

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**Table of Contents**

<b>41 - PRINCIPLES OF PUBLIC PARTICIPATION .....</b>	<b>2</b>
41.1 - Principles of Public Participation .....	4
<b>42 - PUBLIC PARTICIPATION STRATEGY .....</b>	<b>5</b>
42.1 - Required Elements of a Public Participation Strategy .....	7
42.11 - Public Participation during Assessments.....	8
42.12 - Public Participation during Development, Revision, or Amendment of Plan Components .....	10
42.13 - Public Participation during the Objection Process .....	11
42.14 - Public Participation Related to Monitoring.....	11
42.14a - Participation during Development of the Monitoring Program.....	11
42.14b - Participation for the Broader-scale Monitoring Strategy.....	13
42.14c - Participation during Evaluation of Monitoring Information.....	13
42.2 - Public Notice .....	14
<b>43 - ADDITIONAL CONSIDERATIONS FOR PUBLIC PARTICIPATION .....</b>	<b>19</b>
43.1 - Guidance for Collaboration .....	19
43.2 - Federal Advisory Committee Act Committees .....	20
43.3 - Engaging a Wide Range of Members of the Public .....	20
<b>44 - PARTICIPATION AND COORDINATION WITH FEDERALLY RECOGNIZED     INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, OTHER FEDERAL     AGENCIES, AND STATE AND LOCAL GOVERNMENTS .....</b>	<b>22</b>
44.1 - Reviewing Relevant Planning and Land Use Policies of Other Public Agencies .....	23
44.2 - Interaction with Other Governmental Entities .....	23
44.3 - Tribal Consultation and Opportunities for American Indians and Alaska Natives to Participate in the Planning Process.....	24

## **FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 40 – PUBLIC PARTICIPATION**

This chapter provides guidance on public participation during the land management planning process. Effective public participation provides a variety of benefits and is critical to the development of plans and ultimately projects so that plans and projects can reflect diverse needs and contribute to the sustainability of forest resources. Public participation is intended to be dynamic, so that the Agency can both inform the public and accept feedback on the overall approach to the planning process as well as specific phases of the plan.

### **41 - PRINCIPLES OF PUBLIC PARTICIPATION**

Public participation:

1. Helps build and maintain working relationships, trust, capacity, and commitment to the plan.
2. Supports shared learning and understanding between the Forest Service and public participants.
3. Promotes a common understanding of facts and issues that form the context for planning and the planning process.
4. Helps keep the public informed throughout sometimes lengthy and complex planning processes.
5. Is a defining element of an inclusive, transparent process that strengthens plans and adds clarity to the decision making process and the rationale for decisions.
6. Helps identify or clarify issues, conflicts, constraints, values, beliefs, or expectations.

Public participation is a general term that encompasses a variety of communications strategies and levels of engagement. For the purpose of this Handbook, the term “public participation” includes the full spectrum of public engagement (see ex. 01), from informing the public to collaboration.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**41 - Exhibit 01**

**Spectrum of Public Participation and Related Tools for Public Engagement**

<b>Level</b>	<b>Examples of Agency Activities and Tools</b>
<b>Collaborate</b>	Directly engage the public to exchange information with each other and work together on one or more issues during the planning process. Identify where there is agreement and disagreement. Potential tools: Facilitated or mediated discussion among public participants, Federal Advisory Committee Act (FACA) groups, and partnerships.
<b>Involve</b>	Work closely with interested members of the public to clarify concerns and seek feedback on how to meet challenges presented by the planning process. Potential tools: workshops, partnerships, and public meetings.
<b>Consult</b>	Provide information to the public and seek suggestions as well as feedback on potential issues and concerns. Potential tools: open house, public meeting, notice and comment, news release, and website.
<b>Inform</b>	Provide sufficient objective information to the public to convey an understanding of intended actions, processes, and preliminary issues. Potential tools: fact sheet, newsletter, mailing, news release, and website.

Source: Based on “spectrum of public engagement” in the Council for Environmental Quality’s “Collaboration in NEPA: A Handbook for NEPA Practitioners” (see [http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration\\_in\\_NEPA\\_Oct2007.pdf](http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration_in_NEPA_Oct2007.pdf))

## FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 40 – PUBLIC PARTICIPATION

### 41.1 - Principles of Public Participation

The following principles guide how the agency provides for public participation during land management planning:

1. Transparency. When providing opportunities for public participation, the Responsible Official should clearly communicate the type and timing of participation that is being sought, the mechanisms for public participation, and how feedback and comments from the public will be used during the planning process. Notes, outcomes, or other available information from public meetings should be made accessible to the public.
2. Consistency. Public participation opportunities should be provided early and throughout the planning process.
3. Effectiveness. Opportunities for participation will vary by administrative unit, type of decision, planning phase, and local conditions. To be meaningful, opportunities for public participation should be designed to be relevant to the public at given points in the process.
4. Accessibility. Providing a range of options for public participation is the best way to ensure wide public access to the planning process. Websites, e-mail, and video conferencing may be ideal for some participants while traditional mail service or public meetings may be better for others. Possible limitations to participation should be considered, and opportunities should be designed to enable people with diverse skill sets and capacities to engage. A range of techniques may be necessary to ensure accessibility and compliance with the Americans with Disabilities Act of 1990 (42 U.S. C. 12101 et seq.) and the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.); see also USDA regulations at 7 CFR part 15e, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the United States Department of Agriculture.
5. Solution Orientation. When appropriate, public participation opportunities should be designed to help the Responsible Official facilitate problem-solving and identification of creative solutions as well as constructive dialogue, debate, and deliberation.
6. Efficiency and Capacity. Public engagement can be time consuming and expensive for all parties, and opportunities should be as efficient and practical as possible for the planning unit staff and the public. Public capacity for engagement and contributions to planning should be considered along with a unit's staffing and financial capacity. For example, agricultural communities have unique schedule constraints, and people with child or eldercare responsibilities may have limited opportunities to attend meetings in person. The extent of public participation varies by planning phase and unit-specific conditions as well as the scope and scale of the planning effort.

## FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 40 – PUBLIC PARTICIPATION

7. Clear Expectations. Multiple opportunities for public engagement are anticipated in most land management planning efforts, and participants should be informed of how their feedback will be used by the Responsible Official when executing decision making responsibility. Ensure balanced consideration of feedback regardless of format of public engagement activities.

8. Broad and Sustainable Participation. Public participation opportunities should be designed to allow for input from a broad range of people who are interested in land management planning for a National Forest unit -- local, regional, and national. In particular, access for audiences not typically involved in planning, for example, people from urban areas who are affected by management of National Forest System (NFS) units, should be considered. The ability of the public to sustain participation over a multi-year process should also be considered and appropriate planning techniques, including electronic access, should be integrated into the design of public participation strategies.

### 42 - PUBLIC PARTICIPATION STRATEGY

The Responsible Official should ensure that the Interdisciplinary Team develops a public participation strategy prior to initiating the assessment, or, early in an amendment process when an assessment will not be developed. The public participation strategy is a document that provides a foundation for implementing the Planning Rule's broad commitment to engaging the public throughout the planning process. The public participation strategy serves as a road map for how the Interdisciplinary Team will inform and engage the public during each phase of plan development, revision, or amendment.

**(a) . . . When developing opportunities for public participation, the responsible official shall take into account the discrete and diverse roles, jurisdictions, responsibilities, and skills of interested and affected parties; the accessibility of the process, opportunities, and information; and the cost, time, and available staffing. . . . Subject to the notification requirements in § 219.16, the responsible official has the discretion to determine the scope, methods, forum, and timing of those opportunities. (36 CFR 219.4).**

1. The Responsible Official should determine the scope and scale of opportunities for public participation, balancing available resources and schedule constraints with public engagement needs. There is no prescribed format for a public participation strategy, and the strategy can and is likely to change to accommodate evolving circumstances. The core of a public participation strategy consists of:

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

- a. The opportunities for participation to be provided at each phase – assessment, planning, and monitoring (sec. 42.1 of this Handbook), and
  - b. A description of when and how formal notice of opportunities for the public to participate in the planning process will be provided (see 42.2 of this Handbook).
2. The Responsible Official should ensure that the public participation strategy includes techniques and approaches for engaging diverse audiences including youth, low-income communities, local, regional, and national audiences, reflecting the principles in 41.1. The following factors are important to consider when developing a public participation strategy:
- a. The scope of the public participation strategy should be commensurate with the scope of the planning effort, the anticipated level of interest and likely controversy. New information and feedback from participants may warrant adjustments in the strategy as the planning process unfolds.
  - b. The desired timeframe in which to complete the plan. There can be tension between robust public engagement strategies, such as collaboration, and the time demands on the Agency and the public.
  - c. The resources needed by the Responsible Official to support public participation opportunities. Identify resource gaps or special resources that could be used, including external resources. Consider strategies that most efficiently use Forest Service and external resources. For example, it may be most efficient to offer more intensive opportunities (such as a series of issue-specific meetings) at critical points in the planning process and for issues that may be controversial. Alternatively, at less critical points, an email update or similar action may be appropriate for progress reports, to keep people informed about the process.
  - d. The Responsible Official should carefully assess and utilize existing communication resources including District Rangers and their staffs as well as Public Affairs Officers.
- Individuals and communities who may be affected by or interested in the planning process. Consider the range – local, regional, and national – of potential interests to ensure an inclusive planning process. Consider the presence and appropriate role for existing collaborative groups.
- e. Issues that may be controversial require special considerations or generate relatively intensive public feedback. Identify issues, points in the process, or aspects of the planning process for which the Interdisciplinary Team may want specialized information or for which external interests or entities may want to offer their expertise, specialized resources, or relevant information.

## FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 40 – PUBLIC PARTICIPATION

f. The ability of the public to participate. Consider the capacity, skill sets, and proximity of public participants. In rural regions, even local audiences face hours of travel time to participate in meetings. At the same time, limitations on internet access can challenge participation through electronic techniques, which may need to be supplemented by distribution of hardcopies to libraries, for example.

Public input into the strategy itself may help the Interdisciplinary Team effectively target limited resources. Feedback from the public about interests, goals, principles, expectations, and capacity with respect to their participation in the planning process could help the Interdisciplinary Team create a strategy that is workable for the public. For example, feedback from the public can be very helpful in setting a schedule for public meetings that responds to community dynamics such as holidays and seasonal demands in agricultural communities.

The public participation strategy should cover the plan development activities required by not only the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.) and the Planning Rule (36 CFR 219) but also the National Environmental Policy Act (42 U.S.C. 4331 et seq.) and its implementing regulations and procedures (40 CFR 1500-1508, 36 CFR part 220; FSH 1909.15). Note that the requirements to provide opportunities for public participation are the same for amendments as for plan development or revision, except that the Responsible Official has discretion to determine whether an assessment, and the associated public involvement, is needed for a plan amendment.

Additional sources of advice and training for developing public participation opportunities are available at the Partnership Resource Center website (<http://www.fs.usda.gov/prc>) and the collaboration cadre website ([http://www.fs.fed.us/emc/nfma/collaborative\\_processes/default.htm](http://www.fs.fed.us/emc/nfma/collaborative_processes/default.htm)).

### 42.1 - Required Elements of a Public Participation Strategy

The Responsible Official shall provide opportunities to the public to participate in the assessment process and development of a plan proposal, including the monitoring program, to comment on the proposal and the disclosure of its environmental impacts in associated National Environmental Policy Act (NEPA) analysis documents, to participate during the objection process, and to review the results of monitoring information (36 CFR 219.4(a)). The public participation strategy identifies these opportunities and helps the public and Agency staffs understand how the planning process will proceed.

**The responsible official shall engage the public—including Tribes and Alaska Native Corporations, other Federal agencies, State and local governments, individuals, and public and private organizations or entities—early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate.**

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**In providing opportunities for engagement, the responsible official shall encourage participation by:**

**(i) Interested individuals and entities, including those interested at the local, regional, and national levels.**

**(ii) Youth, low-income populations, and minority populations.**

**(iii) Private landowners whose lands are in, adjacent to, or otherwise affected by, or whose actions may impact, future management actions in the plan area.**

**(iv) Federal agencies, States, counties, and local governments, including State fish and wildlife agencies, State foresters and other relevant State agencies. Where appropriate, the responsible official shall encourage States, counties, and other local governments to seek cooperating agency status in the NEPA process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of States, counties, local governments, and other Federal agencies, where practicable and appropriate.**

**(v) Interested or affected federally recognized Indian Tribes or Alaska Native Corporations. Where appropriate, the responsible official shall encourage federally recognized Tribes to seek cooperating agency status in the NEPA process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate.**

**(36 CFR 219.4(a)(1)).**

The public participation strategy shall reflect the guidance set out in sections 42.11-42.14 of this Handbook.

#### **42.11 - Public Participation during Assessments**

**(a) Process for plan development or revision assessments. ...The responsible official shall:**

**\*\*\***

**(2) Coordinate with or provide opportunities for the regional forester, agency staff from State and Private Forestry and Research and Development, federally recognized Indian Tribes and Alaska Native Corporations, other governmental and non-governmental parties and the public to provide existing information for the assessment.**

**(36 CFR 219.6).**

Public notice that an assessment is being initiated must be given in the Federal Register, newspaper of record, and online (see sec. 42.2 of this Handbook for additional detail on notice requirements).



**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

The intent of public participation in the assessment phase is to provide the opportunity for the public to share its knowledge of existing forest conditions with the Interdisciplinary Team and to identify concerns about trends and perceptions of risks to social, economic, and ecological systems. The assessment should provide opportunities for the public and governmental entities to participate commensurate with their interest (FSH 1909.12, ch. 10, sec. 11). Public participation in the assessment phase also supports the development of relationships with and among members of the public and can contribute to a common understanding of current conditions and available data.

The Responsible Official should tailor public participation during the assessment in a manner that reflects anticipated public interests. For example, if intense public interest is anticipated as a result of existing or recent controversial issues, a wide range of public participation options should be scheduled to provide information to the public about the assessment and planning process and to accept information and concerns offered by the public. Alternatively, when the information base for a plan area is current and there are few current controversial issues, opportunities for public participation in the assessment can be less comprehensive.

Chapter 10, “Assessment,” provides direction on the content of the assessment. The following direction applies whether an assessment is done for a plan, plan revision, or plan amendment:

1. The Interdisciplinary Team shall provide the following opportunities for public participation in the assessment:
  - a. At the start of the assessment, inform the public about the scope and scale of the assessment and encourage participants to share their knowledge of existing forest conditions.
  - b. During the development of the assessment, receive public input on specific elements of the assessment.
  - c. Make the draft assessment report available for public review and feedback during a specified time period. Notification that the draft assessment report is available for review should state that the assessment report will continue to be available for public review throughout the planning process. In addition, the notice should state that the public will have further opportunities throughout the plan development or revision phase and NEPA scoping to provide comment on information in the assessment or provide new information as it relates to the proposed action and other possible alternatives (see sec. 42.2 of this Handbook).
2. In addition to providing general opportunities for public participation in the assessment, the public participation strategy must identify any specific elements for which public participation opportunities are required, including:

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

- a. The potential list of species of conservation concern (FSH 1909.12, ch. 10, sec. 12.52a)
- b. The geographic extent of the influence of social and economic contributions of the planning area on surrounding communities and the broader landscape (FSH 1909.12, ch. 10, sec. 13.21)
- c. Wilderness or wild and scenic river inventories, if those inventories are initiated during the assessment process (FSH 1909.12, ch. 10, sec. 14 )

## **42.12 - Public Participation during Development, Revision, or Amendment of Plan Components**

Public participation opportunities are provided during plan development, revision, or amendment to identify public interests and concerns regarding the plan area, develop zones of agreement relevant to plan components, include the public in designing effective plan components, and ensure other participation as needed (see sec. 42.2 of this Handbook for additional detail on notice requirements).

1. While the plan development process is unique to each planning unit, there are certain steps that are fundamental to any plan development process and for which public participation is important:
  - a. Identifying the need for change. Identification of the need for change (FSH 1909.12, sec. 21.21) is intended to help focus the planning effort. The Responsible Official is required to identify a *preliminary* need to change the plan to inform development of plan components and other plan content at the beginning of the planning phase. Public participation early in this phase of the planning process (in particular, public feedback or comment on the preliminary need for change) will help ensure that the focus of the planning effort reflects public concerns and community needs. An effective way to involve the public is to include the preliminary need for change in the public notice initiating the planning process (see sec. 42.2 of this Handbook) and accept comment on the preliminary need for change either in writing or during early public meetings of the plan development phase. The Interdisciplinary Team shall document public engagement related to the need for change (FSH 1909.12, ch. 20, sec. 21.43).
  - b. Developing potential plan components and other plan content (FSH 1909.12, ch. 20, sec. 22). Approaches to public participation in the development of plan components should be tailored to the needs and capacity of the public, taking into account the anticipated complexity of the planning exercise. Where divergent views are anticipated, time spent on public participation prior to drafting plan components can result in draft plan components that earn broad public support.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

- c. Ensuring the use of best available scientific information in plan development. The Responsible Official is required to document how best available scientific information was used to inform the plan decision. Public feedback regarding the accuracy, reliability, and relevance of scientific information helps ensure the use and documentation of the best available scientific information.
  - d. Providing an opportunity to comment on a proposed plan and accompanying NEPA analysis documents. Public notification and use of notice and comment procedures is required (36 CFR 219.16).
  - e. The Responsible Official shall ensure that meaningful opportunities for public engagement early in the 90 day comment period are provided so that members of the public may be well informed about the proposed plan and provide meaningful comments. For example, in addition to accepting and responding to written comments on a proposed plan and draft EIS, the Interdisciplinary Team ought to hold public meetings to interact with the public about the documents.
2. In addition to providing general opportunities for public participation in the planning phase, the public participation strategy should identify specific elements for which public participation opportunities are required, including:
- a. Species of conservation concern (FSH 1909.12, ch. 20, secs. 21.22 and 23.13c).
  - b. Suitability of lands (FSH 1909.12, ch. 20, sec. 22.15).

#### **42.13 - Public Participation during the Objection Process**

See FSH 1909.12, chapter 50 for more information on notice and opportunities for public participation in the objection process.

#### **42.14 - Public Participation Related to Monitoring**

The Responsible Official shall ensure that the public participation strategy provides opportunities for public engagement during the development of the monitoring program and during biennial evaluation of monitoring information. See chapter 30 for more information on monitoring.

#### **42.14a - Participation during Development of the Monitoring Program**

Opportunities for public participation during development of the monitoring program is required as part of the development or revision of a plan.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**(3) To the extent practicable, appropriate, and relevant to the monitoring questions in the plan monitoring program, plan monitoring programs and broader-scale strategies must be designed to take into account:**

**(i) Existing national and regional inventory, monitoring, and research programs of the Agency, including from the NFS, State and Private Forestry, and Research and Development, and of other governmental and non-governmental entities;**

**(ii) Opportunities to design and carry out multi-party monitoring with other Forest Service units, Federal, State or local government agencies, scientists, partners, and members of the public; and**

**(iii) Opportunities to design and carry out monitoring with federally recognized Indian Tribes and Alaska Native Corporations.**

(36 CFR 219.12(c)).

The intent of providing opportunities for public participation related to monitoring is to:

1. Obtain public input on potential questions and indicators that will comprise the monitoring program,
2. Develop a shared sense of ownership and support for the monitoring program,
2. Provide opportunities to design and carry out multi-party monitoring,
3. Learn of other monitoring information available, and
4. Improve the plan monitoring program.

The Responsible Official should consider seeking involvement of Regional staff, Research Stations, and neighboring units in public participation for the development of strategies, questions, and indicators for unit and broader-scale monitoring. Data quality objectives, best available scientific information, and consistent protocols and methods should be used regardless of who gathers or assesses the data.

Changes to the monitoring program may be made administratively, outside of the plan revision process. The Responsible Official shall provide public notice of substantive changes proposed to the plan monitoring program and provide opportunity to comment. These notices may be made in any way the Responsible Official deems appropriate based on the nature and extent of the change, but at a minimum must be posted online (sec 42.2).

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

#### **42.14b - Participation for the Broader-scale Monitoring Strategy**

When developing a broader-scale monitoring strategy, the Regional Forester shall coordinate with the relevant Responsible Officials, State and Private Forestry, Research and Development, partners in monitoring activities, if any, and the public. Coordination may be done in any way that supports the development of strategies for monitoring needs that are best addressed at a geographic scale larger than a single plan area. Coordination and public participation in plan revisions or amendments may be useful in broader-scale monitoring strategy development.

Documented results from the broader-scale monitoring strategy must be made publicly available on at least a 5-year cycle and may be documented in a variety of forms, including data, summaries, reports and papers.

#### **42.14c - Participation during Evaluation of Monitoring Information**

**(d) *Biennial evaluation of the monitoring information.* (1) The responsible official shall conduct a biennial evaluation of new information gathered through the plan monitoring program and relevant information from the broader-scale strategy, and shall issue a written report of the evaluation and make it available to the public.**

\*\*\*

**(iii) The monitoring evaluation report may be postponed for 1 year in case of exigencies, but notice of the postponement must be provided to the public prior to the date the report is due for that year.**

(36 CFR 219.12(d)(iii)).

Responsible Officials shall inform the public about the availability of the monitoring evaluation report and provide meaningful opportunities for review of the monitoring information in the report. The intent of public participation during monitoring is full transparency, to give people access to all information that is developed through monitoring activities, and to obtain public feedback on what the monitoring information suggests about the effectiveness of the land management plan.

There is no prescribed method for presenting the monitoring evaluation. For example, the Interdisciplinary Team could give a summary of the monitoring evaluation before developing a monitoring evaluation report, provide a draft report for public feedback, or make the monitoring evaluation report to the public. Appropriate outreach includes public meetings, website availability, or other mechanisms that the Interdisciplinary Team feels will be effective. Regardless of how monitoring information is presented to the public, the Responsible Official should ensure that the information is clear and easy to access.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

## **42.2 - Public Notice**

Minimum requirements for public notices are specified in the planning rule, the Council on Environmental Quality (CEQ) NEPA regulations, Forest Service NEPA guidance at FSH 1909.15, and this Handbook. The Responsible Official has the flexibility to plan for public notices in a manner that meets the needs of a particular planning exercise, as long as the minimum requirements are met.

**(c) *How public notice is provided.* The responsible official should use contemporary tools to provide notice to the public. At a minimum, all public notifications required by this part must be posted online, and:**

**(1) When the Chief, the Under Secretary, or the Secretary is the responsible official, notice must be published in the Federal Register.**

**(2) For a new plan or plan revision, when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, notice must be published in the Federal Register and the applicable newspaper(s) of record.**

**(3) When the notice is for the purpose of inviting comments on a proposed plan, plan amendment, or plan revision for which a draft EIS is prepared, the Environmental Protection Agency (EPA) Federal Register notice of availability of a draft EIS shall serve as the required Federal Register notice.**

**(4) For a plan amendment when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, and for which a draft EIS is not prepared, notices must be published in the newspaper(s) of record.**

**(5) If a plan, plan amendment, or plan revision applies to two or more units, notices must be published in the Federal Register and the newspaper(s) of record for the applicable units.**

**(6) Additional public notice of administrative changes, changes to the monitoring program, opportunities to provide information for assessments, assessment reports, monitoring evaluation reports, or other notices not listed in paragraph (a) of this section may be made in any way the responsible official deems appropriate.**

**(36 CFR 219.16).**

The purpose of providing notice is to provide timely information in a way that is useful to the public. Notices must be written in plain language, and in a manner that the public can easily understand to inform the public of opportunities to participate in the planning process or to access reports.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**(d) *Content of public notices.* Public notices required by this section ... must clearly describe the action subject to notice and the nature and scope of the decisions to be made; identify the responsible official; describe when, where, and how the responsible official will provide opportunities for the public to participate in the planning process; and explain how to obtain additional information. (36 CFR 219.16).**

All public notices for initiating development of a proposed plan, amendment, or revision, and all public notices thereafter must include a statement that the action is subject to the objections procedures of 36 CFR part 219, Subpart B. If the objection procedures of 36 CFR part 219, Subpart B will not apply, the notice must explain what other review procedure will apply (see 36 CFR 219.59).”

The minimum notice requirements for each phase of the planning process are presented in exhibit 01. Note that all required public notice, as well as any additional notice provided for in the public participation strategy, must be posted online within 4 days of publication in the Federal Register or in newspaper of record. The Responsible Official may extend this time period as needed, for example, in the event that Agency operations are suspended or personnel are not available due to an emergency.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
 CHAPTER 40 – PUBLIC PARTICIPATION**

**42.2 - Exhibit 01**

**Minimum Required Public Notices**

<p><u>All public notices must be posted online.</u> For any required publication in Federal Register or Newspaper of Record, or any notice required by a Public Participation Strategy, the online notice must be posted within 4 days of such publication.</p>		Additional Mechanisms for Notice	
		Federal Register Notice Required	Publication in Newspaper of Record Required
Assessment	Initiation of the assessment phase. Describe opportunities to participate in the assessment process (219.4(a)), (219.6(a)(2), 219.16(c)(6))	Yes	Yes
	Availability of final assessment report (219.6(a)(3), 219.16(c)(6))	No	No
Plan Development	Initiation of the development of a proposed plan, plan revision or plan amendment for which an EIS is prepared (219.16(a)(1), 219.16(c)(2), (219.4(a)); a notice of initiation may be combined with a Notice of Intent to prepare an EIS for a plan or revision, or an amendment for which an EIS will be prepared (FSH 1909.15, sec. 22; (36 CFR 220.5(b)).	Yes	Yes
	Initiation of a plan amendment for which an EIS is not prepared (219.16(a)(1), 219.16(c)(6))	No	Yes
NEPA Requirements	Notice of intent (NOI) to prepare an EIS for a plan, revision, or amendment for which an EIS will be prepared (FSH 1909.15, sec. 22; (36 CFR 220.5(b)); a NOI may be combined with the notice of the initiation of the development of a proposed plan, plan revision or plan amendment for which an EIS is prepared (219.16(a)(1), 219.16(c)(2), (219.4(a))	Yes	Yes
	Informing the public of the results of scoping (FSH 1909.15, sec. 11.7)	No	No



**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
 CHAPTER 40 – PUBLIC PARTICIPATION**

**42.2 - Exhibit 01—Continued**

<p><u>All public notices must be posted online.</u> For any required publication in Federal Register or Newspaper of Record, or any notice required by a Public Participation Strategy, the online notice must be posted within 4 days of such publication.</p>	Additional Mechanisms for Notice	
	Federal Register Notice Required	Publication in Newspaper of Record Required
<p>Making proposed plan revision, or plan amendment for which an EIS is being prepared, and DEIS available for public review and comment, (16 U.S.C. 1604 (d); 36 CFR 219.4(a); 219.16(a)(2))</p>	<p>EPA notice of availability of DEIS meets NFMA and rule requirement (219.16 (b)(3). For a new plan, plan amendment, or a plan revision for which a draft environmental impact statement (EIS) is prepared, the comment period is at least 90 days. For an amendment for which a draft EIS is not prepared, the comment period is at least 30 days.</p>	<p>Yes</p>
<p>Making proposed plan amendment for which an EIS is not required, and related NEPA analysis, available for public review and comment (219.4 (a); 219.16 (a)(2), (b)(1), and (c)(4))</p>	<p>No, unless the Chief or higher official is the Responsible Official, or the amendment applies to more than one unit</p>	<p>Yes</p>

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
 CHAPTER 40 – PUBLIC PARTICIPATION**

**42.2 - Exhibit 01—Continued**

Plan Finalization	To begin the objection period for a new plan, plan revision, or plan amendment for which an EIS is being prepared (219.16(a)(3) and (c)(3))	Yes	Yes
	To begin the objection period for a plan amendment for which an EIS is not prepared (219.16(a)(3), (c)(1) and (c)(4))	No, unless the Chief or higher official is the Responsible Official, or the amendment applies to more than one unit	Yes
	Notice of all objections that have been filed (219.56(f))	No	Yes
	To approve a final plan, plan revision or plan amendment for which an EIS is prepared, (219.16(a)(4))	Yes	Yes
Monitoring	Availability of Monitoring evaluation reports (219.12 (d))	No	No
	Proposed changes to monitoring program 219.13 (c)(1); 219.16 (c)(6)	No	No
	Notice of availability of results of broader scale monitoring	No	No
Administrative changes other than changes to monitoring program	219.13 (c)(2); 219.16 (c)(6)	No	No

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

## **43 - ADDITIONAL CONSIDERATIONS FOR PUBLIC PARTICIPATION**

### **43.1 - Guidance for Collaboration**

**(1) The responsible official shall engage the public . . . early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate.**

(36 CFR 219.4(a)).

In a collaborative process (see sec. 41, ex. 01), the public works together to explore resolutions to one or more issues. The intensive public participation associated with collaboration is expected to support the following outcomes:

1. Improved analysis and identification of potential solutions to complex user conflicts, ecosystem threats, or socioeconomic challenges;
2. Efficiency during all stages of plan development or phases of planning;
3. Improved capacity of the Interdisciplinary Team and the public to reduce uncertainty by gathering, verifying, and integrating information from a variety of sources;
4. Reduced monitoring costs or higher efficiencies as a result of collaborative or multi-party monitoring;
5. Positive public perceptions of plans and the planning process; and
6. Increased trust and commitment to the final plan, with reduced potential for litigation.

Collaboration methods should be within the capacity and fiscal capability of the planning unit and the public. While the Responsible Official may initiate collaborative process, many successful collaborative groups are led by external partners, though care must be taken that collaboration does not become a violation of the FACA (43.2 of this Handbook).

When engaging the public with collaborative processes, the Responsible Official should recognize that some participants may be more comfortable participating in other ways and additional methods of participation should be offered. While the benefits of collaborative processes can be significant, collaboration can strain timeframes and budgets, as well as public capacity to participate, so the costs and benefits should be carefully considered when incorporating collaborative approaches into a public participation strategy. The development of a framework or set of ground rules will help sustain collaborative efforts, ensure fairness, and contribute to creating realistic expectations.

## FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 40 – PUBLIC PARTICIPATION

While the Agency is committed to public participation and encourages collaboration, the Responsible Official is accountable for all formal land management planning decisions affecting NFS lands (16 U.S.C. 1604, 36 CFR part 219) and is not permitted to relinquish that responsibility. The Responsible Official may consider the common ground agreements and recommendations of collaborators but is not obligated to accept the recommendations in making a decision.

General guidance on collaboration, including collaborating across distances, is provided at the Partnership Resource Center website (<http://www.fs.usda.gov/prc>) and the collaboration cadre website ([http://www.fs.fed.us/emc/nfma/collaborative\\_processes/default.htm](http://www.fs.fed.us/emc/nfma/collaborative_processes/default.htm)).

### 43.2 - Federal Advisory Committee Act Committees

The Responsible Official may seek help or advice from federal advisory committees, consistent with requirements of the Federal Advisory Committee Act (FACA) and implementing regulations. Advisory committees established by other agencies may be used if arrangements are consistent with the intent and direction of Forest Service planning regulations. Agency FACA guidance (FSM 1350) on establishment and composition of formal advisory committees should be followed.

Responsible Officials should be aware that the FACA applies to the establishment of groups composed of individuals or organizations providing consensus views and advice and may apply in other situations. Before working with formal or informal committees (whether established in conjunction with the Forest Service or not) in relation to developing, revising, or amending a plan, the Responsible Official should consult with Agency FACA guidance (FSM 1350) and the Office of the General Counsel to determine whether the FACA applies. Guidance for complying with the FACA is available on TIPS (<http://www.fs.fed.us/TIPS>) and the Partnership Resource Center Web site (<http://www.fs.usda.gov/prc>).

### 43.3 - Engaging a Wide Range of Members of the Public

Public participation strategies should provide opportunities for young people and others who have not traditionally been engaged in forest management. Providing opportunities for input from nontraditional sources, including user-generated content, will broaden the impact of a public participation strategy.

The use of tools during outreach should be appropriate for the target populations. The Responsible Official should use contemporary tools, such as the Internet, to engage the public. Reach out to youth, minority, and low-income populations for ideas on how to best engage them in different phases of planning. Address availability of internet access, which varies in rural communities. Consideration should be given to working with schools, public service agencies,

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

and nongovernmental organizations at one or more levels of participation. Radio and TV spots (in multiple languages as appropriate), attendance at nontraditional meetings, and use of Internet and online media are examples of how to reach some nontraditional audiences.

Nongovernmental organizations that work with these populations likely exist and can assist or offer support and ideas. Translators should be provided at meetings as appropriate.

Consider choosing appropriate spokespeople, including community leaders and partners, to engage audiences such as youth, low-income, or minorities. Be prepared to answer the question “Why should I care about forest planning?” by connecting national forests to the basic necessities of life, such as:

1. Clean drinking water and fresh air,
2. Nutrition-rich food (from hunting, fishing, gathering, and grazing),
3. Job and career opportunities (for example in forest and stream restoration, firefighting, Forest Service leadership, recreation management, timber harvesting, or other areas),
4. Wood products,
5. Cultural and religious practices, and
6. Healthful lifestyles, outdoor recreation, and exercise.

Ensure public participation opportunities present inclusive environments for people who have not traditionally participated in land management planning. Look for partnership opportunities with organizations such as Minorities in Agriculture, Natural Resources and Related Sciences. Build the connection with national forests by making public participation accessible and affordable, such as organizing group outings and providing transportation. Make it easy, enjoyable, and rewarding to participate in forest planning by focusing on people’s visions for the future and making a better world for their children and grandchildren.

Engage younger audiences in the planning process and beyond, by appealing to their curiosity about the natural world through visual experiences and physical contact with the outdoors and forest environment. Work with teachers, parents, and curriculum developers to educate youth about forest and wildlife ecology and connections to their own lives (for example, honey from bees, water from forests and mountains, career opportunities). Design activities that are fun and produce take-home reminders of what they have learned. Involve young adults in managing, monitoring, and responsibly using the national forests by partnering with organizations like the members of the 21<sup>st</sup> Century Conservation Service Corps.

In the planning record, provide a brief summary of the success of outreach to low-income, minority communities, and young people.

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

**44 - PARTICIPATION AND COORDINATION WITH FEDERALLY RECOGNIZED INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, OTHER FEDERAL AGENCIES, AND STATE AND LOCAL GOVERNMENTS**

- (b) Coordination with other public planning efforts. (1) The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments.**
- (2) For plan development or revision, the responsible official shall review planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1721(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of these reviews shall be displayed in the environmental impact statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:**
- (i) The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;**
  - (ii) The compatibility and interrelated impacts of these plans and policies;**
  - (iii) Opportunities for the plan to address the impacts identified or contribute to joint objectives; and**
  - (iv) Opportunities to resolve or reduce conflicts, within the context of achieving the Forest Service desired conditions or objectives.**
- (36 CFR 219.4).**

The role of State, local, Tribal governments, and other Federal agencies in the planning process is unique. The opportunity for their involvement throughout the planning process is essential to the successful development and implementation of forest plans. Their participation should be actively sought throughout the planning process and continue through monitoring and adaptive management under the plan. The Responsible Official should ensure that the public participation strategy includes a description of how the Interdisciplinary Team will interact with other public agencies.

The Forest Service is better positioned to manage a successful “all lands” approach to land management planning if effective communication with other public agencies and governments is part of the planning process. The Planning Rule requires the Responsible Official to coordinate with related planning efforts; however, the responsibility for all plan decisions remains with the Forest Service and cannot be delegated, as noted here:

- (a)...The Forest Service retains decisionmaking authority and responsibility for all decisions throughout the process. (36 CFR 219.4(a)).**

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

#### **44.1 - Reviewing Relevant Planning and Land Use Policies of Other Public Agencies**

The Responsible Official shall ensure that the Interdisciplinary Team reviews the relevant planning and land use policies of other public agencies to understand and give consideration to those agencies' objectives. The Responsible Official is not required to ensure that a Forest Service land management plan is in accord with State, local or Tribal resource, and land management plans. In the course of considering those agencies' objectives, however, the Responsible Official shall consider ways the Forest Service land management plan could contribute to common objectives, address impacts, resolve or reduce conflicts and contribute to compatibility between Forest Service and other agencies' plans.

Some Tribal or local governments or other public agencies do not have formal land management plans or may have plans that are not current. Where current plan policies are not available, the Responsible Official may consider other sources of information to ensure a clear understanding of the objectives of other agencies

#### **44.2 - Interaction with Other Governmental Entities**

Describing the participation of other governments in the public participation strategy provides an opportunity for the Responsible Official to clarify roles and ensure open lines of communication throughout the planning process. The public participation strategy should reflect the preferences of other agencies for participation in the planning process so the Responsible Official can respond to resource or schedule constraints. The public participation strategy should also reflect that it is a goal of the planning process to identify common objectives with Tribal, State, and local governments and find opportunities to resolve or reduce conflicts and address impacts related to national forest management.

It is critical that the public participation strategy clearly state the approaches that will be used for interaction with other governmental entities to provide clear expectations for all parties. Interaction with other governmental entities occurs in several ways, including the following:

1. Collaboration. Special emphasis should be given to encouraging participation by State, local, and Tribal governments, including identifying opportunities for public collaborative processes and opportunities for participation in such processes.
2. Cooperation. The planning process should build upon existing cooperative relationships with State, local, and Tribal governments and other Federal agencies. The Responsible Official should consider designating a single Agency primary point of contact for intergovernmental cooperation during the planning process.
3. Coordination. Coordination is mandated by the Planning Rule (219.4(b)) and:

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

- a. From NFMA, “the Secretary of Agriculture shall develop, maintain and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies,” (16 U.S.C. 1604(a)).
  - b. From FLPMA, “[i]n the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forests with the land use planning and management programs of and for Indian Tribes by, among other things, considering the policies of approved Tribal land resource management programs” (43 U.S.C. 1712(b)).
4. Cooperating Agency Status. Cooperating agency status is made available to State, local, and Tribal governments under the CEQ NEPA regulation (40 CFR 1508.5). Thus, it applies only to that portion of the planning process that occurs subsequent to the issuance of the notice of intent to develop an environmental impact statement. The Responsible Official shall encourage governmental entities to request cooperating agency status where appropriate. This request should, under most circumstances, be granted by the Forest Service when the cooperator has “special expertise” or “jurisdiction by law” and can be expected to meet the cooperating agency requirements in 40 CFR 1501.6(b). The Forest Service and the cooperating agency are encouraged to develop a formal memorandum of understanding outlining the terms of the cooperation. A cooperating agency should be allowed on interdisciplinary planning teams and have access to predecisional NEPA documents.
5. Tribal Consultation (sec. 44.3 of this Handbook).

**44.3 - Tribal Consultation and Opportunities for American Indians and Alaska Natives to Participate in the Planning Process**

***(2) Consultation with federally recognized Indian Tribes and Alaska Native Corporations.* The Department recognizes that the Federal Government has certain trust responsibilities and a unique legal relationship with federally recognized Indian Tribes. The responsible official shall honor the government-to-government relationship between federally recognized Indian Tribes and the Federal government. The responsible official shall provide to federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation consistent with Executive Order 13175 of November 6, 2000 and 25 U.S.C. 450 note. (36 CFR 219.4(a)).**



**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

The Washington Office, Director, Office of Tribal Relations, is responsible for advice and counsel on the government-to-government relationships and consultation with federally recognized Indian Tribes and Alaska Native Corporations.

The Federal Government's government-to-government relationship with federally recognized Indian Tribes and Alaska Native Corporations is often based on treaties and intergovernmental agreements and requires consultation. Consultation during the planning process should be in accord with FSH 1509.13, American Indian and Alaska Native Relations Handbook, chapter 10, Consultation with Tribes.

Executive Order 13175 and Department of Agriculture (DR 1350-002) and Forest Service policies (FSM 1560 and FSH 1509.13, ch 10) require agency officials to pursue regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have tribal implications and to strengthen the United States' government-to-government relationships with Indian Tribes. Memoranda of Understanding or Agreement are important tools to clarify the respective roles and responsibilities of the Forest Service and Tribal governments early in the process and to ensure that consultation occurs throughout plan development, implementation, and adaptive management. See FSM 1563.01(d)(1) for additional guidance on Tribal consultation.

Information about native knowledge, land ethics, and cultural issues should be requested and should be identified during the assessment phase and considered throughout the planning process.

***(3) Native knowledge, indigenous ecological knowledge, and land ethics.***  
**As part of tribal participation and consultation as set forth in paragraphs (a)(1)(v) and (a)(2) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites.**  
(36 CFR 219.4(a)).

In addition to consultation with Tribes, the Responsible Official should encourage participation by interested or affected Tribes and individuals throughout the planning process. This information helps sustain provision of services and benefits from National Forests and Grasslands for Tribes and can be an important source of information for management.

The Responsible Official should also take into account opportunities to design and carry out monitoring with Indian Tribes or Alaska Native Corporations to the extent practicable and appropriate (36 CFR 219.12(c)(3)(iii)).

**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK  
CHAPTER 40 – PUBLIC PARTICIPATION**

Participation by Indian Tribes and Alaska Native Corporations in a collaborative process is voluntary and would supplement, not replace consultation. Consult with local or Regional Forest Service Tribal Program Managers for best approaches to working with the Tribes in the local area.

The Responsible Official shall protect confidentiality regarding information that is culturally sensitive information to an Indian Tribe or Tribes (36 CFR 219.1(e)).