

# Public Participation

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## What is Public Participation?

Public participation is any effort to engage citizens in the process of making public decisions.

## Why Do It? <sup>1</sup>

- ❑ **To Fulfill Legal Requirements:** Often an agency is required by law to consult the public in the process of making decisions.
- ❑ **To Build Political Support:** An agency may want to involve the public to build support for its proposed action or decision. If the decision needs to go through the political process, it is often very useful to have some public ownership.
- ❑ **To Improve an Outcome:** More and more agencies are realizing that they usually end up with a better product if they include some type of public involvement in their decision making process. The agency may learn important information from citizens that are more familiar with the topic than the agency staff, thereby creating a mutual understanding of the issue. The public may also contribute new ideas, even solutions, to the problems faced by the agency.
- ❑ **To Facilitate Ownership and Implementation**
- ❑ **To be Accountable:** Sometimes an agency will seek public involvement because they believe it is the right way to do business. Involving individuals and groups affected by a decision often results in better informed, more creative, and lasting solutions to complex public problems.
- ❑ **To Defend Themselves:** Sometimes an agency undertakes public involvement activities to defend themselves from attacks claiming that the decision makers did not consult the public.
- ❑ **To Foster Civic Engagement and Deliberative Dialogue**

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<sup>1</sup> This and the next three sections are adapted with permission from Lucy Moore, 5 Seton Plaza, Santa Fe, New Mexico, 87505. See also James L. Creighton, *Involving Citizens in Community Decision Making* (Program for Community Problem Solving, Washington, D.C., 1992).

## When Should Citizens Be Involved?

- ❑ **When the Project is Their Idea:** Sometimes the public takes the lead in defining an issue and seeking its resolution. This situation is ideal -- it illustrates the interest and ownership of the public, and suggests that people are willing to help define the right process to improve the situation.
- ❑ **To Design the Public Involvement Process:** The public is in the best position to know what type of public involvement process will best meet its needs and expectations.
- ❑ **To Develop and Evaluate Ideas:** The public is often asked to participate on advisory councils, task forces, and other committees to develop and evaluate ideas related to a public issue. This approach builds a common understanding of the issue and may foster a sense of ownership.
- ❑ **To Review a Proposal or Document:** Sometimes the public does not enter the process until a proposal is made and a document is produced. *This is probably the worst-case scenario because the public does not have any understanding or ownership of the proposal. The integrity of the responsible agency is often questioned under this scenario.*

## What Do Citizens Want?

- **Information:** The public wants to learn as much as possible about the substance of the proposal or decision.
- **A Clear Role:** The public wants the agency to be absolutely clear about the role of the public in the decision making process. The agency must clarify its expectations as well as the constraints it faces in terms of public involvement.
- **A Significant Role:** The public wants to influence the decision to whatever degree is possible.
- **A Better Understanding of How Things Work:** The public wants to learn all it can about how the government makes decisions, and where the key points are for influencing the decision.
- **Respect:** The public wants agencies and decision makers to respect their needs, interests, and viewpoints.
- **Other Agendas:** The public will almost always come with other agendas not related to the proposal or decision. They may apply what they learn from one process to improve their ability to influence another decision-making process.
- **Responsiveness:** The public wants to know what an agency does with its input. If the public asks for information or follow-up, they expect to hear back from the agency.
- **Feedback.**
- **Procedural, Substantive, and Personal Satisfaction**

## A Strategic Framework

### Assumption

The point of engaging citizens in dialogue is that by adding the value-rich perspectives of the public to the information-rich perspectives of experts, we can create more effective, sustainable public policy.

Adapted from Daniel Yankelovich, *The Magic of Dialogue* (1999)

### Principles of Public Participation<sup>2</sup>

1. The public should have a say in decisions about actions that affect people's lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process communicates to participants how their input affected the decision.
7. The public participation process provides participants with the information they need to participate in a meaningful way.

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<sup>2</sup> Developed by the International Association for Public Participation, 1997. Reprinted with permission.

## How To Design an Effective Public Involvement Strategy <sup>3</sup>

1. Does the public need to be involved? Public involvement may be needed when:
  - \* The decision will have a significant impact.
  - \* The decision will affect some people more than others.
  - \* The decision will impact a vested interest or use.
  - \* The decision involves a subject that is already controversial.
  - \* The decision will need support for implementation.
  
2. If you're not sure:
  - \* Check with others who have worked on similar issues.
  - \* Ask the stakeholders.
  - \* Conduct focus groups.
  - \* Design checkpoints.
  
3. Who is "the public?"
  - \* Identify specific people and organizations that may have an interest in the project or decision.
  
4. What is the goal of the public involvement process? What role should the public play in this project or decision? What do you hope to accomplish with public involvement?
  - \* Help define the issue?
  - \* Provide information?
  - \* Develop and evaluate potential solutions?
  - \* Generate support?
  
5. Who should determine what role the public should play? How will the participants benefit from the public involvement process?
  - \* The public.
  - \* The agency or decision maker.
  - \* The public and the agency.

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<sup>3</sup> Adapted with permission from James L. Creighton, *Involving Citizens in Community Decision Making* (Program for Community Problem Solving, 1992).

6. How will decisions be made? What role does the public play in the decision making process?
- \* Will the agency retain exclusive authority to make the final decision?
  - \* Will the public be allowed to participate in the decision making process?
  - \* Are there any constraints that limit the ability of the public to participate in the decision making process (e.g., the Federal Advisory Committee Act)?

7. What methods or processes should be used to involve the public?

In short, the objectives of the agency and the level of controversy should dictate the type of public involvement process.

Common techniques include:

- \* surveys and questionnaires
  - \* one-on-one interviews
  - \* focus groups
  - \* open houses
  - \* advisory councils and task forces
8. How will the public be provided with the resources necessary to meaningfully participate in the public involvement process?
9. How will you provide for ongoing public involvement throughout the life of a project or program?
10. If you conclude that the most effective public involvement strategy is to involve the public as early as possible to build understanding and agreement on a decision or proposal, *you may want to review the principles of building agreement presented in the Module on Principles and Concepts.*
11. How will the effectiveness of the public involvement process be monitored and evaluated?

## Is Public Participation Working?

See Matthew McKinney and Will Harmon, "Public Participation in Environmental Decision Making: Is It Working?" *National Civic Review* 91(2)(2002): 149-170.

- **Indicators of Success**
- **Five Themes**
  - Objectives of Public Participation
  - Public Does Not Regularly Participate
  - Incorporating Public Comment
  - Quality of Public Comment
  - Public Participation is Critical!
- **Why Does the Public Choose Not to Participate?**
  - **It Seems Like a Waste of Time:** Many public involvement activities seem to be -- and may be -- insincere. While the agency is going through the motions, it may have already made up its mind. Even when the agency seeks the input and advice of citizens, the rationale for the agency's decision, and how the interests of the public are incorporated, is often a mystery.
  - **Participation Conflicts with Another Strategy:** If one or more members of the public want to protest the project, they may boycott the public involvement process. Such actors may have other legal or political strategies for influencing the outcomes of the process.
  - **They Are Not Aware of the Activities:** Many times the public is not adequately aware of the opportunity to participate in a public decision making process. In some cases, only a limited segment of the public is aware of the opportunity, which may bias the results of public involvement.
  - **They Assume Others Will Take Care of It:** Many people assume that "activists" or others will adequately represent their interests. Other people with more time, better information, and more effective skills will hold government accountable.

- **Too Many Issues, Too Little Time:** Given the number and complexity of public issues at the local, state, and federal levels, there is simply not enough time to get involved in every issue. Most people are busy balancing family priorities and commitments at work. Whatever the reason, it is often difficult for people to be actively.
- **Intimidated:** People may anticipate a controversial situation and choose to avoid the conflict.

## Prescriptions

### Clarify the Roles of Public Officials

- ❑ Decision-maker
- ❑ Technical Expert
- ❑ Stakeholder
- ❑ Facilitator

### Employ Negotiated Rulemaking

See Matthew McKinney, “Negotiated Rulemaking: Involving Citizens in Public Decisions,” *Montana Law Review* (Summer 1999): 499-540.

### Use Citizen Juries and Similar Methods

See Ned Crosby, “Using the Citizen Jury Process for Environmental Decision Making,” in Ken Sexton, et. al., *Better Environmental Decisions: Strategies for Governments, Business, and Communities* (Island Press, 1990): 401-418.

### Incorporate Collaborative Strategies Into NEPA

See handout.