment. "Human environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (§1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

40 CFR §1508.8 Effects. "Effects" include:

- (a) Direct effects, which are caused by the action and occur at the same time and place.
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may

also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

40 CFR §1508.7 "Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

In 1978 NEPA's CI standards were a combination of traditional technocratic expert lead public hearings focused on receiving public testimony, and innovative methods, especially public scoping requirements and high quality analysis information to be made available to the public. In 2005 the Congressional Research Service, Library of Congress, published a report for the U.S. Congress, *The National Environmental Policy Act: Background and Implementation*. The report identified four purposes of the NEPA process, two of which address public involvement (CRS. 2005, p. 11).

- Ensure that the environmental information made available to public officials and citizens is of high quality (i.e., includes accurate scientific analysis, expert agency comments, and public scrutiny).
- Facilitate public involvement in the federal decision-making process.

The following CEQ NEPA regulations make it clear that NEPA's statutory scheme clearly envisions meaningful CI in the NEPA process. The regulations are also a mandate applicable to, and binding on, all federal agencies, including BLM, for implementing the procedural provisions of NEPA (40 CFR 1500.3; 40 CFR 1500.6; see Attach. 1 for full list).

- 40 CFR 1500.1(b), the purpose of NEPA is to "ensure that the environmental information made available to public officials and citizens is of high quality (i.e., includes accurate scientific analysis, expert agency comments, and public scrutiny).
- 40 CFR 1500.2(b) requires "all Federal agencies, including BLM, 'to the fullest extent possible' . . . "Implement procedures to make the NEPA process more useful to decisionmakers and the public."
- 40 CFR 1500.2(d) requires "all Federal agencies, including BLM, 'to the fullest extent possible' . . . "encourage and facilitate public involvement in decisions which affect the quality of the human environment."
- 40 CFR 1501.4(b) requires agencies to involve the public "to the extent practicable" in preparing an EA.
- 40 CFR 1506.6 Public involvement. Agencies, including BLM, shall:
- 40 CFR 1506.6(a) requires that Federal agencies shall "Make diligent efforts to involve the public in preparing and implementing their NEPA procedures."

However, beyond NEPA's scoping and high quality analysis information requirements, the minimum legal CI program was the traditional – public hearings, including review and comment procedures. A few common public observations on the potential barriers/constraints to CI/CP in NEPA follow.

- NEPA planning professionals, with public policy responsibilities have institutionalized the practice of public meetings and hearings as the method to involve the public in planning.
- The government must want to seek participation as much as the participants want to give it, and citizens are less likely to participate if the political environment is not positive and accepting of input.
- The models of "citizen leadership," "technocratic expert," and "bureaucratic indifference" provide different theoretical perspectives to think about how professional administration affects managers' behavior in regard to involving citizens in the NEPA process.
- The mechanisms and motivations within the positions of BLM managers and ID team members shape the adoption of CI/CP.

- Ultimately the differences between the methods legally required and collaborative approaches include: one-way talk vs. dialogue; elite or self-selected vs. diverse participants; reactive vs. involved at the outset; top-down education vs. mutually shared knowledge; one-shot activities vs. continuous engagement; and use for routine activities vs. for controversial choices.
- The one-way flow of information in public hearings on proposed policies, the ‘review and comment’ methodology – government decide on the policy, then introduce it to the public in a public hearing – is a poor educational vehicle for complex topics, not to mention grossly inadequate as a persuasion tool, but is still used extensively.

It is time to face facts we know, but prefer to ignore. Legally required methods of public participation in government decision making in the US – public hearings, review and comment procedures in particular – do not work. They do not achieve genuine participation in planning or other decisions; they do not satisfy members of the public that they are being heard; they seldom can be said to improve the decisions that agencies and public officials make; and they do not incorporate a broad spectrum of the public. This pattern makes it even more difficult for decision makers to sort through what they hear, much less to make a choice using public input.

At high cost, winning the hearts of the citizens by meeting with them regularly and ultimately gaining their trust and friendship may be the only way that government can promote its policies, where anti-government sentiment runs high.

II. BLM CITIZEN INVOLVEMENT IN NEPA: EARLY 1980s

A. Walker's BLM Planner/NEPA Role

While employed at the BLM Medford District Office (MDO), many times folks, in and out of BLM, tried to figure out if Walker's planning and NEPA values matched the reasons they were involved (i.e., management of public BLM-administered lands). There was relatively little confusion when he was a BLM employee – everyone had their own unfiltered ideas about the BLM's legal mission (i.e., sustained yield, multiple-use, etc.), and of BLM and USFS employees' and citizens' NEPA responsibilities.

- The Oregon and California Revested Lands Sustained Yield Management Act of 1937, commonly referred as the O&C Act.
- Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974.
- National Forest Management Act (NFMA) of 1976.
- Federal Land Policy and Management Act (FLPMA) of 1976.
- Other laws which mandate public involvement in federal land planning.
- NEPA's legal authorities (Chapter I, Appendix A).

While at BLM Walker's major planning and NEPA values were not pro or con resource extraction/use and/or protection for the physical and natural earth elements (40 CFR §1508.14). His main job was NEPA Title I, Section 102 procedural policy which requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach, and to involve the public in that process.

His disposition was toward the precautionary principle when thinking of the physical and natural earth elements (i.e., when he thought necessary he promoted the CEQ's worst case analysis), and favored analyzing the local socio-economics for local community job impacts (40 CFR §1508.14). For the "Human Environment", the question was, "How to consider the impacts of human activities with the position of "inside" agency employment?" His method of attempting balance was trying to be an objective bureaucratic planner focusing on the planning process, not the ultimate decisions – trying to educate the public about BLM's traditional CI planning program while it performed its NEPA responsibilities, that was his job. He would refine this approach as a retired federal employee.

B. Walker, Private Citizen

Many were confused and some were suspicious when he became a federal retiree in 1997 and a private citizen (i.e., a few citizens wondered how they could trust an ex-BLM employee). By November 2, 2004 Walker's planning goal written on his resume was the following.

I am interested in helping land owners become part of their neighborhoods by being involved in decisions affecting the livability of their communities and the sustainable use of the environment. I believe neighbor's involvement, understanding, and ownership in their community's resources will contribute to improve their overall quality of life. My most important job in building healthy, sustainable communities is to help citizens take charge of their own future. My professional strengths are skills in coordinating input and ideas from the public and leading land use planning and environmental analysis teams in projects and plans.

C. BLM MDO Herbicide Wars

This section provides background on the CI/CP setting of the US Forest Service (USFS) and BLM in accomplishing their forestry management programs in Oregon, with specific examples for the BLM MDO. The framework issues are government frustration to effectively perform their jobs struggling for solutions, and public mistrust in government and hope for a better future.

In 1981 Walker arrived at the BLM MDO in a new job as a “Technical Publications Writer” and ID team member for EAs from the BLM Nevada State Office as the staff lead for EISs. Ronald Reagan became the 40th President of the U.S. that same year serving from 1981 to 1989. It was just in time for the local “Herbicide Wars,” increased citizen protests and appeals of BLM and USFS timber sales, and a ground swell of federal agencies trying to involve the public differently in their NEPA planning projects. For example, the USFS was experimenting with building consensus among concerned citizens with the following CI goals (Mason 1982).

1. Establish communication between polarized public(s) (i.e., build communication bridges).
2. Increase understanding of varying viewpoints (i.e., see the world from another’s view point; see the mouse-hole story attached).
3. Build trust and rapport (i.e., breaking stereotypes, us and them; encounter each person’s humanness; counter the “Zigernick” effect - Social psychologist, Zigernick, observed that people tend to focus on the small percentage of disagreement and ignore the much larger percentage of agreement between them).
4. Apply trust and rapport to specific issues, seeking a “full circle” consensus resolution (“Let us therefore make every effort to do what leads to peace and mutual edification.” Romans 14.19 (NIV)).

That same year in August 1981, Oregon Senator Mark Hatfield clearly spoke to the U.S. Senate about the innovative USFS Region 6’s CI approaches needed in planning and NEPA. He noted the FS was using some new, unconventional approaches to resolving land management issues and to deal with the present polarization. The method being utilized was consensus-building workshops. He stated that “*The Forest Service is bringing together groups of their own employees with representatives of wilderness and timber industry groups, encouraging these individuals to look beyond their own particular positions, to learn more about those people they have recognized only as adversaries, to understand the other point of view, and to propose positive, creative solutions to land management conflicts.*” He wanted to encourage those who have been involved thus far on the Willamette National Forest to continue their involvement, and to urge other national forest managers and those of the BLM to look at this creative approach (See Appx. A, Attach. 1 for Senator Hatfield’s entire Congressional Record - Senate statement: *Building Consensus on National Forest Management: 1981*).

Senator Hatfield’s view of the USFS’s efforts building consensus and urging the BLM to look at this creative approach fit Walker’s planner needs. The following bullets from Senator Hatfield’s Congressional Record caught his attention.

- Decisions on the use of Federal land resources affect nearly every aspect of life in Western communities, including the economy, recreation, esthetics, wildlife, water quality, supply of lumber, essential minerals and energy.
- The essential question remains: How do the management agencies carry out the laws? We all know that formal public meetings can be conducted in which the public has the opportunity to participate, and that these often result in frustration on the part of all those involved, even with a good faith effort on the part of

the agency. **This is often due to a complex decisionmaking process, a failure to understand the terms involved, and a feeling of polarization on the part of many interested groups and citizens** (emphasis added).

- New, unconventional approaches to resolving land management issues and to deal with the present polarization are needed.
- This is a major undertaking which requires true commitment and patience.
- It is often **difficult to set aside the traditional methods of problem solving which one has practiced all of one's life** (emphasis added), but I believe these times demand that we utilize new techniques which offer true opportunities for public involvement in critical issues.

The first major organizational task Walker completed was documenting the process for accomplishing his job (Technical Publications Writer and ID Team Member for EAs) through the development of a September 1982 *Preparation Plan: Jackson/Klamath Sustain Yield Units Fiscal Year 1984 Timber Sale Environmental Assessments* (approx. 50 pages).

“The purpose of this Environmental Assessment (EA) preparation plan is to document the planned scope of analysis concerning the Jackson/Klamath Sustained Yield Units (J/K SYUs) fiscal year 1984 timber sale EAs. It provides the basis for communications within the Medford District as to the nature and scope of the EAs, including the proposed action and alternatives, the jurisdictions, coordination needs, and the problems and issues associated with the actual preparation of the EAs. It was prepared through interdisciplinary staff discussions and consultations with Bureau officials. It is considered a “working draft” because it will be reviewed and probably revised on the basis of comments. However, it represents an integration and synthesis of many ideas, concepts, and applications from district experience in the NEPA process. Most of the ideas and concepts have been tested in a field situation over the past two years and in reality represent operational processes currently in effect.”

The Land-Use Fight That Didn't. American Forests. November 1983. All of the ingredients for another major fight between conservationists and the FS were present: proposed timber sales in a popular river canyon that offered a variety of recreational opportunities, acres of old-growth timber, and a rushing whitewater river near a Wilderness area. It could have been a battleground . . . but it wasn't. Instead of fighting with the traditional war of words – letters, petitions, appeals, and court suits – those involved decided to talk. More important, they listened to each other in hopes that a compromise could be worked out.

The Willamette National Forest uses a process called Consensus Building in its public-involvement efforts. The process goes beyond typical public involvement efforts by developing strategies that enable traditional polarized interests to understand opposing viewpoints and to work toward a mutually agreeable resolution of their differences.

How do you feel about the South Fork Process? **Sometimes the process used to reach a goal is as significant as the end result itself** (emphasis added). That was certainly the case in South Fork Corridor land-use controversy. Initially, the controversy showed signs of developing along traditional lines leading to emotionally charged confrontations, generating a lot of heat, frustration, and polarization but little satisfaction. Early on, however, key leaders chose to try to negotiate – to seek a consensus compromise. Though several people were very skeptical, it worked. A satisfactory compromise was reached, enabling both sides to feel like winners. Here's how some of the participants felt about it afterward.

Anne Montgomery – Task Force Member, Obsidians, Natural History Society, Eugene Resident.

- “**If you engage in the more traditional win-lose approach of conflict resolution, you must remember that even if you end up a winner this time, the loser won’t go away** (emphasis added). He or she will usually come back at you the next time bearing a grudge, ready to get you. Consensus building is an idea whose time has come.”
- “Some advice I have for others who want to use this process is:
 1. Be able to work with your own group to reach a consensus before you approach the other party.
 2. Be willing to work with the other party to reach a consensus before you approach the other party.
 3. Keep your main goal in mind; don’t get sidetracked on less important issues.
 4. **Keep a record of all meetings** (emphasis added). Immediately write down the position as it is formulated so all can see it and consider it. It provides physical evidence of the process. It also enables all to be sure that they are clear about what is being agreed upon.”

Ben Ross – Task Force Facilitation, Obsidians, Natural History Society, Friends of Three Sisters, Oregon Natural Resources Council, Eugene Resident.

- “You need to build a consensus among your own group early on so you can present a united front at the start. In the usual approach to public involvement, groups submit comments independently of each other and the Forest Service has to try and recognize the differences between them.”
- “If the compromise alternative is selected by the Forest plan, I’ll feel damn good because that section of the Forest will be saved for public enjoyment. And it will demonstrate that we can work with the Forest Service – that we’re not wasting our time in trying to talk with the agency. It creates tremendous good faith. It’ll show us that the Forest Service is serious about consensus.”

Rolf Anderson – Willamette National Forest, Planning and Programming Staff Officer, Junction City Resident.

- “This is making the most of public involvement, because we now have a very specific, **understanding alternative** (emphasis added) that both the Forest Service and the public have agreed we can work with. It’s the ultimate in public participation, but it takes time and effort from all involved.”

Judy Baker – Task Force Member, McKenzie Gardians, McKenzie River Area Resident.

- “Jim Caswell [USFS Ranger] did a lot of work to make people feel they could trust him. I give him a lot of credit for being open and forthright and for giving people hope that it wasn’t all going to be for nothing, that something good was going to come out of it. Jim made people feel we could work on their problems weren’t insurmountable. At the same time he always let us know that the final decision wasn’t solely up to him.”
- “**When you can avoid viewing the other side as adversaries, it makes a big difference in the process and the product.**” (emphasis added)
- “I just never realized all the work the Forest Service does behind the scenes on management actions such as these. This was the first time I ever really understood how much work actually goes into it.”

Phil Hamilton, Planning Process Coordinator, BLM Oregon-Washington State Office, provided a two page report on a USFS “Consensus Skills Workshop he had attended December 4 - 7, 1984 (Hamilton 1984). Among other observations was the following.

“The process has been, and is being, applied by the USFS to a number of issues in the Northwest. Specific current examples in Oregon include a controversy involving proposed timber harvest along the Metolious River, **a controversy about land uses on Eight Dollar Mountain near Grants Pass (involving some BLM administered lands embracing a potential ACES)** (emphasis added), and the Hardesty Mountain conflict (i.e., where trees were spiked).

Paul Kangas, Chief Branch of Forestry, BLM MDO, was ahead of the accepted public participation approach for his work unit, and considered setting aside the legal traditional methods of problem solving BLM was using. He demonstrated this with a graduate paper he wrote entitled, *Western Oregon Bureau of Land Management, A Test Program For Gaining Positive Public Participation Into B. L. M. Vegetative Management* (Kangas ca 1984). Walker is

not sure whether the course was paid for by BLM MDO, but it made sense that it would have. Some of Kangas' ideas from his paper follow.

- The BLM program in Western Oregon is based on the multiple use principle.
- Most of the lands are highly fragmented O & C lands that present unique problems of co-ordination, property line determination, access, and public use.
- **Public is becoming more wary of federal programs in general** (emphasis added). They are afraid of programs that may harm the environment such as the herbicide program.
- People interested in resource planning are those directly affected by specific plans and are always interested, but this represents a minority and usually prejudiced view. Two other diametrically opposed groups face-off to management plans. These are the timber industry and the environmental groups.
- The BLM forestry program has suffered many setbacks in the last couple of years (e.g., timber sale court injunctions, reforestation program highly dependent on use of herbicides has had many stoppages or crucial delays, etc.).
- The **national controversy on clear cutting and herbicides have taken their toll on BLM** (emphasis added) in wasted time and dollars.
- There is little doubt that the current controversy over the use of herbicides has the effect of alienating the very public that the BLM is charged to serve.
- **The BLM may have poorly attended meetings to solicit public comments on their management plan, and later find staunch opposition to specific plans** (emphasis added).

Kangas observed that the opposition can be for many reasons besides the herbicide issue, but it is the one currently at the forefront. Delays and stoppages have made the program nearly inoperable. He asked: "What can be done to get the job done?" He answered: "A test program which would involve the local countryside residents in the planning and execution of the work in their local may be a starting point!"

From Kangas' point of view the issue was the following: "*The problem is viewed as the ineffectiveness of current BLM vegetative management programs due to public controversy.*" Using the Kepner/Tregoe Method, Kangas arrived at the following distinctions and changes thought to be the most urgent, serious, and timely summation of the problem.

1. Many people are becoming more concerned with values other than the forestry production program.
2. Forestry has become quite dependent upon herbicides to get plantations into rapid production following clear cutting.
3. Publicity about toxic herbicides has frightened people. Many of them live, use water from, and/or recreate in the forests.
4. A method which would accomplish desired results in forest production at similar cost would be acceptable.
5. [Acreage of area sprayed each year and cost from paper not included here].

Kangas asked some further questions; part of his answers follows.

1. How urgent is the problem?
 - I think it is not too soon to actively pursue alternative means of reducing vegetative competition and still maintain the production.
 - **The forestry production-herbicide controversy can easily lead to polarization in other management programs which will cost even more money and time** (emphasis added).
2. How serious is the deviation?
 - The herbicide problem is leading to a complete erosion of public trust in the forestry profession.
 - It has come to an "us or them" situation in some places. There has been talk of "shooting down" spray helicopters when they are seen in the forest. The problem is very complex and nurtured by publicity.
 - Many organizations have collected water samples in sprayed areas with negative results, but there are people who will swear they are being poisoned. This kind of problem escapes the boundaries of rationality.

- The controversies usually peg the government as the villain. **The morale of BLM employees who must deal with the problem has become quite low due to the continual frustration** (emphasis added).
3. What is the trend of the deviation and its potential over time? There are more people becoming involved in the controversial issues of forest management. As the land base shrinks over time more and more people surround and use the public lands, there will be an increasing interest in quality management. Although there will always be factions who will not like any management efforts, the trend is apparently toward non-abuse environmental and ecological values.

Increased Citizen Protests, Appeals, & Law Suits of BLM & USFS Timber Sales. In September 1983 Walker, Technical Publications Writer and ID Team Member, BLM MDO, for EAs had researched and published a 108 page NEPA document on *Case Histories Of Court Decisions Concerning Environmental Assessments* (Walker 1983). Citizen activism and legal actions across the U.S. was significant, and growing in Oregon, and for the BLM MDO's resource programs.

Use of Aerial Herbicides for Timber Production The public involvement problems identified in the work of Paul Kangas, Chief Branch of Forestry, BLM MDO, on the government's use of herbicides was not a prediction, but reality (Kangas ca, 1984). The following is from a BLM document entitled, *BLM - Oregon, Litigation Pending: October 1985*.

- Southern Oregon Citizens Against Toxic Sprays, *SOCATS v. Andrus* Civil No. 79-1098, US District Court, Oregon filed September 21, 1979. Issue and Kind of Case: Environmental, BLM MDO's herbicide spraying program. Status: BLM agreed to comply with court order to prepare a worst case analysis (WCA).
- Northwest Coalition Against Pesticides, *NCAP v. Block et al.* Civil No. 83-6273-E, Oregon, filed June 21, 1983 Issue and Kind of Case: All herbicide use n U.S. Forest Service Region 6 and BLM Oregon should be stopped. Status: BLM & USFS have agreed to prepare a WCA.
- *Bissonette v. Roseburg Lbr.* Case No. 81-6101-E. Issue and Kind of Case: Subpoena of district records. Issue: BLM employees allege adverse effects from exposure to 2, 4-D spraying by Roseburg, Lbr. Co.

In 1983 the saga continued in *Southern Oregon Citizens Against Toxic Sprays, Inc. v. Clark*, Nos. 83-3562; 83-3655 (9th Cir. December 2, 1983) and *Northwest Coalition for Alternatives to Pesticides (NCAP) v. Block*. 1984.

The court rules that the Bureau of Land Management's (BLM's) environmental assessment (EA) of its Oregon herbicide spraying program is deficient under the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations for failure to do a "worst case" analysis. The court rules that BLM must do a worst case analysis even though BLM believes that adverse health effects from the program are unlikely. Where, as here, the agency admits a lack of information on the probability of an effect, the agency must either supply the information or do a worst case analysis. Further, the court rules that registration of the herbicides under the Federal Insecticide, Fungicide, and Rodenticide Act does not exempt their use from NEPA review. The court rejects BLM's argument that only environmental impact statements (EISs) are subject to the worst case rule. Where an EA is intended to supplement an EIS, the EA and EIS taken together must provide the analysis required in an EIS including, if necessary, a worst case analysis (<https://elr.info/sites/default/files/litigation/14.20061.htm>).

Northwest Coalition for Alternatives to Pesticides (NCAP) v. Block, at al., No 83-6272-E (D. Ore. 1984). Any herbicide considered for vegetation treatment of National Forest lands within the jurisdiction of the U.S. District Court of Oregon must comply with the requirements of the Court's judgment in *Northwest Coalition for Alternatives to Pesticides v. Block*, Civil No. 83-6272-E-BU (D. Ore., 1984).

In summary, on March 1, 1984, the district court enjoined the BLM from using herbicides to control noxious weeds until the BLM completed a Worst Case Analysis pursuant to 40 C.F.R. Sec. 1502.22 (1985). *Northwest*, 673 F. Supp. at 1021. See also *Southern Oregon Citizens Against Toxic Sprays v. Clark*, 720 F.2d 1475 (9th Cir. 1983), cert. denied, 469 U.S. 1028, 105 S. Ct. 446, 83 L. Ed. 2d 372 (1984) (SOCATS) (requiring worst case analysis for BLM's herbicide spraying because of the scientific uncertainty as to safe levels of human exposure to herbicides); *Save Our Ecosystems v. Clark*, 747 F.2d 1240 (9th Cir. 1984) (worst case analysis for BLM and United States Forest Service (USFS) herbicide spraying program in Oregon held inadequate). <https://law.justia.com/cases/federal/appellate-courts/F2/844/588/79550/>. JUSTIA US Law.

According to Northwest Coalition Against Pesticides (NCAP), the laws in place – though inadequate – are due largely to the efforts of citizen activists and the lawsuits by groups such as NCAP, Southern Oregon Citizens Against Toxic Sprays (SOCATS), Save Our ecoSystems (SOS) and Oregon Environmental Council (<http://members.efn.org/~forestry/chp4.1.htm>).

In just one nine-month period in 1983-84, for example, Northwest federal courts issued six decisions finding federal agency programs in violation of laws that ensure sensible, reasoned decisions on spraying by public officials.²⁸ Courts clearly stated that irreparable harm to the environment must be presumed when the National Environmental Policy Act (NEPA) is violated. Citizens' groups have been successful in obtaining court injunctions and suspensions against spraying on many federal lands in Oregon, and have alerted the public to health hazards of many herbicides and pesticides. However, spraying continues on state and private lands. Footnote 28. Norma Grier, *"A Gift From the Northwest: The Far-Reaching Implications of Recent Spray Rulings,"* NCAP News, Spring 1984, p. 34. . . . In 1979, when the EPA put in an emergency suspension of 2,4,5-T (a form of dioxin), the Forest Service merely substituted 2,4-D and picloram in its Siuslaw National Forest spraying applications. A court injunction banned the use of herbicides in federal lands in Oregon and Washington in 1984. But in 1989, a mediated agreement was reached which stated that herbicides could be used as a "last choice" alternative on Forest Service lands, when other methods were not effective or costs were unreasonable.²⁹ Chemical herbicides spraying is still prohibited on BLM lands in Oregon. <http://members.efn.org/~forestry/chp4.1.htm>

2017. Integrated Invasive Plant Management For the Medford District Environmental Assessment (August 2017). Medford District, (DOI-BLM-ORWA-M000-2017-0002-EA). USFS and BLM aerial spraying ceased in 1989. A summary of BLM's ground based chemical control of noxious weeds follows.

The Medford District manages approximately 866,000 acres located primarily in Jackson and Josephine Counties, with smaller portions in Coos, Douglas, and Curry Counties¹. The District is proposing to update its existing integrated noxious weed management program on these lands. The District currently controls noxious weeds following existing BLM policy and direction and a District-wide 1998 Integrated Weed Management Plan and Environmental Assessment (EA) and Decision Record, using a range of methods including manual (hand-pulling), competitive seeding and planting, and herbicides (primarily 2,4-D and glyphosate, but also limited amounts of dicamba and picloram).

A 1984 / 87 U.S. District court injunction had limited the BLM to using only four herbicides and restricting their use to noxious weeds only (USDI 2010a:3). This injunction was amended following completion of the 2010 Oregon FEIS and Record of Decision to permit the use of additional herbicides and target additional species once site-specific National Environmental Policy Act (NEPA) analysis was completed³. Footnote 3 - In addition, the injunction states that BLM shall not aerially spray herbicides west of the Cascade crest and shall not spray herbicides for the production of livestock forage or timber production.

USDI Bureau of Land Management. 2010. Vegetation Treatments Using Herbicides on BLM Lands in Oregon Final Environmental Impact Statement. Available at <https://epplanning.blm.gov/epl-frontoffice/epplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=70730&dctmId=0b0003e880df5615>.

Public Contested Timber Sales The public involvement problems identified in the work of Paul Kangas, Chief Branch of Forestry, BLM MDO, on the government's use of herbicides expanding into the public becoming more wary of federal programs in general, and BLM forestry program suffering set backs in the last couple of years through timber sale court injunctions was not a prediction, but reality. The national controversy on clear cutting and herbicides have taken their toll on BLM in time and dollars. There is little doubt that the current controversy over the use of herbicides has the effect of alienating the very public that the BLM is charged to serve (Kangas ca 1984).

The following on publically contested timber sales is from a BLM document entitled, *BLM - Oregon, Litigation Pending: October 1985*.

- Seven timber sale appeals before USDI Interior Board of Land Appeals (IBLA). Timber Sale IBLA 80-410 (Bounds Creek Sale) CT. Claims 532-80C.
- Eagles Rest Timber Sale
- Russell Creek Timber Sale
- Humpy Mountain Timber Sale appeal by TREE: sale is environmentally and illegally unacceptable.
- Timber Sales: North Wassen, Steampot Boil, and Buck Creek Ridge appeals by Siuslaw Task Force: harvesting of landslide prone lands causes environmental damage.
- Timber Sales: Birdsey West, Cinnabar West, Hewitt Test, Thin Horse, Upper Floras Creek appealed by Headwaters: Clearcutting in violation of NEPA, etc. harvesting timber on "low intensity land" in violation of law and NEPA and EAs do not meet NEPA requirements.
- Wood Rat Timber Sale appealed by Headwaters.
- Blackeye Again Timber Sale appealed by Headwaters.
- Over Democrat Tarter Timber Sale appealed by Headwaters.
- Crooked Cedar Timber Sale IBLA 84-193 appealed by Deer Creek Valley Association & Concerned Citizens: Claims cutting and watershed practices are causing impacts downstream.

D. USFS, BLM, & Public Experiments With Consensus In CI/CP: 1985

The year 1985 was a banner year for the public and federal resource agencies experimenting with consensus in CI/CP. The following are a few examples expressing federal agency and public observations on USFS, BLM, and public interactions.

In 1983, just a few years old, the Siskiyou Regional Education Project had been working to protect bio diversity in the Klamath-Siskiyou bio region of southwest Oregon and northwest California. Its April/May 1985 issue of Siskiyou Country, had an article on *Forest Planning*.

- Focus on the Future. Between workshops on these critical issues, experts on specific tools and avenues for effecting change presented seminars. These included Electoral Politics, Lobbying, Working with Resource Agencies, Challenging Resource Agencies, and Nonviolent Direct Action.
- The Forest Planning group had two goals: One major priority was to develop a vision of the future which we could all share. . . . A second **major priority was direct, effective participation in forest planning processes via citizens task forces on each National Forest** (emphasis added) One group would work toward a statement of policy expressing our long-term vision for the region's forests. The other group would work on current forest planning issues: "nuts and bolts" objectives and tactics for working with the U.S. Forest Service and the Bureau of Land Management.

On January 1, 1985 the Applegate Ranger District, Rogue River National Forest (RRNF), and Thompson Creek Residents for Ecological Education (TREE) made five forest management recommendations which were the result of the selection of a preferred timber harvest alternative for the Sugar Lark Timber Sale in the Thompson Creek area. One of the reasons for the recommendations was to satisfy the RRNF Supervisor, Robert Devin's confidence, that in order to avoid this "intensive cooperative planning process on every sale . . . whatever agreements in philosophy we are able to obtain on this sale can be transferred to other sales." (July 24, 1984 letter to TREE). Parts of the first three recommendations follow.

Recommendation 1. **Memorandum of Understanding (MOU) for the purpose of creating better communications, continuity, and integrating public concerns into local forest management activities** (emphasis added) affecting Thompson Creek. It provides that the MOU should provide the following.

1. Keeping each other informed of issues, concern, or proposed activities in the Applegate area.
2. Negotiating forest management problems in an atmosphere of mutual trust, respect, and cooperation.
3. Providing mutual support of forest management activities upon which there is agreement.
4. In the event that TREE cannot serve as the lead public agent, the RRNF should notify a least 10 residents of Thompson Creek.

Recommendation 2. **TREE will initiate a proposal to the BLM MDO and the RRNF covering public concerns regarding the cumulative effects** (emphasis added) of forest management in the Thompson Creek area. The purpose of this proposal would be to request both agencies to examine cooperatively, the present and future cumulative effects of their joint forest management activities in Thompson Creek and adjacent drainages, and to work with TREE to formulate a long term mutually agreeable management plan for the area.

Recommendation 3. There exists **within the public sector a lack of knowledge of general forest management techniques, vocabulary, and procedures** (emphasis added). This information is required before the average person can make informed decisions or contribute meaningful input regarding forest practices affecting their local area. **Frustration also exists on the part of foresters due to this lack of common vocabulary and public knowledge** (emphasis added). Therefore, we recommend that the RRNF initiate an ongoing education program that will better inform the public of the Forest Services's multiple-use and timber management activities. . . .

Residents For Ecological Education Newsletter: February 1985. Thompson Creek Residents for Ecological Education (TREE). Selected portions of newsletter follow.

- A Schedule of Up Coming BLM Concerts. The following timber sales either have already been sold, or are pending.
 - Humpy Retreat (FS 1985).
 - Surgar Lark (FS 1986).
 - Humpy Mountain (BLM. This sale is sold and is currently under protest.)
 - Ferris Gulch (BLM. 1986).
 - Misty-Hinkley (BLM. 1986).
 - Thompson Triangle (FS Sold, but in buyback program. It could be resold and cut at any time.).
- A Meeting For The Misty-Hinkley Timber Sale. **John Dutcher, Jacksonville Resource Area Manager for BLM, has been kind enough to send a letter to some landowners on Thompson Creek Road informing them of the up-coming timber sale** (emphasis added) along the Hinkle Gulch road system and inviting them to a meeting to discuss the matter [see following February 21, 1985 BLM CI response].
- Cooperation With The Forest Service On Sugar Lark Sale. TREE is continuing to work with the FS to **formulate a memorandum of understanding and recommendations that can be used on other timber sales in our drainage** (emphasis added). The work that TREE members have done with the Applegate Ranger District hopefully will set a precedent for other FS timber sales throughout the district.

The Sugar Lark Timber Sale will be offered for sale this year without appeals because of the cooperative efforts of the Applegate Ranger District who has worked with concerned members of the community. **We thank Robert Devlin, Forest Supervisor and Dick Marlega, Applegate District Ranger for supporting the idea from the outset and their faith in the results** (emphasis added). We especially want to thank the members of the Applegate Ranger District negotiating team: Jerry Wojack, Bill Warner, Robert Stabb, David Steinfeld, and Tom Lupes.

- Freedom Of Information Request As we reported last year, **TREE was forced by BLM to resort to a Freedom of Information Act request to obtain documents** (emphasis added) pertaining to the Humpy Mountain Timber Sale.
 - The outcome of TREE's perseverance regarding this issue lead to some important victories. The first victory was BLM releasing all of the documents we requested regarding the Humpy Mountain Timber Sale free of charge. (A precedent that will be noteworthy for other drainages with the same problem.)
 - The second victory has been **TREE's effectiveness in getting the BLM to examine their deviations from their ten year timber plans** (emphasis added). BLM is now in the process of writing a supplement to their ten year timber plans partly because TREE continued to request data concerning BLM's clearcutting thousands of acres beyond the parameters of these plans.
- TREE Joins Headwaters Group TREE has become one of many watershed groups to join together with Headwaters in an effort to stop BLM's illegal practice of clearcutting beyond the acreages allotted in the ten year timber management plan. . . . Since individual appeals do not seem to have effected the direction of BLM forest management, it was agreed after several meetings that Headwaters would protest all of the Medford District BLM's major timber sales involving clearcuts from August 1984 through FY 1985.

In Southern Oregon Timber Industries Association (SOTIA) March 8, 1985 CHIPS newsletter it had a short article which follows about *Regional Forester Abdicates Role As Professional Forest Manager* (SOTIA 1985).

You have all heard about Regional Forester Jeff Sirmon's recent comments on professional forest management, so here it is verbatim. "*The USFS must act responsibly to implement the intent of NFMA and NEPA. For us, this means changing our self-perception from that of being professionals who can best manage the National Forests, to being the managers of the decision making process described by the above laws.*" (emphasis added) Although a mass exodus of USFS resource professionals from their respective professional societies has yet to be noted, they may be waiting for Sirmon to set an example.

The USFS Pacific Northwest Region's March 13, 1985 Forest Service News had the question: *National Forest Timber In Our Future?* (USFS PNR 1985). A few sections of the news release follow.

Early information from 14 National Forests in Oregon and Washington indicates a decrease of 2 - 10 percent in timber harvest could result from Forest plans now being prepared, according to Jeff M. Sirmon, USDA Forest Service, Pacific Northwest Regional Forester. **The new plans provide a more precise accounting for such factors as the ability of the land to be reforested, maintaining habitat for a variety of wildlife, and protection of water quality** (emphasis added). Although past plans cannot be compared directly, the maximum harvest level could be reduced even further if the resulting plans emphasize management of the forests for more and more competing uses, including timber production.

National Forests in Oregon and Washington total 24.3 million acres. Part of the planning process is determining what portion of this acreage is available for timber harvest. . . . Of the timber base of 14.6 million acres, the **National Forests in the Pacific Northwest must also address such issues as wildlife habitat, riparian areas, anadromous fish, old growth, spotted owl habitat, and many other factors that will constrain or enhance the forest's ability to produce many goods and services, including timber** (emphasis added).

Determining a realistic decision space for all resources is critical to development of rational alternatives, but it is not an end in itself. **A reasonable range of [NEPA] alternatives must be developed to display this decision space. This "space" is constrained as necessary to ensure that existing laws and regulations are followed** (emphasis added). Social, economic, and environmental effects of each alternative must be estimated and the effects analyzed in terms of public benefits. . . . The Forest planning process is a comprehensive and integrated examination of the National Forest's ability to meet people needs and desires. It is issue driven and responsive to legislative mandates, and the result is a decision which determines how the forest will be managed in the future.

The public has a large stake in the outcome of Forest planning, and the doors are open to meaningful involvement throughout the process (emphasis added).

Jacksonville Resource Area, MDO Citizen Involvement (CI) Program. An interesting and departure from traditional CI was a March 21, 1985 response to citizens at a public meeting by John Dutcher, Area Manager, Jacksonville Resource Area, MDO. It was a CI letter to all participants that had attended a public meeting for the proposed Misty Hinkle timber sale (six pages of meeting minute public comments).

Individual Participant Letter - Thank you for either attending our meeting or writing us about your concerns, on the proposed Misty Hinkle timber sale in the Thompson Creek Area.

Attached is a list of comments, suggestions, requests, etc., that those attending expressed (emphasis added). Both the District management staff and Area interdisciplinary team will be reviewing your input as well as discussing our process for continuing the public's involvement in the District's forest management activities.

Copies of the existing inventory data (wildlife, visual, silvicultural, fuels, cultural, soils, etc.) we are using to prepare the Misty Hinkel and Ferris Gulch timber sales, have been given to the Applegate Library for your use, as requested at the meeting.

I'll send you a summary of the draft environmental analysis we prepare for the Misty Hinkle timber sale which will consider your input (emphasis added). A number of you have called or stopped in since our meeting to give me additional information or ask questions and I want to encourage you to continue to

do so. If any additional meetings on sales in your area are scheduled, I will try to notify each of you well in advance.

Public Involvement - Introduction A meeting was held on February 21, 1985, at the Applegate School, to discuss the proposed BLM Misty Hinkle timber sale in the Thompson Creek area. Approximately 65 people attended the session which lasted from 7 p.m. to 10 p.m. The meeting gathered information on the resource values in and around the sale area and the concerns, suggestions and requests of the people. We have tried to place the public input into categories, but not edit or screen any comments. All input is considered to be a reflection of a valid concern expressed by the speaker. **Notes on BLM's answers to questions asked at this meeting were not kept by the notetakers** (emphasis added) [at the small group meetings]. [Wonder why not?]

April 1, 1985. Jim Dow, Forester & Publisher. Klamath Weekly Update, Volume 2 Number 11. BLM Klamath Resource Area. MDO. Medford, OR.

EA Status of Hayden Creek Timber Sale. "A "pat on the back" to all ID team members. For what it is worth, Christopher Bratt of Thompson Creek Residents for Ecological Education (TREE) and Headwaters says, we are the only area on the District following NEPA and writing proper EAs. He thinks we're the only ones looking at real alternatives. The public that reviewed the Baldy Green EA also stated that it was a well written document, and commended us for our truthful analysis. Last spring, some of the District staff commented that our EAs were the best on the District, also. Thanks and keep up the good work."

[Valuable positive comments from the public documented in the Klamath Weekly Update - Good. In covering CI/CP it would have also been valuable to document the definitions of the above terms "following NEPA", "proper EAs", "real alternatives", "truthful analysis", and "best on the District" for their consideration and use by other BLM resource areas.]

On April 11, 1985 the BLM MDO co-sponsored a conservation groups "Facilitators" meeting with Southern Oregon Northwest Coalition For Alternatives To Pesticides (SONCAP) and the Thompson Creek Residents for Ecological Education (TREE). Paul Kangas, Chief Branch of Forestry, BLM MDO, including six BLM staffers, and local Applegate resident Mark Roseland, participated.

Topics discussed were the following: agenda topics, What is power?, Definition of facilitator?, Define goals for different types of meetings (i.e., information seeking, information sharing, and decision making).

Summary.

- Need for more clarification of problems, purposes – more discussion like today.
- Expansion of tools so we can effectively deal with situations.
- **Getting through backlog of mistrust** (emphasis added) – deal with this first – how to? start a few steps back.
- **Intention vs. perception: intentions not always clear** (emphasis added).
- Ideas on defining power – what power is available for a specific situation?
- Use of backward/forward technique.
- Need to continue today's process.
 - More relaxed, more comfortable.
 - **Work on trust – on a larger scale** (emphasis added).
 - This (our small group meetings) is a step in process to build trust.
- Joint facilitation – give it a try.
- Meet to discuss how to have a meeting.
- Personalities important – prevention of backfiring of "slick" meeting formats – everyone isn't included in this meeting – **need to build BLM trust as well as public trust** (emphasis added).

- We're on a roll in communications.
- Meet to talk more about talking.
- **Issue of consensus** (emphasis added).
- **Optimistic view that trust can be built on** (emphasis added).
- Share small group meeting with larger groups – what do you think of what we're doing?
- Share information informally now – don't wait for a formal program.
- Enjoyed meeting.
- **Trust discussion root of our (BLM and some public) differences** (emphasis added).
- Building trust and venting past angers a goal.
- Just have a "listening" public meeting?
- The BLM management team will be discussing public involvement.

The April/May 1985 Bioregional Journal of the Klamath-Siskiyou Mountains, *Roots, an Alternative to "Democracy*, offered the following on two types of BLM meetings.

Last Two Paragraphs - Despite shortcomings, there was far greater opportunity for the public to participate and feel recognized in this [BLM MDO] facilitated meeting than in the soviet-style process of the earlier meeting. **BLM is to be congratulated for having the courage to try something new** (emphasis added), and encouraged to see this first facilitation not a flog but rather as a new beginning, the fledgling emergence of a new and hopeful process.

Next time, why not have one government person and one community person co-facilitate the process? The community has a right to be represented where it lives, on the land it loves. The co-facilitators could work out an agenda in advance acceptable to their respective constituencies, and then run a productive, stimulating, and efficient meeting. That clearly is the "preferred alternative" to democracy. Mark Roseland is Co-Director of the Matrix Institute in Applegate, Oregon.

In mid-summer of 1985 the National Wildlife Federation's July 1985 Conservation Exchange magazine had a couple of articles: *Conciliation: Charting a Future Without Rancor* and *Taking a Risk To Chance Greatness* (NWF 1985). A few sections follow.

Conciliation: Charting a Future Without Rancor - The firestorm that raged between corporate and conservation leaders a decade ago has been tempered, although not extinguished, as compromise has increasingly replaced confrontation. Disputes once settled in courtrooms and legislative chambers are now discussed more frequently over conference tables and telephones, in boardrooms and convention halls and during outdoor retreats.

"There is a new level of communications that's leading to a better understanding of each other's problems and positions. Ultimately it will lead to new solutions," (emphasis added) said Jack Larsen, Weyerhaeuser's Vice President for Energy, Environmental and Regulatory Affairs. **"We are learning to trust each other** (emphasis added)," added NWF Executive Vice President Jay D. Hair. **"It's a slow and necessary process** (emphasis added)."

Taking a Risk To Chance Greatness - Environmentals and industrialists for too many years have considered one another adversaries. Both sides have been far too doctrinaire, far too determined to create winners and losers. **Now is the time to pursue positive options that will produce winners from both the economic development and environmental protection perspectives** (emphasis added).

Today, we must take even greater risks to protect the American lifestyle we cherish. We must chance cooperation in our pursuit of environmental success lest we stay mired in combat and stalemate. We both must follow the advice of the commentator who asked, **"Why not go out on a limb? Isn't that where the fruit is?"** (emphasis added)

The *Northwest Coalition for Alternatives to Pesticides (NCAP) v. Block*, at al., No 83-6272-E (D. Ore. 1984) injunction against use of herbicides on federal lands in Oregon and Washington lasted for approximately four years. In 1987 the *NCAP v. Block* injunction was modified to permit the use of only four herbicides: 2,4-D, dicamba, glyphosate, and picloram. Furthermore, the use of these herbicides is limited to the control and eradication of noxious weeds (Kim Leval, Executive Director, NCAP, January 4, 2010 Comments on the Draft Environmental Impact Statement on Vegetation Treatments Using Herbicides on BLM Lands in Oregon). However, the ban on aerial spraying of herbicides for timber production remains to this day.

E. What Happened?

It is surmised that the above FS, BLM, and public record of compromise, more intensive CI/CP toward consensus seeking, and collaboration gradually drifted away after 1985 as a priority in the BLM MDO because it no longer had the use of aerial herbicides.

Oregon Senator Mark Hatfield's 1981 presentation to the U.S. Senate on "Building Consensus" and considering new, unconventional approaches to resolving land management issues and to deal with the present polarization had less of a priority to solve what the BLM MDO saw as problems.

"The Forest Service is bringing together groups of their own employees with representatives of wilderness and timber industry groups, encouraging these individuals to look beyond their own particular positions, to learn more about those people they have recognized only as adversaries, to understand the other point of view, and to propose positive, creative solutions to land management conflicts."

It is known that short-term (i.e., in general 5 - 10 years in a community) BLM area managers, and/or the U.S. administrations changed. Could they have had different policy priorities and planning ideas? This normal BLM management changeover would have been a problem for the continuity of any new CI/CP program methods even if the BLM MDO had the continue use of aerial herbicides to promote forest production. Local leaders of public groups also change, but not quite as frequently. When you have hard fought for agreement between opposing generals on specific conflicts and/or CI/CP methods, you need the stability of continuity of the agreements to benefit from the trust developed from working on past projects together. For example, you need a written treaty, or perhaps the MOU idea jointly promoted by the USFS RRNF and TREE.

Major changes in the inertia of a large government program usually comes from the results of significant court decisions. Otherwise small incremental policy changes is the normal method of change in government.

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III. BLM CITIZEN INVOLVEMENT IN NEPA STILL EVOLVING: 2017

A. Introduction

The overall BLM MDO CI/CP picture, since BLMer Mike Walker (Appx. A, chaps., I & II) arrived at the district in 1981, appears to have changed substantially little over the years as measured by its outcome not improving long-term public trust in BLM (the exception is the lack of the extreme public responses to the use of federal aerial herbicide spraying after it was banned by the courts in the mid-1980s). Over the last 40 years there has been inconsistent BLM MDO CI/CP responses to a consistent set of public timber sale protests, appeals, and lawsuits with different court opinions, including timber industry lawsuits about the O & C Act. However, more participants than just the BLM MDO are responsible for the overall public-administered lands situation as public polarization and partisan politics have resulted in less compromising U.S. administrations, left and right (i.e., U.S. Executive branch, from the president, to the vice president, to the cabinet, and heads of 15 executive departments, which includes the U.S. Department of Interior (USDI) over BLM), including state and local governments.

Within this morass of actions and opinions, BLM has re-interpreted its same basic laws with the flavor of each new court decision and executive branch position. This changing interpretation of legal mandates for future site specific NEPA projects, including each new BLM MDO resource management plan (RMP) does not promote trust by the public in government.

The BLM MDO's 1981 - 1985 period of experimenting with the CI/CP method of consensus, has generally fallen by the wayside, and it has reverted to a minimalist NEPA CI program for over three decades. This minimalist CI strategy is primarily based on a one-way flow of information in EAs and EISs at BLM management's public NEPA hearings and from the BLM MDO ID teams' proposed "Analyzing Effects Methodologies." This 'review and comment' methodology – BLM management decide on the decision, then introduce it to the public primarily in NEPA documents, with a public hearings – has proved to be a poor educational vehicle for complex topics, not to mention grossly inadequate as a public persuasion tool.

It is time to again face facts we know, but prefer to ignore. The BLM's legally minimal required CI methods in NEPA processes – scoping, public hearings, review and comment procedures in particular – have rarely worked by themselves to the point where local BLM MDO managers are satisfied with the results of successfully implementing BLM plans. The BLM needs to move beyond its traditional CI emphasis of informing and consulting the public.

The CI/CP issue is that the BLM must want to seek participation as much as the participants want to give it, and citizens are less likely to participate if the BLM cultural environment is not positive and accepting of input, including written demonstrations by BLM MDO that public comments are heard and considered. The motivations of BLM MDO managers and ID team members to shape the adoption of future meaningful CI/CP are the key, including the flexibility by upper management to innovate with the range of CI/CP goals (i.e., inform, consult, involve, collaborate, and empower; Appx. A).

B. BLM Project Media: 2017

News paper articles in The Grants Pass Daily Courier on Forest Land & Pickett West Project.

Increased Revenue To Flow From Timber On County Land

Hall, Shaun, Reporter. April 9, 2017. *Increased Revenue To Flow From Timber On County Land*, Front Page. The Grants Pass Daily Courier. Grants Pass, OR.

Court Ruling Blocks \$1.4B Timber Class-Action Lawsuit

Associated Press. June 22, 2017. *Court Ruling Blocks \$1.4B Timber Class-Action Lawsuit*, p. 6A. The Grants Pass Daily Courier. Grants Pass, OR. Counties in the suit include Josephine County. Ralph Bloemers, an environmental attorney, doesn't much hope for the counties' complaint after Murphy's [Circuit Court Judge Murphy] latest ruling.

Timber Sale Not Worth Cost To Forest

Seitz, Cathy. July 12, 2017. *Timber Sale Not Worth Cost To Forest*, Guest Opinion. The Grants Pass Daily Courier. Grants Pass, OR.

Mixed Reactions on Pickett West Project

Duwel, Jeff, Reporter. Friday, July 14th, 2017. *Mixed Reactions on Pickett West Project*, Front Page. The Grants Pass Daily Courier. Grants Pass, OR.

- A swath of Josephine County, from Grave Creek on the north, to near the Oregon Caves on the south, and a few miles into Jackson County on the east, make up the Pickett West Forest Management Project. It covers more than 203,000 acres, nearly a fifth of the size of Josephine County. The largest concentrations of potential timber harvest lie roughly between Selma, Wilderville and Murphy, above drainages of Cheney, Crooks, Deer and Murphy creeks.
- George Sexton, a longtime activist with the Klamath Siskiyou Wildlands Center, said it will be too many. "I would expect them to get a slew of protests," Sexton said. "We've been getting more calls on this one than any BLM sale in the last eight or 10 years because it was such an aggressive move by the BLM."
- The decline of timber harvests starting in the early 1990s led to subsidies for timber receipts that paid for public services such as law enforcement, which used to be paid for completely by timber receipts in Josephine County. Those subsidies, up to \$12 million a year in the county under the Secure Rural Schools Act of 2000, have not been renewed.
- Some landowners near the project units are upset. Serena Barry of Selma lives next to 285 acres of land planned for fuel reduction in the project. In the other direction, she said you can see where 10 units of what she called old growth will be harvested. "It's going to have a huge impact on my family," Barry said. "(The BLM) says that this logging is going to protect us from fire. It's just not true."

Timber Sale Draws Protest

Duwel, Jeff, Reporter. Friday, September 14th, 2017. *Timber Sale Draws Protest*, Front Page. The Grants Pass Daily Courier. Grants Pass, OR.

- About 100 people gathered to protest the Pickett Hog timber sale that was about to be auctioned inside. Many held up signs — "30 percent canopy = clear cut," "Old Growth Logging fuels HOT fires."
- Five-year-old Nya Barton of Selma drew her own sign that said "Protect my Future." "I am the future," she said. "We're protesting because old growth is the only real fire-resistant forest we have," said her father Ian Barton, holding his daughter. "They're trying to sell this under the guise of restoration." Pickett Hog is one

of four sales that were up for auction by the Bureau of Land Management this morning, and the only one in the Pickett West Forest Project.

- "It's the opposite of what they're telling you," said Tim Ream of Klamath-Siskiyou Wildlands Center. "They're trying to use the emotion of fire and smoke to increase logging." Ream handed out studies showing that logged areas are twice as likely to experience catastrophic wildfire as protected areas.
- "They serve the timber companies," said Orville Camp of Selma, who practices what he calls natural selection logging on his property on Thompson Creek Road, near one of the future Pickett West project sales. "I call it one of the world's great frauds."
- That was Ron Ruby, vice chair of the Southern Oregon Resource Alliance. He blamed environmentalists for "ruining the logging industry." "Radical enviros, that's what they are," Ruby said.
- Helen Scott held up a sign "Support the Pickett Hog sale. Stop the Travesty. Reduce the fuels." Today's protest was reminiscent of so many other timber protests over the years, with two polar opposite versions of reality on display.

Over \$3 Million Worth of Timber Sold Despite Protest

Duewel, Jeff, Reporter. September 15, 2017. *Over \$3 Million Worth of Timber Sold Despite Protest*, Community. The Grants Pass Daily Courier. Grants Pass, OR.

- The Bureau of Land Management sold timber for \$3.2 million Thursday morning at the Grants Pass Interagency Office, where about 100 people gathered to protest. The sales volume was 18.7 million board feet. Boise Cascade purchased three of the four sales that were up for auction.
- The Pickett Hog sale, the target of the protest, went for just over 50 percent higher than the assessed value of \$465,614. Boise Cascade bought the sale for \$697,538. Pickett Hog includes 3.5 million board feet of timber and is northwest of Robertson Bridge in the Pickett Creek drainage. The sale also had 29 administrative protests.

Outings

November 10, 2017. *Outings*. The Grants Pass Daily Courier. Grants Pass, OR.

- Explore the Pickett West old-growth timber sale area in the Illinois Valley, learn about forest practices and native plants Saturday with KS Wild.

BLM Dealing with Protests in Pickett West Project

Duewel, Jeff, Reporter. November 22, 2017. *BLM Dealing with Protests in Pickett West Project*, Front Page. The Grants Pass Daily Courier. Grants Pass, OR.

- Two weeks ago the legal notice for public comment on a timber sale known as Clean Slate published, the latest stage of the larger, and controversial, Pickett West Forest.
- The first timber sale under Pickett West, a companion to Clean Slate called Pickett Hog, was sold in September, while about 100 people protested outside the Grants Pass Interagency Office. Another dozen protested the protest. Boise Cascade of Medford bought the 3.5 million board feet for \$697,538, but it's not likely to get any logging done for awhile.
- The sale brought 29 administrative protests, which Tim Ream of the Klamath Siskiyou Wildlands Center said was the most he could remember. The BLM said it was the most of any sale in the past eight years, and it's likely to delay the project another four to six months, said BLM spokesperson Jim Whittington.

C. Changes: 1980 - 2017

Over the years since 1980, there have been many inconsistent ebbs and flows in the official policy direction for NEPA CI/CP and its funding at the BLM MDO, as practiced by different managers during the same year, and, especially different managers over the years within the context of subsequent changes in U.S. administrations. However, the BLM ‘safe’ default is always minimalist NEPA CI/CP. This traditional approach is generally based on a one-way flow of information from the BLM described as a public ‘review and comment’ methodology – BLM management decides on the decision, then introduces it to the public primarily in an EA or EIS, with a public hearings, but BLM demonstrations of actually considering testimony comments through serious documented analysis are little to none (i.e., many BLM “bald” conclusions and/or expert opinions appear instead of analysis considered balanced by the protesting public).

There are many examples of positive attempts by different BLM MDO managers for meaningful CI/CP for individual projects and EAs over the years (e.g., experiment with consensus in the early 1980s, intensive scoping efforts to listen to public, attendance of individual citizens in ID team meetings, special field trips to visit site of proposed timber sale, etc.). The problem was that these efforts were by different and short-term (5 - 10 years average located at BLM MDO) BLM managers for individual projects and EAs, whose efforts were not effectively followed-through on by their successor BLM managers. There was no BLM MDO continuity of CI/CP purpose or program. It was mostly ad hoc by different area/field office managers addressing individual projects and controversy with some citizens and public groups.

The biggest positive change since 1981 by BLM MDO management team is the evolving diversity of BLM ID team member (i.e., employee) specialists at the resource area/field office (versus one “Ologist” representing a particular resource value at the MDO level that gave guidance, but did not work for the resource area/field office). This field office diversity is becoming significantly more interdisciplinary beyond the stereotype of the Bureau of Mining, Grazing and Timber (i.e., resource management use and extraction of physical and biological resources). For example, a recent BLM field office timber sale NEPA ID team (DOI-BLM-ORWA-MO70-0006-2016-EA Pickett West Forest Management Project (PWFMP) Environmental Assessment (EA)) was composed of the following ID specialists.

Forester	Harvest System and Road Design
Botanists	Special Status Plants/Noxious Weeds
Fuels Specialist	Fire and Fuels/Air Quality
Silviculturist	Vegetation
Archaeologists	Cultural Resources
Engineer	Road Specifications/Engineering
Soil Scientist	Soil Compaction and Productivity/Erosion
Planning & Envir. Coordinator	NEPA Planning Process & CI/CP Program

But, why are resource issues like ground water, wildlife, fisheries and air quality not identified in the Pickett West Forest Management Project EA as important as reflected with their own ID team members (i.e., Hydrologist - water quantity & quality; Wildlife Biologist; Fisheries Biologist; Air Quality Specialist)?

A conspicuous continued failure is the lack of ID team economists and sociologists at the BLM MDO to consider soci-economic consequences. This is especially troublesome as BLM Oregon management and the Association of O & C Counties continually share opinions that the Act's purpose.

- BLM Oregon Management: Permanent forest production; protection of watersheds and regulation of stream flow; contribution toward the economic stability of local communities and timber industry; creation of recreational facilities; and provisions for reimbursing the O&C counties the loss of tax revenues from the O&C lands.
 - Overview of the Oregon and California Lands Act of 1937
BLM
<https://www.blm.gov/or/rac/files/Oregon%20Flyer.pdf>
- Association of O & C Counties: Sustained yield forestry = sustainable environments + sustainable communities.
 - History of the O & C Lands: 1866 to 1937
Association of O & C Counties
Viewed December 1, 2017
<http://www.oandc.org/o-c-lands/history-of-o-c-lands/history-of-the-oc-lands-1866-to-1937/>

Rest of page blank for more ideas.

D. Comparable CI/CP Issues Over Time: 1980 - 2017

1. No Identified CI/CP Program Critically, the BLM MDO does not seem have a stand-alone CI/CP Program or a monitoring element to evaluate its informal default program. The final element of a NEPA project's process should be an evaluation of the ID team's CI/CP program. However, the historic and current trends of CI/CP at the BLM MDO are difficult to measure because of the lack of publically available evaluation criteria. Without clear performance measures and the rigorous reporting of measures over time, it is very difficult to decipher the trends, or measure successful CI/CP in applications of the NEPA process. In this stage the BLM MDO and/or ID team lead by the "Planning & Environmental Coordinator" and/or the ID team can develop performance measures based on the goal and performance objectives in order to evaluate the CI/CP program and improve performance over time. There is no public evidence for the record that this type of program is being considered.

The public should also be included in defining and envisioning successful participation and forming indicators or measures of success that help the ID teams, BLM MDO managers, and the public responsibly practice their respective roles in the NEPA process. There are a variety of ways to evaluate a CI program and a plethora of criteria to measure success.

2. Short-term BLM Managers and Long-term Concerned Residents. A major problem is short-term BLM managers and national administrations, and long-term concerned residents. The management picture changes; citizen resident issues remain the same. For example, BLM managers don't get penalized for saving money by reducing needed resource inventories and the CI/CP projects and programs. Many times new managers can not effectively address "building" planning issues and the CI situation, and BLM starts a new round of 10-year resource management plans (RMPs) to address needed inventories and ineffective CI/CP.

3. Government Public Participation Models. The models of "citizen leadership," "technocratic expert," and "bureaucratic indifference" provide different theoretical perspectives to think about how BLM managers and ID team members affect BLM MDO behavior in regard to decision-making and involving and enabling citizens participation in NEPA project processes.

- "Technocratic Expert" Model. As public problems become highly sophisticated in modern society, policy processes are increasingly dominated by professional experts. Such technocratic dominance, however, is likely to hamper citizen participation because administrative decision-making based on expertise and professionalism may leave little room for participatory processes in NEPA applications.
- "Bureaucratic Indifference" Model. Managers' personality and behaviors are shaped by their professional experience in a way that their tendency toward CI/CP in the NEPA process is constrained by their inability and their unwillingness to involve citizens.
- "Citizen Leadership" Model. Managers emphasize citizenship values over technocratic values in the NEPA process.

Considering the three competing perspectives, the following three questions could be empirically tested.

1. As managers and ID team members become more professional, is BLM MDO less likely to open the planning process to CI/CP? (the technocratic expert model).
2. As managers and ID team members are more constrained by their inability to take action within the government structure, is BLM MDO less likely to open the planning process to citizen involvement? (the bureaucratic indifference model).
3. As managers and ID team members become more willing to listen to citizens, is BLM MDO more likely to open the planning process to CI/CP? (the citizen leadership model).

The form of government alone cannot capture the institutional complexities of BLM. However, the competing three perspectives affect how the adoption of CI/CP in NEPA projects are associated with BLM managers' and ID team members' professional factors, institutional environment, and willingness to represent citizens. Professional education and networking positively associated with the consideration of formal substantive citizen comments in BLM NEPA projects will be when community building and citizen engagement have become professional norms for BLM managers and ID team members. This conclusion is consistent with the public management literature in finding that external political environment and managerial attitude toward CP are important factors in accounting for governments' decisions.

In summary, the actual level of citizen participation is determined by both the extent to which the BLM MDO is willing to provide CI/CP opportunities and the extent to which citizens are willing and competent to participate.

4. Potential Barriers/Constraints To CI/CP

- **The government must want to seek participation as much as the participants want to give it, and citizens are less likely to participate if the political environment is not positive and accepting of input.**
- **The actual level of CP is determined by both the extent to which government provides involvement opportunities and the extent to which citizens are willing and competent to participate.**
- Policy decisions and implementation details over a protracted series of meetings is an activity most citizens prefer to avoid.
- There is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process.
- Minimal NEPA CI/CP impose certain legal planning requirements on government (such as public hearings) that may either enhance or constrain participation.
- Legal requirements can also have unintended effects. A focus on minimum legal requirements can lead to a gap between advocated and actual participation opportunities.
- It is time to face facts we know, but prefer to ignore. Legally required methods of public participation in government decision making in the US—public hearings, review and comment procedures in particular—do not work. They do not achieve genuine participation in planning or other decisions; they do not satisfy members of the public that they are being heard; they seldom can be said to improve the decisions that agencies and public officials make; and they do not incorporate a broad spectrum of the public. This

- pattern makes it even more difficult for decision makers to sort through what they hear, much less to make a choice using public input.
- Most often NEPA legal methods discourage busy and thoughtful individuals from wasting their time going through what appear to be nothing more than rituals designed to satisfy legal requirements.
 - Ultimately the differences between the methods legally required in the US and collaborative approaches include: one-way talk vs. dialogue; elite or self-selected vs. diverse participants; reactive vs. involved at the outset; top-down education vs. mutually shared knowledge; one-shot activities vs. continuous engagement; and use for routine activities vs. for controversial choices.
 - Managers' professionalism, perceived political environment, and attitude toward citizen input are important factors explaining local governments' adoption of participatory CI/CP. Participatory planning is a process of democratic policy-making in which the government invites citizen inputs during the planning process and allows their influence in decisions.
 - The mechanisms and motivations within the positions of BLM managers and ID team members shape the adoption of CI/CP.
 - The models of "citizen leadership," "technocratic expert," and "bureaucratic indifference" provide different theoretical perspectives to think about how professional administration affects managers' behavior in regard to involving citizens in the NEPA process.
 - The "Technocratic Expert" Model is concerned with the tension between professional administration and CI. For instance, the tension between professional expertise and democratic governance is an important political dimension of our time. As public problems become highly sophisticated in modern society, policy processes are increasingly dominated by professional experts. Such technocratic dominance is likely to hamper citizen participation because administrative decision-making based on expertise and professionalism may leave little room for participatory processes.
 - NEPA planning professionals, with public policy responsibilities have institutionalized the practice of public meetings and hearings as the method to involve the public in planning.
 - The one-way flow of information in public hearings on proposed policies, the 'review and comment' methodology – government decide on the policy, then introduce it to the public in a public hearing – is a poor educational vehicle for complex topics, not to mention grossly inadequate as a persuasion tool, but is still used extensively.
 - Commonly used efforts such as public meetings, open houses, and public hearings are viewed by the majority of CP researchers as mediocre or average in their effectiveness to include the public.
 - **At high cost, winning the hearts of the citizens by meeting with them regularly and ultimately gaining their trust and friendship may be the only way that government can promote its policies, where anti-government sentiment runs high.**

5. Hypothesis: BLM Public NEPA Coordination Manager. Based on the last 40-years, there is a high probability that BLM MDO managers will never be completely satisfied with public comments on NEPA applications (i.e., projects with EAs/EISs), and their potential/probable accompanying protests, appeals, and lawsuits without the assistance of a BLM “Public NEPA Coordination Manager.” The purpose is to improve coordination, working relations, and trust between the BLM MDO managers and ID teams (BLM MDO Ms/IDTs), and their different public(s). To accomplish these goals probably needs a transition from the traditional NEPA CI/CP program to a more collaborative approach. The difference is that a collaborative model is more welcoming to citizen involvement in planning. The objective of traditional models is, “*Legal conformity, inform and educate, gain support of public for agency policies.*” Whereas the collaborative model aims to, “*create conditions for social learning and problem-solving capacity.*”

1. Some key public involvement factors of a collaborative CI/CP program follow (see Sec. IV.E).

- a) Maintain Legitimacy and Build Trust.
- b) Produce Long-Term Support.
- c) Public Value Choices.
- d) Inform the Public and Facilitate Quality Public.
- e) Respond to Complex Problems and Resolve Conflicts.
- f) Build Social Capital and an Ethic of Mutual Aid.

2. Public participation in community and regional planning would also need to address the following themes (see Sec. IV.E).

- a) Broad Participation and Equity in Recruitment.
- b) Equity in Sharing Opinions.
- d) Inform the Public with Clear, Unbiased Information.
- e) Public Influence on the Decision.
- e) Utilize an Array of Public Participation Techniques.

IV. RANGE OF BLM IN NEPA CI/CP POSSIBILITIES

A. From Inform To Empower

Academic research, government experiments, and public surveys concerning the range of CI/CP possibilities and sometimes opportunities are near endless, competing with information on NEPA in volume.

- ***Ladder of Citizen Participation*** (Sherry Arnstein 1969)

Arnstein's now classic "ladder of participation" has eight levels, or rungs, corresponding to increasing degrees of citizens' power in decision making. At the bottom of the ladder are two rungs, Manipulation and Therapy, which Arnstein categorized as Nonparticipation. The middle rungs 3, 4 and 5, identified respectively as Informing, Consultation and Placation, belong to the category of Tokenism. At the top of the ladder, rungs 6, 7 and 8 correspond to Partnership, Delegated Power and Citizen Control respectively and are classified as Citizen Power. The higher up the ladder an instance of citizen participation can be placed, the more citizens can be sure that their opinions will be integrated into decision making and applied in the interest of their community.

- **Public Participation Goals** (increasing levels of public impact first)

- * Empower. Citizens involved in the basic democratic process (e.g., voting, referendum, etc.).
- * Collaborate. Decision made with citizens and stakeholders.
- * Involve. Citizens contribute their opinions in the preparation of decisions.
- * Consult. Information exchange between citizens and politicians, administration/framer.
- * Inform. One way distribution of information.

- **Government Promises To Public Correspond With Public Participation Goals** (increasing levels of public impact first)

- * Empower. We will implement what you decide.
- * Collaborate. We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.
- * Involve. We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.
- * Consult. We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.
- * Inform. We will keep you informed.

- **Peterson Public Participation Planning Process** Peterson's P⁴ process has four stages.
 1. Public Participation Analysis.
 2. Process Planning.
 3. Technique Implementation.
 4. Evaluation.

B. BLM CI/CP Possibilities Researched For Citizen Participation in Example Josephine County Budget Process

1. Introduction The following BLM MDO CI/CP possibilities and opportunities were encountered by the Justice System & Public Safety Services (JS&PSS) Exploratory Committee, Hugo Neighborhood Association & Historical Society (HNA&HS) while researching the Josephine County (JO CO), Oregon JS&PSS issue/problem. Many of the same CI/CP democracy versus administrative issues overlapped between JO CO and the BLM MDO (Citizen Participation in the JO CO Budget Process: October 2016).

Citizen Participation in the Josephine County Budget Process: October 2016
 Justice System & Public Safety Services (JS&PSS) Exploratory Committee
 Hugo Neighborhood Association & Historical Society
<http://www.hugoneighborhood.org/ci.htm>

- October 2016 Citizen Participation In The Josephine County Budget Process
 Walker, Mike; Whalen, Jon, Members of Hugo Justice System & Public Safety Services Exploratory Committee, HNA&HS. October 2016. Citizen Participation In The Josephine County Budget Process. Hugo Neighborhood Association & Historical Society. Hugo, OR.
- October 2016. Chapter V: Elements And Components Of Citizen Participation In Budgeting Process
 Walker, Mike & Jon Whalen. October 2016. Chapter V: Elements And Components Of Citizen Participation In Budgeting Process, Citizen Participation In The Josephine County Budget Process. For Hugo Justice System & Public Safety Services Exploratory Committee, Hugo Neighborhood Association & Historical Society. Hugo, OR.
- October 2016 Appendices For Citizen Participation In The Josephine County Budget Process
 Walker, Mike; Whalen, Jon, Members of Hugo Justice System & Public Safety Services Exploratory Committee, HNA&HS. October 2016. Appendices For Citizen Participation In The Josephine County Budget Process. Hugo Neighborhood Association & Historical Society. Hugo, OR.
 - Appx. A1. Citizen Participation In Budgeting Process: Going Beyond The Public Meeting and Hearing

2. Public Participation In Community And Regional Planning For example, the following 2012 CI/CP research is applicable to BLM MDO RMP planning and specific NEPA projects. It is the work of Nicole Peterson, Planning, Public Policy and Management Department, University of Oregon: *Public Participation In Community And Regional Planning*.

- Peterson Nicole. December 2012. *Public Participation In Community And Regional Planning* (67 pages). Masters of Community and Regional Planning Exit Project Document. School of Planning, Public Policy and Management Department, University of Oregon, pps. Eugene, OR. (Peterson 2012; for full text see web at http://www.hugoneighborhood.org/JSPSS_CI%20Peterson%202012%20UnivofOre%20Public%20Participation.pdf).

Appx. A1. Citizen Participation In Budgeting Process: Going Beyond The Public Meeting and Hearing
 Citizen Participation in the Josephine County Budget Process: October 2016
 Justice System & Public Safety Services (JS&PSS) Exploratory Committee
 Hugo Neighborhood Association & Historical Society
<http://www.hugoneighborhood.org/ci.htm>

The community planning definition unearths the central purpose of the planning profession which is to engage all community members in planning for a community’s present and future health and prosperity. A general research question with sub-questions is in response to this charge (Peterson 2012, p. 3).

- How can planners improve public participation in planning?
 - * Why is public engagement in planning important?
 - * What are the barriers to planning with the public?
 - * What kinds of practices are used to engage the public in planning?

“Community planning is a process that seeks to engage all members of a community to create more prosperous, convenient, equitable, healthy and attractive places for present and future generations.” (American Planning Association, 2012, p. 13)

C. Ladder of Citizen Participation

The American civil rights movement of the 1960s and 1970s brought citizen involvement (CI) to the forefront of planning and politics. The combination of political scandals (e.g. assassinations, Vietnam, Watergate), environmental degradation and the sweeping urban renewal of the early 1900’s sparked citizen engagement in this period.

“Significant interest [in citizen participation] began in the 1960s and 1970s as North America was in the midst of what appeared to be a counter cultural revolution.” The ‘counter cultural revolution’ is a **symbol of the unrest and distrust in government that led to citizens exercising their rights to engage in planning and democracy in America** (emphasis added). It is during this era that Sherry Arnstein introduced the *Ladder of Citizen Participation* (1969) that is still used widely in planning academia (Figures Appx A1-1 & Appx A1-2). The ladder has eight rungs each of which represent a gradation of citizen involvement from nonparticipation (manipulation) to empowerment (citizen control). America experienced significant rise in citizen involvement in the 1960s and 1970s during the civil rights movement (Peterson 2012, p. 4).

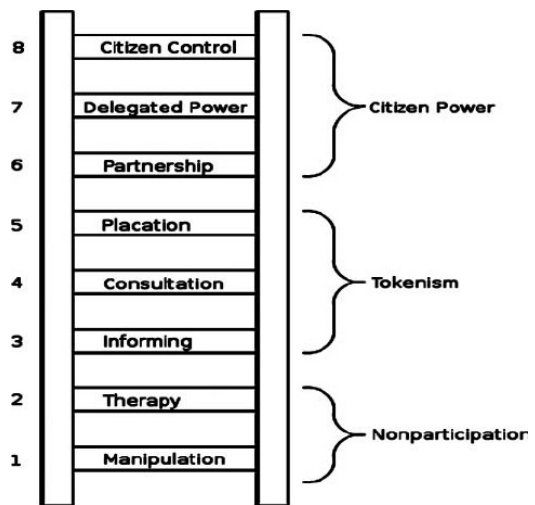


Fig. A1-1. Ladder of Citizen Participation

D. A Range of Citizen Participation from Nonparticipation (Manipulation) to Empowerment

While CP is important in planning, there are some rather large theoretical and practical barriers to implementation. *“At the same time that citizen participation in public affairs seems to hold a sacrosanct role in U.S. political culture and sensibilities, the issue of citizen participation in the planning process seems to be problematic.”* Several challenges exist in implementing CI in planning. Generally the complexity of implementing CI programs in planning is rooted in our capitalist society that includes individual property ownership, the un-equal distribution of resources, and in most cases laws and social constructs that sustain the power imbalances in society. Given the existing political and planning systems; planners that wish to include all voices in planning, and still keep their jobs, have a mountain of challenges to overcome (emphasis added; Peterson 2012, p. 15).

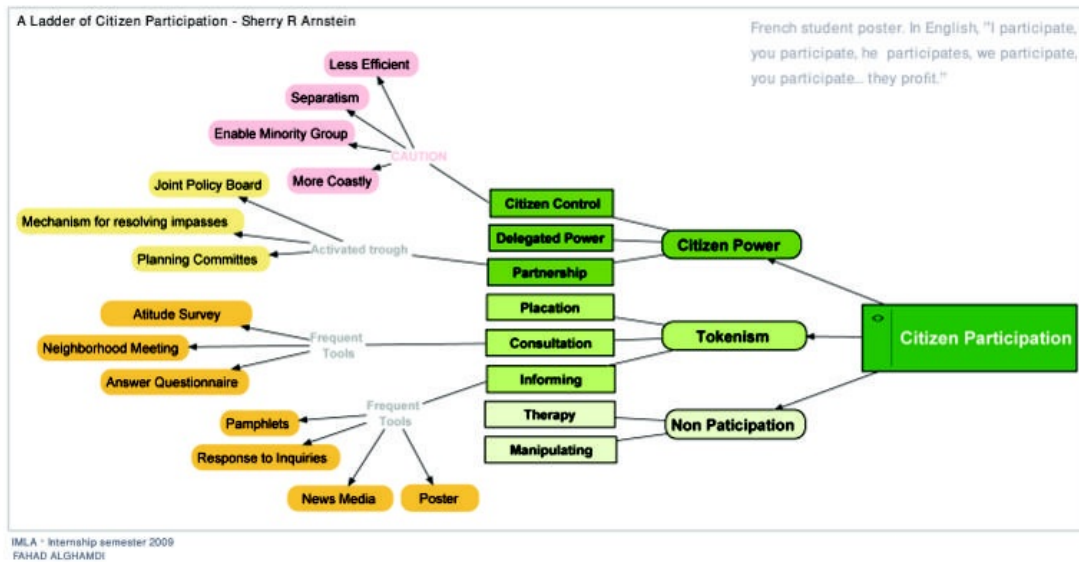


Figure Appx A1-1-2. Ladder of Citizen Participation Example

1. Key Public Involvement Factors

- a) Maintain Legitimacy and Build Trust.
- b) Produce Long-Term Support.
- c) Public Value Choices.
- d) Inform the Public and Facilitate Quality Public.
- e) Respond to Complex Problems and Resolve Conflicts.
- f) Build Social Capital and an Ethic of Mutual.

2. Models of Planning (Traditional Vs. Collaborative) The difference between the current (traditional) system is that a collaborative model that is more welcoming to citizen involvement in planning. The objective of traditional models is, “*Legal conformity, inform and educate, gain support of public for agency policies.*” Whereas the collaborative model aims to, “*create conditions for social learning and problem-solving capacity.*”

3. Public Participation in Community and Regional Planning Five lesson themes were extracted from an open-ended questions in a 2012 survey.

- a) Broad participation and equity in recruitment.
- b) Equity in sharing opinions.
- c) Inform the public with clear, unbiased information.
- d) Public influence on the decision.
- e) Utilize an array of public participation techniques.

4. Recommendation The recommendation is to “adopt a different process that moves public participation to the forefront of planning instead of an afterthought.” (Sec. IV.E).

- a) Importance of Public Participation in Planning.
- b) Public Participation Planning Process.

E. **Public Participation In Community And Regional Planning** (Peterson 2012).

- Peterson Nicole. December 2012. *Public Participation In Community And Regional Planning*. Masters of Community and Regional Planning Exit Project Document. School of Planning, Public Policy and Management Department, University of Oregon. Eugene, OR. (Peterson 2012; for full text see web at http://www.hugoneighborhood.org/JSPSS_CI%20Peterson%202012%20UnivofOre%20Public%20Participation.pdf).

1. **Oregon Context**

a) Introduction Oregon is not unlike the nation in the trends of CI in planning throughout the twentieth century. Like the whole US, Oregon experienced an up tide in CI in the late 1960s and early 1970s. During this period “*concerns over growth, the environment, and the costs of public services*” sparked an intense interest in Oregon planning. This was when the State of Oregon adopted its land use planning program with CI as its number one goal (Peterson 2012, p. 6).

There is an array of terms associated with the topic of public participation in planning. There are several terms that are similar to ‘public participation’ including: citizen involvement, citizen engagement, citizen participation, public involvement and public engagement. All the terms have varying definitions, however they all have the basic premise of the definition that is “*participation in planning by people who are not professional planners or government officials.*” (Peterson 2012, p. 6).

b) Key Public Involvement Factors Six of Peterson’s key public involvement factors are considered meaningful in understanding the value of public involvement in local government planning processes (i.e., easily applicable to CI/CP at BLM MDO).

(1) Maintain Legitimacy and Build Trust Public participation can maintain legitimacy in decisions and build trust between the government and community members. By including the public in decisions the organization or agency instills transparency in decision making and in turn gains trust and credibility from the public. The extent or quality of the participation will develop varying levels of trust; remaining transparent in decision making will increase legitimacy and credibility. “*The way to achieve and maintain legitimacy is to follow a decision-making process that is visible and credible with the public and involves the public.*” (emphasis added). Citizen involvement is important in gaining public trust and achieving a credible, legitimate right to make decisions (Peterson 2012, p. 9).

(2) Produce Long-Term Support Incorporating citizens in decision making can produce long-term support for public projects. “*Participating in a decision gives people a sense of ownership for that decision, and once that decision has been made, they want to see it work. Not only is there political support for implementation, but groups and individuals may even enthusiastically assist in the effort.*” If community members are included in the decision making process they are more likely to support the carrying out of the plan or project. “*Collective decisions are more easily accepted by the individual, and a sense of belonging in the community will be fostered.*” Community members can be respected allies for the planner in implementing public projects that span a greater time period than any immediate official involved (emphasis added). Effective

public participation can gain long-term advocacy and ease or improve the implementation of public projects or plans (Peterson 2012, p. 9).

(3) Public Value Choices Planning is in large part about prioritizing community values and making value choices for society. To do this without public comment is illegitimate and corrupt. Examples of conflicting values that require prioritizing are economic growth vs. preserving natural environmental features and allocating resources to vehicle infrastructure vs. mass-transit or bicycle infrastructure. Although these conflicting values may not be evident in day-to-day planning duties they are in fact real (Peterson 2012, p. 9).

Public participation is essential to planning in order to prioritize community values and make value choices. Furthermore, planners with the public must consider the weight of one value over another and the corresponding consequences of the value choices. *“Experts cannot make decisions without assigning a weight or priority to competing values that society believes are good.”* (emphasis added). Including the public in planning avoids elitism and facilitates a more accurate view of the community values (Peterson 2012, p. 9).

(4) Inform the Public and Facilitate Quality Public Opinion Public participation in planning can inform the public about community issues and facilitate quality public opinion. Interpreting technical information to the public, such as statistics or laws is an important part of planning. Any public participation in planning will require sharing information. However, there are varying degrees of information sharing and depending on the complexity of the issue more in-depth information is required to gain thoughtful, quality opinions from the public and allow citizens to reach a decision on planning issues (Peterson 2012, p. 10).

The quality of public opinion has been defined as having three conditions including an individual’s ability to take responsibility for the consequences of their opinions, firmness of opinion (i.e. ability to coherently express an opinion), and consistency of opinion (i.e. opinion does not contradict other expressed opinions). One goal of public participation is receiving meaningful feedback from the public and having those opinions be informed and valuable (emphasis added). Ultimately, all decision makers and contributors around the issue strive for quality opinion. The barriers to achieving quality public opinion as: lack of awareness, lack of information explaining the consequences of specific policy choices, lack of time to research the issue, failing to resolve internal conflicts of values on complex issues, volatility or changing opinion when asked a question at different times or with different words, and compartmentalized thinking that leads to self-contradiction in opinions (emphasis added). Planners and public officials can overcome some of the barriers to quality opinion by raising awareness, explaining consequences of alternatives, and providing clear, concise information. Public participation can facilitate quality public opinion and citizen efficacy (Peterson 2012, p. 10).

(5) Respond to Complex Problems and Resolve Conflicts Collaboration and consensus methods of citizen participation (emphasis added) can respond to complex problems. Community dialogs, consensus building or collaboratives are at the high end, or optimal side, of the variable spectrum of public participation techniques. These techniques require dialog and deliberation between the public and decision makers or delegate the power to make decisions to

the public. Collaborative methods require more time and resources; however the more time and resources that are put in to a public participation program, the better the outcomes will most likely be (emphasis added; Peterson 2012, p. 12).

Large-scale CI is possible and can result in agreements that resolve complex community issues. A model of deliberative democracy was posited and tested (Peterson 2012, p. 12).

- 1) Broad, representative participation beyond traditional formal avenues such as public hearings or advisory boards,
- 2) Informed public judgment meaning that information provided to citizen participation compares to that which is ordinarily available to the city council,
- 3) Deliberative participation and opportunities for deliberation in that workshops and surveys are designed to put the policy problem into the hands of the citizen, and
- 4) Credible results from the use of strong methods such as multiple data collection methods.

(6) Build Social Capital and an Ethic of Mutual Aid Others posit a theory that citizen engagement is an indicator of a community's social capital. Furthermore, the greater the level of social capital that a community possesses results in increased quality of governance and overall success of the community. Social capital can be described as the following, "*Features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit.*" Engaging the public in community planning is an opportunity to facilitate social capital between neighbors and between the public and government officials. "*Collaboratives and other participation-intensive problem-solving efforts do appear to increase human and social capital, as well as the level of stakeholder agreement.*" Public participation in planning offers opportunities to build social capital which improves the community as a whole (Peterson 2012, p. 14)

2. Models of Planning (Traditional Vs. Collaborative) This research compared ideas about the traditional theory of planning with a collaborative model of planning. The difference between the current (traditional) system is that a collaborative model that is more welcoming to citizen involvement in planning. Collaborative governance is rooted in the theories that emerged in the 1970s of open-systems planning. Even though collaborative theories have been around for more than 40 years, the majority of governments still use traditional models of planning (Peterson 2012, p. 24).

The collaborative governance model draws attention to the difference in the 'public participation objective' between traditional and collaborative models. The objective of traditional models is, "*Legal conformity, inform and educate, gain support of public for agency policies.*" Whereas the collaborative model aims to, "*create conditions for social learning and problem-solving capacity.*" The different objectives frame the barrier of the traditional model to involving citizens in quality dialogs, sharing responsibility and sharing power with citizens in making planning decisions (Peterson 2012, p. 24).

3. Oregon Planner Survey for *Public Participation in Community and Regional Planning*: 2012

a) Background The survey research object was to understand the fundamentals of public participation in community and regional planning. Over 60 public participation techniques (emphasis added) for implementation of citizen involvement in planning were reviewed and compared. The survey to Oregon planners was meant to discover which public participation techniques were being used in Oregon, and how planners felt about the effectiveness of the practices, and finally what were the key lessons that planners gathered from their experience with public involvement in planning (emphasis added; Peterson 2012, p. 31).

b) Key Lessons Five lesson themes were extracted from the open-ended questions in the survey (Peterson 2012, p. 38).

1. Broad Participation and Equity in Recruitment.
2. Equity in Sharing Opinions.
3. Inform the Public with Clear, Unbiased Information.
4. Public Influence on the Decision.
5. Utilize an Array of Public Participation Techniques.

(1) Broad Participation and Equity in Recruitment Respondents shared comments regarding the importance of engaging the entire affected community. Such as the cultural obstacles that are barriers to public involvement by minority communities. And that it is difficult to obtain a representative sample of a community with regard to demographic diversity (i.e. age, race, sex, income, etc.). Concerns were stated about advisory committee representation; both the equity in selecting members and the responsibilities of the committee members to their constituency instead of acting on personal goals. Responses suggested that outreach efforts ought to engage people other than the ‘usual suspects.’ The responses revealed that gaining broad participation and reaching all affected community members is an issue that requires attention (Peterson 2012, p. 38).

(2) Equity in Sharing Opinions Responses revealed several concerns regarding the individual participant equality in public engagement efforts in planning. One survey participant wrote, “*It is always difficult to keep a vocal minority from dominating the conversation.*” Equity within public meetings was a prevalent concern regarding the weight of opinions in public forums. The issues are to make sure everyone has an opportunity to be heard and that everyone feels comfortable sharing thoughts and opinions without being attacked. Concerns were raised that certain individuals dominate the public forum for different reasons including that they are personally vocal and boisterous or particularly keen because they are paid professionals representing well- funded interest groups. Respondents urged that public engagement efforts ought to encourage open communication, active listening and an atmosphere where everyone feels comfortable to share their opinions (Peterson 2012, p. 38).

(3) Inform the Public with Clear, Unbiased Information The concerns regarding information can be categorized in three types including other languages, technical jargon and informed decisions. Concerns were raised about translating planning information from English into other languages to promote equity in public participation. Other comments encouraged the translation of technical concepts and legal jargon into understandable terms and comprehensible issues that promote honest education and public efficacy (emphasis added). The third concept is a combination of the first two with the additional issue of citizen empowerment in decision making. Respondents commented that citizens need clear, detailed, unbiased information with which to reach informed decisions on community issues. One survey respondent wrote, “*It is my belief that too often citizens are not presented with detailed, real information upon which to make decisions.*” The survey participants stressed the importance of clear, unbiased information in public participation in planning (Peterson 2012, p. 38).

(4) Public Influence on the Decision Survey participants stressed the importance of empowering the public and allowing the public opinions to influence community decision making. Respondents referenced Arstein’s Ladder of Participation. They stressed the importance of listening to the public concerns and incorporating the opinions of the public in the community plans. One survey participant wrote, “*People need to be involved from the very beginning and have a genuine say in the design and implementation of the project for ‘participation’ to be meaningful.*” Another participant shared concerns about placating to the public versus empowering citizens in the decision making process. Along the same lines as influence, survey responses urged the importance of recording public opinions and providing feedback to the public regarding how their opinions were incorporated in the decision making (emphasis added). Responses revealed respect for public views and support for allowing the public opinions to influence planning decisions (Peterson 2012, pps. 38-39).

(5) Utilize an Array of Public Participation Techniques An overwhelming number of respondents stated that agencies ought to utilize an array of public participation techniques. This may be because the survey was focused on a comparison of public participation techniques. However participants definitely supported the facilitation of adequate and broad opportunities for citizen involvement. One survey participant wrote, “*In a time of decreasing revenues, the investment in genuine and thoughtful governance, and the involvement of citizens in making the decisions which will impact our lives and our future, are more critical than ever. To not do so, to continue with old ways -- open house, council session feedback, etc. -- is short sighted. Oregon is poorer for it.*” (emphasis added). Participants mentioned using new techniques including technology such as the internet and GIS. Other comments stressed that planners ought to go to the public and experiment with different locations and times instead of uniform, traditional practices such as public hearings or open houses. The survey revealed awesome support for using a variety of public participation techniques to engage the public in planning (Peterson 2012, p. 39).

4. Recommendations From “Public Participation In Community And Regional Planning”

The planning profession was borne from citizen activism at the end of the nineteenth century yet today less than 20% of Americans say they have been engaged in planning (American Planning Association, 2012). Planning professionals with public policy have institutionalized the practice of public hearings to involve the public in planning. **However public hearings and other commonly used efforts such as public meetings and open houses are viewed as mediocre or average in their effectiveness to include the public** (emphasis added). So what can the ethical planner do to improve public involvement in community and regional planning? The recommendation to planners is to **“adopt a different process that moves public participation to the forefront of planning instead of an afterthought”** and that responds to the charge in the American Planning Association’s definition of community planning (Peterson 2012, p. 40).

“Community planning is a process that seeks to engage all members of a community to create more prosperous, convenient, equitable, healthy and attractive places for present and future generations.” (American Planning Association, 2012, p. 13)

a) Importance of Public Participation in Planning Public participation is the core of the planning field and is important for a variety of reasons. The keys to implementing public participation in planning include understanding the barriers to implementing public participation programs, and overcoming them by focusing on the importance of including the public in planning, and **“ultimately changing the planning process to include the public”** (emphasis added). The following list is a reminder of the importance of public participation in planning (Peterson 2012, p. 40).

- Public participation is a national ethical standard for professional planners.
- Public involvement is the cornerstone of democracy and as such it is an essential part of American culture.
- Including the public helps planners understand the social context of a community or region.
- Citizen participation improves public projects and the quality of decisions through knowledge sharing.
- Including the public in making value choices for the community is vital.
- Governments and agencies can maintain and improve legitimacy in decisions and build trust between the government and community members.
- Including the public can produce long-term citizen support for public projects.
- Early public participation can prevent delays, fees, and frustration.
- Adopting a public participation program can inform the public about community issues and facilitate quality public opinion.
- Including the public in planning can enhance citizenship and participation.
- Comprehensive public participation programs balance individual and community needs.
- Governments and agencies can respond to complex problems and resolve community conflicts through collaboration and consensus.
- Public participation in planning builds social capital and an ethic of mutual aid.

b) Public Participation Planning Process Peterson developed a public participation planning process (Figure Appx. A1-3-1; Public Participation Planning Process, Peterson 2012, pps. 40-41) to visualize and improve the implementation of public involvement in planning. This process is grounded in the important factors of public participation and in response to the barriers described in this report. The process helps frame this research in the context of an overall process to implement CI in planning. Peterson’s P⁴ process has four stages (Peterson 2012, pps. 40-41).

1. Public Participation Analysis.

2. Process Planning.
3. Technique Implementation.
4. Evaluation.

(1) Stage 1: Public Participation Analysis (Peterson 2012, p. 42) The first stage in implementing public participation in planning is public participation analysis. Analysis includes clarification of the planning policy decisions, and choosing the level of inclusion by referencing the Public Participation Spectrum created by the International Association of Public Participation (IAP2; Figures Appx A1-3-1 & A1-3-2). The three steps in the public participation analysis stage include the following.

- Step 1. Clarify the community or regional planning decision being made.
- Step 2. Choose the level of involvement and identify the goal of the program: Inform, Consult, Involve, Collaborate, and Empower.
- Step 3. Identify how the public opinions will be used in decision making and the local governing body’s promise to the public.



Figure Appx A1-3-1. Public Participation Spectrum: Goals

In clarifying the policy decisions being made some important questions ought to be addressed regarding the level of inclusion of the participation program. The Oregon Citizen Involvement Advisory Committee (CIAC) recommended the following questions. If the answer is ‘yes’ to most of the following questions then the CIAC recommends that jurisdictions adopt a more comprehensive public participation plan. The five questions follow (CIAC, May 2008, p. 29).

1. Will the proposed planning action affect a large land area?
2. Will it affect many people?
3. Will it involve new issues not addressed by an existing plan or not familiar to the public?
4. Will it establish important new policies or precedents?
5. Will it involve issues that are likely to be controversial?

IAP2 PUBLIC PARTICIPATION SPECTRUM

INCREASING LEVEL OF PUBLIC IMPACT				
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Tools:	Example Tools:	Example Tools:	Example Tools:	Example Tools:
<ul style="list-style-type: none"> • fact sheets • web sites • open houses. 	<ul style="list-style-type: none"> • public comment • focus groups • surveys • public meetings. 	<ul style="list-style-type: none"> • workshops • deliberate polling. 	<ul style="list-style-type: none"> • citizen advisory committees • consensus-building • participatory decision-making. 	<ul style="list-style-type: none"> • citizen juries • ballots • delegated decisions.

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**Figure Appx A1-3-2. Public Participation Spectrum (IAP2):
Promise To People**

The second and third steps in the public participation analysis stage are a reference to the IAP2 spectrum of public participation which affects every aspect of a CI program adopted by a local government (Figure A1-3-1). The level of involvement will depend on the goal of the program whether it be to ‘inform’ through ‘empower’ the citizens or a variation of the levels at key points in the decision making. Figure A1-3-2 describes the levels of public impact in decision-making by comparing two important variables of a CI program including the ‘goal,’ and the ‘promise to the public’ (IAP2, 2000). The fundamental questions that practitioners must ask themselves before implementing a public participation program are borne from Figure A1-3-2, including the following.

1. What level of involvement or empowerment do you expect from the public participation program or what is your ‘goal’?
2. How will the opinions and concerns that are collected from the public be used in the decision making process or what is the local governing body’s ‘promise to the public’?

The answers to the two questions will enable the decision makers (i.e., local governing body) and professional planners to contemplate the ‘Goal’ of the CI program and the ‘Promise to the Public’ that will ultimately steer the public participation program.

(2) Stage 2: Process Planning (Peterson 2012, pps. 42-46) The second stage, process planning, includes three general steps. However, this stage hosts most of the barriers, including resource and legal constraints, occupational mandates, technocracy, bureaucracy, and lack of respect for public opinion (emphasis added). Here is where policy and planning analysis meets the public. The reason the barriers are attributed to this stage is because in Stage 1 the goal may be adopted to empower the public; however that commitment may be difficult to keep with the complex, traditional planning analysis process steps that follow. This stage will take time and resources and may require that planners teach the public how to analyze data and interpret technical information and hire consultants that are skilled in public participation practice. Transparency and trust are key ingredients in this stage (emphasis added). The three steps within the planning process phase include the following (Figure Appx. A1-4).

- Step 1. Identify the internal and external decision-makers based on the goal and the promise to the public.
- Step 2. Revisit and clarify the decision being made with all decision-makers.
- Step 3. Specify the planning phases and decision-making steps and schedule.

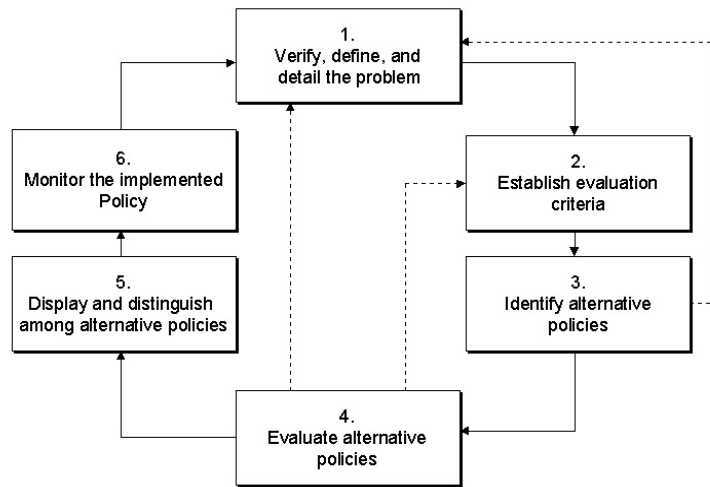


Figure Appx A1-4. Policy & Planning Analysis Process

The first step is to identify the internal and external decision-makers based on the goal and the promise to the public from the public participation analysis stage. Second is to revisit and clarify the decision being made with all decision-makers. The reason for revisiting the decision being made is that if the public is the ultimate decision maker; they may interpret and perceive different issues in the decision. The third step is to specify the planning phases or decision-making steps and schedule. All identified decision-makers ought to be involved in steps 2 and 3 of the process planning to avoid confusion and delay in the process. In “Basic Methods of Policy Analysis and Planning,” explain the traditional policy and planning analysis process that is ingrained in the profession (Figure Appx. A1-4).

Traditional policy and planning analysis is heavily criticized in academic literature as highlighted in Peterson. However, the major criticism is not of the process steps themselves but rather that the public is not involved in the process. Traditional planning and policy making processes ought to incorporate the affected public in the phases and steps of the process and planners and policy makers ought to learn new public participation strategies and techniques to do this (Peterson 2012). Keep in mind that the six process phases below are just the planning analysis side, without consideration for the level of public involvement chosen in stage one or the public participation techniques used to achieve the public's involvement - That is for you to decide based on your decisions in stage one and analysis of the techniques in Peterson.

(a) Planning Phase 1 Step: Verify, Define and Detail the Problem (Peterson 2012, pps. 43-44). The first planning phase is to verify, define and detail the problem or issue which includes the following seven general steps (Patton, 1993, pp. 147-185).

1. Think about the Problem or Issue.
2. Delineate the Boundaries of the Issue.
3. Develop a Fact Base.
4. List Goals and Objectives.
5. Identify the Policy Envelope.
6. Display Potential Costs and Benefits.
7. Review the Problem or Issue Statement.

In the first three steps the decisions makers define the community issue or problem, delineate the boundaries of the issue, and develop a facts base. The governing body must think about the problem or issue and disclose its values, assumptions, and opinions regarding the definition of the issue. The governing body must also delineate the boundaries of the issue by learning the historic context and agreeing on the geographic area affected by the issue and the decision-making duration. Information gathering and quick analysis methods can be utilized to develop a facts base. However, the discussions and minutes of meetings are also valuable in developing a definition of the issue and creating an issue statement.

In steps four through six the decision makers together develop goals and objectives, identify the policy envelope and match the objectives with their respective potential costs and benefits. A goal is a broadly worded statement about what is desired in the long run (i.e., graduate from the UO MCRP program). An objective is more focused statements about the goal that is linked to time and actions (i.e., finish this paper and submit it by tomorrow).

The policy envelope means the existing environmental factors that contribute to the success or failure of the project or proposal including political frameworks, occupational mandates, laws and regulations, the available time and resources, and the affected people and places. Step six combines the goals and objectives and the policy envelope and matches the issues or alternatives with the associated costs and benefits. Finally, step seven is a review of the problem or issue statement by asking the following questions: Has the problem or issue been stated in a way that will allow for action? Have enough insights been developed to give clues about possible alternatives?

(b) Planning Phase 2 Step: Establish Evaluation Criteria to Measure Alternatives (Peterson 2012, p. 44). Developing evaluation criteria is imperative to measuring or comparing the planning policies and/or plan alternatives. The types of criteria depend on the nature of the problem, the objectives identified in Phase 1, and the details of the policy or plan alternatives considered. Four general categories or types of criteria for a policy or planning alternatives follow.

1. Technical feasibility – Does alternative meet the plan or policy goal and objectives?
2. Economic and financial possibility – What are the costs and benefits?
3. Political viability – Depends on the goal and promise to the public from Stage 1.
4. Administrative operability – Is it feasible given existing resources?

The first type of criteria is under the category of technical feasibility which answers the following questions: Do the policy alternatives meet the objectives and have the intended effects? And, are the effects direct or indirect, long-term, cumulative or short-term, quantifiable or not, and adequate or inadequate? The second type of criteria is measuring economic and financial possibilities which include costs (tangible-intangible) and benefits (direct-indirect). The third type of criteria is political viability which in this process context depends on the level of inclusion chosen in Stage 1 Public Participation Analysis. The political viability criteria are meant to measure the alternatives and outcomes in terms of impact on the public and relevant power groups such as the local governing body, administrators, citizen coalitions, neighborhood groups, unions, schools etc. The political criteria include the general acceptability by the public, the appropriateness to public values, the responsiveness to public needs, legalities, and equity. Lastly, criteria can be developed under the category of administrative operability answering questions such as: Can the alternative be implemented given the existing staff, facilities, resources etc.? And will it be done on time?

(c) Planning Phase 3 Step: Identifying Alternatives In identifying alternatives, the ideal is to consider all possible options, but this is seldom practicable. *“Instead we seek to generate enough alternatives so there will be a choice among several good ones, but not evaluate in detail marginal alternatives.”* There are several methods for identifying alternatives. One method is the “No Action” (status quo) analysis where decision makers inventory the current situation and generally consider what happens if the situation or status quo is maintained. A second method is quick surveys which is accessing existing people through networks and gathering their opinions on the issue. A third method for identifying alternatives is a literature review of the academic journals, current news sources, magazines, online sources and other written sources that are related to the issue. A fourth method is comparison of real-world experiences where decision makers consider precedents and policies used elsewhere. The fifth method is passive collection and classification which happens when mandates or people in authority prohibit the organic, creative development of solutions, and instead the authority tells the planner and/or public what choices are available (emphasis added). The sixth method is development of typologies that identify affected groups, identify their probable reactions to each alternative, and develop alternatives based on the perceived acceptability (Peterson 2012, p. 44-45).

The seventh method for identifying alternatives is analogy, metaphor, and synectics (i.e., a problem-solving technique that seeks to promote creative thinking, typically among small groups of people of diverse experience and expertise) in which the decision makers list the attributes of the problem or issue and identify corresponding analogies such as personal, direct, symbolic, or fantasy analogies. The eighth method is brainstorming which is broadly used but formally described as a process with four rules including: criticism is ruled out, free-wheeling is welcomed, quantity is wanted, and combination and improvement are sought. Other guidelines for brainstorming include: work as a large group, keep written record of all ideas, encourage people to contribute ideas even if they think their ideas are worthless, and focus on a specific problem. The ninth method is comparison with an ideal or vision and defining the problem or issue a vision for what the ideal would be. The final method is modifying existing solutions, plans or policies. Depending on the plan, project or policy issue and the resources available the decision makers may choose to use all or just a few of the ten methods. It is important to consider which methods are going to be used and then melding or incorporating the public participation techniques into a schedule and process for identifying alternative solutions to the problem (emphasis added).

(d) Planning Phase 4 Step: Forecast Effects of Alternative Policies and Compare (Peterson 2012, p. 45) There are two steps in phase four of the planning process including forecasting the project or policy impacts and comparing the technical, economic and political importance of the forecasted impacts. Suggested methods for forecasting include extrapolative techniques which assume that the patterns that existed in the past will continue. The second method is theoretical forecasting which is generally a series of algebraic models that will estimate costs and benefits of alternative policies. The third suggested method is intuitive forecasting which is generally talking to people and sharing stories.

The second and final step in phase four is to compare the technical, economic, and political importance of the forecasted impacts. Some technical methods for comparing the alternatives include: Discounting, three measures of efficiency, sensitivity analysis, allocation formulas-project score and weighting of alternatives, revisit quick decision analysis, political feasibility analysis (identify actors involved, beliefs and motivations, resources, effectiveness, and sites), and implementation analysis.

Compare the alternatives by using the evaluation criteria created in phase 2 and ask: Will the alternative meet the criteria and how or why (emphasis added)? Phase 4 and 5 are related in that they are formulating the alternative solutions to the problem or issue.

(e) Planning Phase 5 Step: Display and Distinguish among Alternative Policies or Plans (Peterson 2012, p. 45). Phase five consists of displaying the alternatives in a coherent manner so that informed decisions can be reached and then choosing an alternative based on the evaluation criteria in phase 2 (emphasis added). More methods for comparing and evaluating plans, policies, problems or issues include various methods of ranking, scoring, weighting, rating, matrixes, and statistical regression. In phase five the decision makers narrow the alternatives based on all the comparison and evaluation and choose a solution.

(f) Planning Phase 6 Step: Monitor and Implement Policy (Peterson 2012, pps. 45-46). Phase six includes implementation of the selected solution, policy, plan or project and monitoring the effects after the plan has been implemented. A recommendation for post implementation evaluation criteria is to start with the evaluation criteria created in phase 2 (emphasis added) and ask the question: Does the policy, plan or project meet the criteria? As stated in the importance of public participation section of this report the implementation of a plan, policy or project will proceed more efficiently with public support and the early inclusion of the public in the planning analysis process.

(3) Stage 3: Technique Implementation (Peterson 2012, p. 46). Technique implementation is the third stage in the public participation planning process which includes four steps. The first step is to identify techniques to use at each planning phase or decision-making step in the process (reference Peterson 2012, Appendix A for a general list of 60 techniques). In step one the decision makers match the six planning process phases described above with the appropriate public participation techniques. Detailed implementation of each technique will require further research by the planning team or a hired consultant. The second step is to link the techniques in an integrated plan (emphasis added). Next, plan the implementation of individual public participation techniques and activities. Finally, develop performance objectives for each technique or the overall participation program (emphasis added).

(4) Stage 4: Evaluation (Peterson 2012, p. 46). The final stage is evaluation of the public participation program. The historic and current trends of citizen involvement are difficult to measure because of the lack of evaluation criteria. **Without clear performance measures and the rigorous reporting of measures over time, it is very difficult to decipher the trends or measure successful citizen involvement in planning** (emphasis added). In this stage the planning team can develop performance measures based on the goal and performance objectives in order to evaluate the public participation program and improve performance over time.

Include the public in defining and envisioning successful participation and forming indicators or measures of success that hold planners, public officials, and the public responsible for their respective roles in community planning. There are a variety of ways to evaluate a public participation program and a plethora of criteria to measure success.

The following best practices criteria that were developed by a team of British researchers on evaluation of public participation for an agency in the U.K. They are examples of what to measure when reviewing a public participation program (Figure Appx. A1-5. Best Practices Criteria).

Figure Appx A1-5. Best Practices Criteria To Evaluate Public Participation Program
(Peterson 2012, p. 46)

<u>Acceptance criteria</u>	<u>Definition</u>
Representativeness	The participants in the exercise should comprise a broadly representative sample of the affected populace.
Independence	The participation process should be conducted in an independent (unbiased) way.
Early involvement	The participants should be involved as early as possible in the process, as soon as value judgments become salient or relevant.
Influence	The output of the procedure should have a genuine impact on policy.
Transparency	The process should be transparent so that the relevant population can see what is going on and how decisions are being made.

Process Criteria

Resource accessibility	Participants should have access to the appropriate resources to enable them to successfully fulfill their brief.
Task definition	The nature and scope of the participation task should be clearly defined.
Structured decision making	The participation exercise should use or provide appropriate mechanisms for structuring and displaying the decision making.
Cost-effectiveness	The process should in some sense be cost-effective from the point of view of the sponsors.

Appendix A, Attachment 1. CONGRESSIONAL RECORD-SENATE: BUILDING CONSENSUS ON NATIONAL FOREST MANAGEMENT: 1981

- Oregon Senator Mark Hatfield. August 3, 1981. U.S. Senate Congressional Record, *Building Consensus on National Forest Management*, pps. 19388 - 19389. Wash., D.C.

Mr. HATFIELD. Mr. President, many of my colleagues are aware of the critical impact Federal land management has on life in the so-called public land States of the West. Decisions on the use of Federal land resources affect nearly every aspect of life in Western communities, **including the economy, recreation, esthetics, wildlife, water quality, supply of lumber, essential minerals, and energy** (emphasis added). Too often in the past, management decisions have been left to the managers alone. With the growing public interest in land management, however, there has been a notable effort on the part of those interested in and affected by land use decisions to get involved in the process. Congress has recognized this in recent legislation, including the Forest and Rangeland Renewable Resources Planning Act, the National Forest Management Act, the Federal Land Policy and Management Act, **and other laws which mandate public involvement in Federal land planning** (emphasis added).

The essential question remains: How do the management agencies carry out the laws? We all know that formal public meetings can be conducted in which the public has the opportunity to participate, and that these often result in frustration on the part of all those involved, even with a good faith effort on the part of the agency. **This is often due to a complex decisionmaking process, a failure to understand the terms involved, and a feeling of polarization on the part of many interested groups and citizens** (emphasis added). I know from my own efforts to resolve roadless area and wilderness issues of the wide gulf which separates many groups advocating additional wilderness areas and those which represent the forest products industry.

Clearly, innovative approaches are needed. I am pleased to note that region 6 of the Forest Service, which includes Oregon and Washington, is trying some **new, unconventional approaches to resolving land management issues and to deal with the present polarization. The method being utilized is consensus-building workshops** (emphasis added).

The Forest Service is bringing together groups of their own employees with representatives of wilderness and timber industry groups, **encouraging these individuals to look beyond their own particular positions, to learn more about those people they have recognized only as adversaries, to understand the other point of view, and to propose positive, creative solutions to land management conflicts** (emphasis added).

Obviously, this is a major undertaking which **requires true commitment and patience** (emphasis added) on the part of all those involved if it is to produce any meaningful results. I am aware of two recent all-weekend sessions conducted on the Willamette National Forest which appear to hold some real promise. This is particularly significant since the Willamette is the Nation's top timber producing forest of the 155 national forests. It also contains areas of magnificent beauty which offer excellent recreational opportunities and wilderness experiences. The conflicts on this forest have been great, both in number and in intensity. The fact that those involved in these conflicts have been willing to spend their own time in group sessions to open up lines of communication with the "other side" is testimony to their commitment to wise national forest management.

Mr. President, I believe that this effort warrants special recognition and I wish to offer my thanks to those who have participated. As one who has been deeply involved in national forest management issues. I also wish to state that any consensus achieved by such groups should get very serious consideration by the top levels of the Forest Service and the Congress. I want to encourage those who have been involved thus far on the Willamette National Forest to continue their involvement, and **to urge other national forest managers and those of the Bureau of Land Management to look at this creative approach** (emphasis added).

Special recognition is due Mr. Dick Worthington, the Regional Forester for region six; Mr. Mike Kerrick, the Supervisor of the Willamette National Forest, and Mr. Bob Chadwick, who has organized and led the sessions. **Mr. Chadwick is a former Forest Supervisor** who currently serves on Mr. Worthington's staff. **It is often difficult to set aside the traditional methods of problem solving which one has practiced all of one's life, but I believe these times demand that we utilize new techniques which offer true opportunities for public involvement in critical issues** (emphasis added). My own staff has participated in some of the meetings and I have received very positive reports. I wish to lend my strong support to the efforts I have outlined.