

LEADER'S GUIDE TO ENVIRONMENTAL PUBLIC INVOLVEMENT



November 2004

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| | |
|-----------------------------------------------------------------------------|-----------|
| 1.0: Executive Summary | 5 |
| 1.1: Purpose | 5 |
| 1.2: Guidebook Structure..... | 5 |
| 2.0: Introduction | 7 |
| 2.1: Federal Environmental Law | 7 |
| 2.1.1: Comprehensive Environmental Response, Compensation and Liability Act | 7 |
| 2.1.2: Superfund Amendment and Reauthorization Act..... | 8 |
| 2.1.3: Resource Conservation and Recovery Act | 8 |
| 2.1.4: National Environmental Policy Act | 8 |
| 2.1.5: Endangered Species Act | 8 |
| 2.1.6: Safe Drinking Water Act | 8 |
| 2.1.7: Clean Air Act..... | 9 |
| 2.1.8: Clean Water Act | 9 |
| 2.2: Army Directives..... | 9 |
| 2.3: Strategic Planning Team | 9 |
| 3.0: Stakeholder Assessments | 11 |
| 3.1: Stakeholder Group Identification | 12 |
| 3.2: Community Interviews | 13 |
| 3.3: Telephone Surveys..... | 14 |
| 3.4: Focus Groups | 15 |
| 4.0: Public Involvement Planning | 17 |
| 4.1: Define Goals and Objectives | 17 |
| 4.2: Identify and Prioritize Stakeholder Groups | 17 |
| 4.2.1: Prioritize Stakeholder Groups..... | 18 |
| 4.3: Develop Key Messages | 18 |
| 4.4: Identify Tools and Tactics | 19 |
| 4.4.1: Public Notices..... | 19 |
| 4.4.2: Public Comment Periods | 20 |
| 4.4.3: Public Meetings | 20 |
| 4.4.4: Public Availability Sessions | 20 |
| 4.4.5: Administrative Record | 20 |
| 4.4.6: Information Repository | 21 |
| 4.4.7: Community Groups/Restoration Advisory Boards | 21 |
| 4.4.8: TAPP Contractors..... | 21 |
| 4.4.9: Information Products..... | 21 |
| 4.4.10: Success Stories | 22 |
| 4.4.11: Media Advisories/News Releases..... | 22 |
| 4.4.12: Site Tours | 22 |
| 4.4.13: Editorial Boards/ Media Days..... | 22 |
| 4.4.14: Speakers' Bureaus..... | 23 |
| 4.4.15: Web Sites..... | 23 |

| | |
|----------------------------------------------------------------------------------------------------|-----------|
| 4.4.16: Award Programs | 23 |
| 4.4.17: Question and Answer Documents..... | 23 |
| 4.6: Develop Implementation Schedule | 24 |
| 4.7: Conduct Evaluation Activities | 24 |
| 5.0: Risk Communications | 26 |
| 5.1: Public Health and Safety Communications..... | 28 |
| 5.1.1: Emergency Planning and the Community’s Right to Know..... | 29 |
| 5.1.2: Executive Order 12856 and the Toxic Release Inventory..... | 29 |
| 5.2: Environmental Justice Issues | 30 |
| <u>Appendices</u> | |
| APPENDIX A: Environmental Regulations and Public Involvement Requirements..... | 32 |
| APPENDIX B: Restoration Advisory Boards and Technical Assistance for Public Participation | 40 |
| APPENDIX C: Acronyms | 43 |

Foreword

Public Involvement is a Leader's Responsibility.

Public involvement is a command responsibility. Therefore, the U.S. Army has created the *Leader's Guide to Environmental Public Involvement* as a primer for commanders and staff at all levels whose duties require some aspect of public involvement concerning the Army's Strategy for the Environment. It supplements guidance found in Corps of Engineer Regulation 200-3-1 and Engineer Pamphlet 1110-3-8, "Public Participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites."

According to the Army's Leadership Field Manual, FM 22-100, "Leadership is influencing people—by providing purpose, direction, and motivation—while operating to accomplish the mission and improving the organization." In making use of public involvement, we are often trying to influence stakeholders so that they understand and accept an Army approach to an environmental concern or a decision based on Army-unique requirements. However, we must remember that the leader's definition of influence includes improvement. Public involvement's goal is not to convince others that we are right. Instead, public involvement should provide opportunities for discussion with stakeholders about issues that could provide input that will improve our decisions.

Public involvement requires purpose. While not every decision or course of action requires stakeholder involvement, building relationships with stakeholders on particularly crucial issues builds trust. By including stakeholders in our decision-making processes, and listening to their input, we give them a reason to become involved with us in a positive way. Over time, that involvement helps build relationships upon which trust is based, and trust is a basic bond of leadership.

Public involvement needs direction. Left without direction, public involvement could be side-tracked by special interests and lead to effects that are not in the best interests of the Army or the American public. The process needs to be guided. Army leaders must communicate the goals, objectives, and metrics associated with its accomplishment. You must check to assure objectives are being met and that the processes being used are providing value to the organization and stakeholders.

Public involvement requires motivation. The best leaders lead from the front. An organizational climate that encourages communication with and strives to understand its stakeholders will generate the best in public involvement. The test of leadership in terms of public involvement is to apply the concepts and methods in the right way so that the Army and its stakeholders can overcome the impasses that can develop when conducting programs that have some impact on the environment. This is particularly true when diverse interests may be in conflict.

1.0: Executive Summary

This guide is written for the members of the Army's team that implements the Army Strategy for the Environment. These leaders usually include the garrison commanders, directors of logistics, directors of public works, directors of training and operations, environmental coordinators, range managers, project managers, legal advisors, safety officers, natural and cultural resources managers, preventive medicine officers, and public affairs officers.

While the guide was written with environmental issues in mind, the tools and techniques included here are applicable and adaptable to the full range of Army activities within the United States and worldwide where meaningful interaction with the public is necessary and encouraged.

1.1: Purpose

To establish and execute a successful public involvement program, it is crucial we understand the issues that genuinely affect and concern the public, keep them informed of proposed actions that they perceive to affect their health and safety, and provide them opportunities to meaningfully participate in discussions and decisions about these actions. Stakeholders are understandably concerned about any actions the Army may take that could affect their health, safety, quality of life, or their environment. They often want a voice in such matters, but may not understand the Army's processes that allow them to become involved.

The Army's public involvement programs are planned efforts to involve citizens in the environmental decision-making process. They should be used to establish and foster relationships within the community, proactively inform and interact with stakeholders, and to prevent or resolve conflicts through regular, on-going two-way communication.

The purpose of this plan is to outline how one can identify environmental laws and regulations that apply to their installation, identify required public involvement activities under those laws, and develop a public involvement plan to carry out these activities in a manner that meets the needs of stakeholders and concludes in mutually beneficial actions. The end result should be public and Army support for technically, fiscally, and politically acceptable solutions to environmental challenges.

1.2: Guidebook Structure

This guide is intended to help Army staff meet that challenge by providing the basics that guide a public involvement program and by outlining methods for conducting public involvement for a range of issues that impact the environment.

Section 2.0, *Introduction*, explains public involvement requirements and links knowledge to action by:

- outlining reasons why public involvement in environmental programs is important;
- providing synopses of some of the applicable environmental laws and the kinds of public involvement activities these laws require; and

- describing how to assemble a strategic planning team that can support the public involvement planning and implementation process.

Section 3.0, *Stakeholder Assessments*, explains how to can learn more about a community's information needs, concerns, and preferred methods of communications by:

- Identifying important stakeholders;
- Outlining the types of information to gather and analyze in developing an effective public involvement program;
- Discussing how to create a clear and comprehensive picture of stakeholder groups; and
- Listing and describing various methods for getting direct stakeholder feedback regarding community concerns, information needs, and communication methods.

Section 4.0, *Public Involvement Planning*, describes how to establish a public involvement program that can be measured for success by:

- Providing a blueprint for developing and implementing public involvement programs;
- Identifying the issue(s), goals, objectives, roles and responsibilities, appropriate tools and methods, schedules, and key messages; and
- Describing processes for developing execution plans, as well as evaluation methodologies.

Section 5.0, *Risk Communications*, describes additional communications skills necessary for planning and executing public involvement programs by:

- Describing a general approach to risk communications planning and analysis of stakeholder perceptions of risk; and
- Identifying tools, methods, and approaches for effectively communicating about risks to a variety of stakeholders.

2.0: Introduction

It is the Army's ethical and legal responsibility to provide the public with information and the means to impact the decision-making process regarding environmental issues. The first steps in the public involvement process are to 1) know the requirements, and 2) assemble a team to fulfill these requirements.

Both federal and Army regulations guide programs that have environmental impacts. These laws generally require various levels of public involvement activities that need to be strategically planned and executed by a team with varied backgrounds and expertise. This section outlines the specific federal and Army regulations that drive environmental considerations, their associated public involvement activities, and how to establish a team to ensure these activities are effectively executed.

2.1: Federal Environmental Law

The Federal Facility Compliance Act of 1992 states that federal facilities are subject to federal, state, interstate, and local solid and hazardous waste laws. Essentially, this legislation makes federal facilities subject to the same solid and hazardous waste laws that apply to private industry, and it waives the "sovereign immunity" once allowed for federal facilities, making federal facilities subject to legal action from state regulatory agencies. Federal facilities may be held liable for civil penalties and U.S. Environmental Protection Agency (EPA) enforcement actions, but not for criminal penalties. Officers of the federal government can be held liable for criminal penalties resulting from violations of some environmental laws.

Several environmental laws with which the Army must comply establish minimum standards for public involvement. The following is a summary of the primary federal laws most likely to impact the Army's Strategy for the Environment, installations and FUDS and require some level of public involvement. More information on these environmental laws, as well as information on additional laws, is included in Appendix B.

2.1.1: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

This law outlines the requirements for conducting environmental restoration activities and generally requires the most public involvement activities. It created a special tax that goes into a trust fund, commonly known as the *Superfund*, to investigate and clean up private sector sites where hazardous materials or chemicals from past activities are adversely impacting the environment. This fund does not pay for cleanup at military sites. Congress specifically appropriates necessary funds for military cleanups through the Defense Environmental Restoration Program.

Regulatory requirements for public involvement are contained in the National Contingency Plan, depending on what type of action is being taken. (See 40 CFR 300.430(c) and 430(f)(3) for remedial actions, and 40 CFR 300.415(n) for removal actions.) Installations that are home to CERCLA sites where cleanup is expected to take 120 days or longer are required to prepare a Community Relations or

Community Involvement Plan. CIPs are developed based on community interviews and will outline the effective and measurable execution of the required CERCLA community involvement activities. EPA guidance suggests that depending on the status of the installation, CIPs should be written to cover a five-year period and updated every three years. CIP updates are also recommended in the event of a major program shift.

2.1.2: Superfund Amendment and Reauthorization Act (SARA)

This law, passed in October 1986, modified CERCLA. It includes a provision that federal agencies must comply with the provisions of CERCLA, but must fund their own cleanup programs, rather than use funds from the Superfund Trust Fund. It established the Defense Environmental Restoration Program and through that program the Army's cleanup fund, Environmental Restoration, Army (ER,A) account, as well as the Formerly Used Defense Sites program account.

2.1.3: Resource Conservation and Recovery Act (RCRA)

Passed in 1976, this law established a regulatory system to track hazardous wastes from generation to disposal. RCRA requires permits for hazardous waste treatment, storage, and disposal facilities. RCRA public involvement activities are associated with obtaining and renewing permits to operate facilities, and cleanup activities at sites of hazardous waste operations conducted under RCRA rather than CERCLA.

2.1.4: National Environmental Policy Act (NEPA)

NEPA requires an assessment of virtually all significant federal decisions likely to impact the environment. This act was passed to ensure that decision-makers are aware of the environmental consequences of decisions, and permit the public to comment on both the scope of an environmental impact study and the alternatives under consideration. The Army's requirements are based on the underlying regulations of the White House Council of Environmental Quality, published as Code of Federal Regulations (CFR) 1500-1508.

2.1.5: Endangered Species Act

To comply with the Endangered Species Act, installations planning actions that may have an impact on federal species must consult, formally or informally, with the U.S. Fish and Wildlife Service (USFWS). Documents prepared under consultation may include biological assessments, environmental assessments, or environmental impact statements. Installations must consult with the USFWS if any ongoing or proposed actions may affect plant or animal species covered by this act.

2.1.6: Safe Drinking Water Act

As a supplier of drinking water to customers, an Army installation which operates its own treatment plant is required to notify its customers of how it is meeting specific water discharge requirements and any anticipated plant modifications. It is also required to produce consumer confidence reports.

2.1.7: Clean Air Act

The Clean Air Act requires the EPA publish criteria for determining air quality and information on techniques to control air pollution in the Federal Register, and that copies of this published information also be made available to the general public. It requires each state to prepare plans for notifying the public on a regular basis when air quality does not meet regulatory standards. The state must keep the public informed of the health hazards associated with the air pollution and made aware of measures that can be taken to reduce air pollution levels. Most fixed facilities discharging regulated air pollutants must obtain a permit from the EPA or their state. The application process for new or modified permits usually involves public notice and/or public meetings.

2.1.8: Clean Water Act (Federal Water Pollution Control Act)

This act requires the EPA administrator to maintain a continuing program of public information and education on recycling and reusing wastewater, using land treatment for wastewater, and reducing the volume of wastewater. The law also empowers the EPA administrator to require owners and operators of point sources of water pollution to establish and maintain records of their discharges; report them on a regular basis to the appropriate regulatory agencies; and install, use, and maintain equipment to monitor discharges. All unclassified records must be made available to the public. Opportunities for public hearings must be provided before certain permits can be issued, renewed or modified.

2.2: Army Directives

One Army environmental regulation, AR 200-1, summarizes important actions necessary to meet Army expectations for public involvement. This publication includes descriptions of the Army's most important environmental programs and a list of additional Army regulations, with the directives of the Department of the Defense and other federal agencies. Other Army publications that describe requirements for public involvement are the Installation Environmental Program Management Guide, U.S. Army Environmental Center, 2002, the U.S. Army Corps of Engineers Regulation for the FUDS Program, 200-3-1, and the U.S. Army Corps of Engineers Pamphlet 1110-3-8, "Public Participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites."

2.3: Strategic Planning Team

Every person on an installation has the potential to impact public perception of Army activities through the decisions they make on the job or through interactions with the community. The installation environmental team must work together closely for a public involvement program to succeed. Leaving public involvement planning solely to either the public affairs or environmental staff is not prudent, as the environmental staff who must assist in implementing the plan and the primary installation spokesperson, the garrison commander, should be integral to the creation of the plan.

It is crucial to assemble a Public Involvement Strategic Planning Team. This team should be comprised of people who have the authority to speak on behalf of the installation, who have technical expertise, and/or a familiarity with public perception or a history of

community interaction. Begin by forming a cross-functional decision-making team that includes:

- A representative of the garrison commander;
- A public affairs specialist;
- A risk communication specialist (where available);
- Environmental manager(s); and
- A medical department representative.

Including an installation employee not functionally responsible for environmental matters will help provide insight into the communication needs of the internal installation population. For example, a member of the union represented on the installation. The team may need risk communication expertise if issues have the potential for diverse or conflicting stakeholder interest, or are high-visibility. Additionally, if an impending decision could affect the installation's training, testing, or readiness mission, participation of other installation staff such as a range management specialist and a safety specialist will be necessary.

3.0: Stakeholder Assessments

Once the environmental management staff understand the public involvement requirements under applicable environmental laws and have assembled a team, it is crucial to assess how effectively the installation or site is currently meeting these requirements and the information needs and concerns of affected stakeholders.

An installation's neighbors need the opportunity to express and discuss their concerns and needs. In most instances, stakeholders will want an on-going, regular dialogue with installation representatives about the project and how their interests and concerns will be addressed. Stakeholder assessments allow the identification of the most effective and proactive ways to interact with stakeholders in a manner that is responsive to both parties' needs.

Community-based research can answer seven questions essential to developing a public involvement effort focused on, and responsive to, the community's environmental concerns:

- What are community members concerned about or interested in? Information from community interviews, focus groups, informal community forums, and, when appropriate, surveys can help identify key concerns and interests.
- Where do they get their information?
- How and when do they want to get information?
- How do they want to be involved in the process?
- What are the best forums for discussing the issues, and what are the best times to schedule meetings or activities?
- What else is going on in the community that the Army needs to be aware of and sensitive to?
- Whom does the community consider to be credible sources of information? The answer to this question varies greatly between stakeholder groups, so it is crucial to identify who/what organizations each group respects.

Effectively communicating issues regarding environmental concerns is not solely fact-based. The installation's public involvement efforts must provide opportunities for discussion and dialogue, while ensuring information is understandable and consistent for all stakeholders. Stakeholder perceptions must be factored into installation environmental communications, to demonstrate that the Army is listening to and incorporating stakeholder input when possible. It is also important to explain when stakeholder input cannot be incorporated. The installation or site leadership must build mutual trust, and respect others' opinions. Otherwise, efforts are not likely to succeed.

The more that is understood about members of the community, the easier it will be to develop a public involvement program that responds to community concerns and gives them a role in making decisions. One way to start gathering information for the plan is to research existing information that details the installation's surrounding community in terms of these characteristics:

- Physical – description of communities near the installation, obtained from the local government or through observation.
- Demographic – occupation, age, education level, household income, family type, place of residence and work, and cultural characteristics. This information is available from the U.S. Census Bureau on the Internet at <http://www.census.gov>, or from the local chambers of commerce.
- Behavioral – media exposure, membership organizations, lifestyle characteristics (e.g., the circulation of various area newspapers). This information is available from marketing research firms, local news organizations, chambers of commerce, and development authorities.
- Psychographic – beliefs, values, opinions, and attitudes toward the installation and environmental issues. This information must be collected directly from the community through interviews, focus groups, or similar means.

Once information has been collected, analyze the data to identify trends and preferences among stakeholder groups. Use this information to develop a larger public involvement plan, that will outline how the installation will conduct its required public involvement activities and involve stakeholders in an effective manner.

3.1: Stakeholder Group Identification

To obtain feedback from stakeholders, the installation first needs a clear and complete picture of who their stakeholders are. When identifying key stakeholders, the following questions are useful:

- Who has previously expressed interest in or been involved with this issue?
- Which groups are likely to be affected directly by the operation?
- Which groups are likely to be upset if they are not consulted or alerted to the issue by the installation before they see media coverage of it?
- Which groups should be consulted because they have information that could be useful to the project?
- Which groups would provide a balance of opinions?
- Which groups may not especially want input but need to be aware of the installation's activities?
- Are installation civilian and military employees well informed about the issue?
- Are local, regional, and/or national activist groups involved with the program?

Some common affected and/or interested parties in installation communities are:

- Federal and state regulators
- Elected officials
- Employees
- Religious organizations
- Contractors
- Ethnic and national origin/heritage associations
- Unions
- Residential installation neighbors

- Nearby business neighbors
- Public interest, activist groups
- Emergency response organizations
- Civic organizations
- Youth groups
- Educational and academic organizations
- Recreational groups
- News media
- Government agencies
- Professional or trade associations

3.2: Community Interviews

The primary way to collect information regarding public concerns and preferred methods of communication is the community interview process. Although time consuming, face-to-face interviews produce a variety of benefits. Primarily, they give participants the chance to give specific feedback and have their opinions documented and heard, as well as an opportunity an installation to start establishing relationships with its stakeholders.

To initiate this process, the installation staff needs to identify key individuals and groups that they need to interview. Initially, key interviewees may be identified through internal discussions about the issue. Political entities, such as the mayor, city council members, and state/federal legislators are good sources of information about who key members of the community are. Analysis of media coverage can also provide names for the initial interviewee list. It is important to remember that the interviewee list will grow as interviews are conducted. Those conducting the interviews should and ask the interviewees for names of others the installation should be talking to. The recommended number of interviews varies at each installation, based on size, level of public interest, emerging issues, etc. Include the following categories of people in interviews:

- Formal community leaders (elected officials, bankers, school superintendents, principals);
- Informal community leaders (church leaders, civic association members, neighborhood association members, PTA, those identified by other interviewees);
- Environmental advocacy groups;
- Municipal officials (fire, police, emergency, and disaster planning);
- Environmental justice groups;
- Native American tribes; and
- Landowners or residents living on or adjacent to the installation or site.

It is recommended that letters providing background information about the community interview process and extending invitations for participation be distributed to the list of stakeholders. Once letters are distributed, make personal phone calls to determine interest and to schedule interviews.

Limit interviews to 20-30 minutes and give interviewees a card with a name and phone number of a person at the installation they can call for additional information. If the same

team conducts all of the interviews, the information will be more consistent and reliable. Because using only one interview team is not always possible, all interviewers must coordinate their efforts to collect information. Thank all participants for their participation with a personalized letter and keep them informed about the progress of projects to address environmental concerns.

It is important to remember that interviews should be conducted in an informal setting if possible, and questions should be open ended. The interview process should be flexible to allow participants to talk about things that are important to them. Some questions to include in the questionnaire:

- What, if any, experience have you had with the installation in the past?
- How aware are you about site or environmental issues? (Ask them about general topics and let them discuss specifics.)
- What concerns do you have about the installation's impact on the local community and/or environment?
- How do you normally receive information about news and events in your community?
- What kind of information do you want from the Army?
- How would you like to get information from the Army?
- How often do you want to receive information?
- Would you be interested in participating in an advisory group on environmental issues at the installation?
- Where do you currently get information about installation matters? About environmental issues?
- Whom do you trust to give you reliable information about the installation?
- Would you like to become more involved in installation activities?

3.3: Telephone Surveys

The objective of public opinion surveys is to obtain responses to uniform questions from a select number of people (a sample) thought to represent the community. Because of the size of most installation communities, professional survey organizations often rely on a sample size of 800 to 1,000 people selected from specific ZIP codes or area codes. Interviewers can add questions to the questionnaire to identify responses from employees at the installation.

Telephone polls can generate reliable information quickly when a qualified, reputable organization conducts them. Interviews must not be too long or too complex. Pretest questionnaires for bias and to make sure most respondents would understand the questions. Professional polling organizations, universities, think tanks, news media organizations, public relations firms, and advertising and marketing organizations conduct telephone surveys. The capabilities of contracted interviewers should be evaluated carefully before they are retained to assist in canvassing the community. The following are suggested screening criteria to ask of professional polling organizations:

- Names and phone numbers of two stakeholders who recently made an inquiry (do not include members of the media);
- A sample of the format for reporting results;
- Verification of their process of selecting participants randomly;
- Name, address, phone number, and credentials of any subcontractors involved in the project (e.g., telemarketing firms);
- A written research design, including dates for delivering preliminary and final reports;
- A copy of the raw data on computer disk; and
- A valid sample questionnaire.

It is important to note that surveys, either written or telephone, have limitations:

| TELEPHONE SURVEYS | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pros | Cons |
| <ul style="list-style-type: none"> • Quantitative, statistically valid data • Opinions obtained from a cross-section of the community • Data that allows generalization about wider community values • Quick completion of the interview process • Baseline results that can be used for future comparisons | <ul style="list-style-type: none"> • Costly • Do not provide opportunity to form relationships with stakeholders • Limits the number of questions that can be asked • Provides no opportunity for feedback or discussion • Requires experts to design the questionnaires and interpret the data • People generally avoid telemarketers |

3.4: Focus Groups

Focus groups supplement other types of community research by providing insights into target audience perceptions, beliefs, and language. Focus group interviews are usually conducted with a group of eight to twelve people for one to two hours. Using a discussion outline, a moderator keeps the session on track while allowing respondents to talk freely and spontaneously. As new topics related to the outline emerge, the moderator probes further to gain useful insights. Focus groups are usually conducted in a non-attribution setting, and the moderator summarizes results in a manner that does not identify who contributed the information.

Focus groups can be useful for identifying trends in perceptions, gaining insights into community culture, and pre-testing materials such as brochures, newsletters and videotapes before these products are completed. Internal focus groups, comprised of installation employees, can be useful in evaluating how effectively the command communicates to installation personnel and their family members. Such internal focus groups can also assist the installation in determining the level of resources that should be devoted to on-post public involvement programs.

As with all survey respondents, those selected for focus groups should be typical of the intended target audience. Various subgroups within the workforce or community may be

represented in separate group discussions, especially when discussing sensitive or emotional subjects such as health concerns. Installation staff can arrange focus group sessions, but an outside moderator should conduct the session and compile the report. In these cases, management should not be in attendance.

The process for organizing and conducting a focus group includes the following activities:

1. Select or hire a moderator.
2. Determine the characteristics of the group.
3. Develop a recruitment screening script and questionnaire.
4. Recruit diverse participants.
5. Develop a discussion guide and test materials.
6. Coordinate logistics:
 - Find an easily accessible location.
 - Arrange for compensation, if applicable.
 - Provide transportation and child care when necessary.
 - Arrange for summaries (non-attribution).
7. Conduct focus group session.
8. Evaluate the results and write a report.

4.0: Public Involvement Planning

It is important to distinguish between public involvement plans and tactics. Plans include the whole program — a detailed set of goals and objectives, specific strategies, a variety of tactics or tools, and an evaluation process. Tactics are the methods and tools for carrying out the strategies outlined in the plan. A public involvement plan is a strategy; a visit with local reporters is a tactic or tool.

With the public involvement requirements identified and the stakeholder assessments complete, the installation can begin to develop an execution strategy, or public involvement plan, to comply with laws and regulations and to meet stakeholder involvement needs.

The following is a step-by-step process for developing a public involvement plan. This process allows the installation to identify and learn about their stakeholders and audiences, determine desired messages to communicate to them, and how the installation will carry out the communication.

4.1: Define Goals and Objectives

Before proceeding through the information-gathering phase, should identify the desired outcome, or what would like to be achieved with the public involvement program. These communication goals should be written in a manner that supports larger installation and Army goals and objectives, as well as respond to feedback garnered through the stakeholder assessment process.

Objectives are the deliberate steps that must be taken to accomplish the broader goals. They describe the outcome, but not the specific activities involved in obtaining it. Strategies and specific activities are designed in a later step. Objectives are written to articulate what the program is intended to do. There may be several objectives for each goal. They should be specific, attainable, prioritized to direct the allocation of resources, measurable, and time-specific.

Example:

Goal: To increase opportunities for stakeholders to participate in environmental decision-making.

Objective: Determine interest in the establishment of an installation Restoration Advisory Board (RAB).

Objective: Hold quarterly environmental forums to discuss environmental issues on the installation with community leaders.

4.2: Identify and Prioritize Stakeholder Groups

The installation's audience is not a single, monolithic group. There are many publics, and each has its own interests, concerns, information needs, and priorities. Each installation

must allocate its resources efficiently in planning a community involvement effort that addresses all appropriate audiences and their concerns. It is crucial to identify all interested stakeholder groups and prioritize them based on their potential impact on installation objectives and their concerns. Most likely the identification process was completed during the stakeholder assessments. However, it is prudent to review the list and update as necessary. Overall, this will help address information and involvement requirements, thus ensuring stakeholders receive accurate information through the Army, rather than inaccurate information through alternative sources, and that appropriate opportunities for involvement are identified.

4.2.1: Prioritize Stakeholder Groups

Segmenting and categorizing the community into primary and secondary audience groups will lay the groundwork for an effective program and for later evaluation of effectiveness.

Use data collected in the stakeholder assessment process to develop profiles of the stakeholder groups. Use the information to create a matrix that lists the specific concerns or interests of each group and the group's primary or preferred sources of information.

Example:

Group: Adjacent homeowners

Information needs/concerns: Lead levels in soil of a nearby playground on land that was previously used as a shooting range.

Preferred information sources: Direct mail, speaker's bureaus, community newsletter.

Preferred involvement forums, methods: One-on-one meetings, advisory boards, small group discussions, public meetings.

Once all potential audience groups are listed and their concerns and interests have been evaluated, categorize each stakeholder as either primary or secondary. There may be several primary audience groups with which the installation may want especially to emphasize communicating and involving because of their influence on others. For example, employees influence their families who, in turn, may directly influence their friends and neighbors with information they share about the installation.

Secondary audience groups are those that influence the primary audience groups. For example, local news coverage may influence the opinions of installation neighbors. Installation employees are often an important secondary audience group because they directly affect how their families perceive facility operations.

4.3: Develop Key Messages

Consistent use of key message points in communications will add credibility to public involvement programs and an installation's overall mission.

Based on community interview results, the concerns identified for the stakeholder group, and overarching communication goals, develop key message points for the community involvement program. These key messages will be woven into all communications with stakeholders, regardless of the specific issue at hand. To develop key messages, brainstorm the following questions:

- From the Army's standpoint, what are the two, three or four most important things needed to communicate and emphasize?
- What are some different ways to talk about this information?
- Will stakeholders understand these messages and how will they react? Will the message:
 - attract attention?
 - inform?
 - educate?
 - persuade?
 - initiate dialogue?
 - affect attitudes, perceptions or behavior?
- How does the message address community interests or concerns identified in the community involvement plan?

4.4: Identify Tools and Tactics

The key to successful and thorough public involvement is using and employing an appropriate combination of tools and tactics in a targeted and measured way that ensures adequate opportunities for discussion and involvement, and provides for key messages to be disseminated and adjusted effectively. It is important to ensure that the public involvement program uses a wide array of tools and tactics – one tool does not work for all and will not reach all audiences. Additionally, it is crucial that each installation is familiar with the types of community involvement tools and tactics that are available to assist in complying with both the letter and spirit of the environmental laws and regulations described in Section 2.0. The EPA Superfund Community Involvement Toolkit is a document that provides specific guidance for best practices in developing and using these tools and tactics, as well as stakeholder assessments. It can be found online at <http://www.epa.gov/superfund/tools/>. Some tools to consider in public involvement planning include:

4.4.1: Public Notices

Public notices are published in major area newspapers notifying citizens of opportunities for public participation, specifically announcing the release of technical documents and dates of public comment periods, meetings, etc. In some cases, they are required for certain activities. Public notices should not merely be relegated to a small legal notice buried in small type far back in the local newspaper. Public notices should be published as display ads—noticeable, easy-to-read, and placed in frequently read sections of the major daily and smaller newspapers.

4.4.2: Public Comment Periods

Formal public comment periods are held to provide the public opportunities to review and comment on environmental program documents. These may be held as required by law and/or based on individual needs and potential community impacts. Public comment periods generally last at least 30 days. Complex or highly controversial issues should have extended public comment periods. They are generally advertised through public notice. Other effective means of advertising these and other public involvement activities include public service announcements that are submitted to and aired by local radio and television stations free-of-charge. Another method is direct mail. Direct mail can simply be a postcard or notice that is directly distributed via the post office to those on your mailing list (developed during the stakeholder interview process.) Written public comments are accepted directly by an official point of contact, as are comments offered at official public meetings.

4.4.3: Public Meetings

Public meetings are generally held to support public comment periods and afford the public an opportunity to submit written or oral comments. Public meetings are structured around an agenda outlining the order of any speakers, briefings, questions and answer sessions, and opportunities for official public comment. The meeting date and time should be well advertised in the news media, through public service announcements and newspaper display advertisements, as well as communicated directly to interested stakeholders. Transcripts of the meeting should be recorded, made public, and filed in administrative record locations.

4.4.4: Public Availability Sessions

Public availability sessions are types of public forums that facilitate face-to-face communications between the community and the Army. Public availability sessions provide additional avenues for public participation and allow Army officials to interact with the public in a less formal and, often, a less adversarial setting, thus helping to establish and foster the relationships necessary for effective communication. They can be used in lieu of public meetings as long as formal public comments can be recorded. They do not include agendas or briefings, and generally involve an informal poster session and provide community members opportunities to have one-on-one interaction and conversations with Army officials and regulators. Site activities and public interest will determine the scheduling of these events, as these are not required under environmental law. They should be advertised in the community similar to public comment periods and meetings.

4.4.5: Administrative Record

An administrative record is the complete record of all decision documents developed and official correspondence transmitted for an environmental program and is required by the environmental laws cited earlier in this guide. Hard copy and on-line versions should be maintained. The administrative record must be complete when a public comment period begins, allowing review of all pertinent documents during the comment period. The administrative record must also provide for easy access to and copying of documents.

4.4.6: Information Repository

An information repository is similar to a very small library. It contains documents specific to an installation and remediation efforts at the site. The repository includes information materials such as fact sheets, brochures, and press releases. It is also generally used as a location where the public can access technical documents for review and comment. Common places for information repositories include local libraries, colleges/universities, community visitor's centers, etc.

4.4.7: Community Groups/Restoration Advisory Boards

Current Army policy strongly encourages installations with environmental cleanup programs to solicit community interest in forming a RAB, document the solicitation process, and form these citizen advisory groups where community interest is found. RAB membership includes representatives of the Department of Defense (DoD), the EPA, state and local government, and public representatives of the potentially affected community. RAB members can provide individual input to the Army's environmental restoration program at both operating and closing or realigning installations. If an installation does not have an active RAB, it should re-evaluate community interest every two years.

RABs must be established at installations where property is being transferred to the public and where there is sufficient, sustained community interest in the environmental restoration program. Additional information on RABs is outlined in Appendix C.

4.4.8: TAPP Contractors

The Defense Department supports a program that enables RABs to acquire outside technical assistance to help members understand all facets of an installation's environmental cleanup program. Through the use of government purchase orders, the Technical Assistance for Public Participation (TAPP) program provides community members of RABs access to independent technical support. This technical support provides independent assistance with interpreting scientific and engineering issues such as the nature of environmental contamination and cleanup activities at an installation. RABs must apply for TAPP assistance.

Army installations initiate and manage TAPP contracts. Current policy limits TAPP expenditures to an annual maximum of \$25,000—or one percent of the cost to complete environmental cleanup activities at a site—whichever is less. There is an overall maximum of \$100,000 for TAPP assistance for the entire "lifetime" of a cleanup project. These limits may be waived for certain extenuating circumstances.

4.4.9: Information Products

Installations can produce several types of information products to communicate technical information to the public in language that is easy to understand and to provide contact information or methods to get additional information. They can highlight various topics of interest such as historical and background information, status updates, technical milestones, and success stories. It is strongly recommended that the public involvement program maintain a mailing list of

interested stakeholders so that informational materials can be directly mailed to those stakeholders interested in the project. However, information materials can also be distributed at public meetings or at special events, such as site tours, as well as be made available at libraries or other public places of interest. It is suggested that branding techniques are used to create these products and that similar visual elements, colors, etc., are carried throughout the graphic design for each type of information product to create an identity for the program. These branding elements can also be incorporated into press release templates, a Web site, display ads, etc. Types of information products include:

- Fact sheets;
- Program updates;
- Brochures;
- Briefing charts;
- Annual reports;
- Videos; and
- CDs.

4.4.10: Success Stories

The installation should capture its success stories and communicate them through appropriate channels such as press releases, feature stories, or simple summaries. These stories can be marketed to media outlets, elected officials, regulators, and internal audiences. They should also be passed up the chain of command to further promote Army successes in products such as reports to Congress.

4.4.11: Media Advisories/News Releases

Media advisories are distributed to news media in advance of an event in an effort to encourage media attendance. Media advisories specify the who, what, when, where, and why of an event rather than narrate a story about an event. News releases tell a story about an event through the use of the key message points. News releases communicate important information such as the completion of program milestones and official quotes.

4.4.12: Site Tours

Site tours offer stakeholders the opportunity for first-hand views of sites, actions, and technologies. Specific audiences may be targeted for tours, which will be conducted as requested or as the need arises. Stakeholder groups benefiting from a site tour may include local government and other elected officials, school groups, social organizations, and businesses.

4.4.13: Editorial Boards/ Media Days

To foster positive and open relationships with the news media, installations can conduct editorial board visits, during which installation officials and PAOs visit with the editors of local media outlets. These events can evolve into larger media days that combine the editorial boards with site tours. In addition to learning more about the site and getting an in-depth understanding of the program, this will provide an

opportunity for the media to take stock photos and video footage of the site for later use.

4.4.14: Speakers' Bureaus

Speakers' bureau programs consist of a series of briefings by key Army staff to the public in smaller group settings. They should focus on presenting key messages to community groups that represent various stakeholders' attitudes and demographics. Speakers' bureaus should also provide community members with an opportunity to ask questions. They serve as another medium, by which the Army can distribute its messages, gather informal feedback, and foster relationships with community members through direct interaction with credible Army sources.

4.4.15: Web Sites

Installation Web sites should be used as another means to provide the public with up-to-date installation messages and to distribute information products. All Web sites must be compliant with security and accessibility requirements. They should also be easily navigable to ensure access to public-friendly products. Public documents such as studies requiring public comment, news releases, fact sheets, site updates, and presentations should be kept current on an installation's Web site. In addition, community concerns should be addressed by topic as they develop or are expressed. Web sites can also have special pages specifically targeted to the media, that includes all press releases, media advisories, approved photos and captions, etc. Web sites can be used to gather input from the public. However, Web sites cannot be the only method of receiving public comment, as many people do not have access to computers or the Internet.

4.4.16: Award Programs

Installations may promote success stories by nominating its achievements for environmental awards such as the Secretary of the Army's Environmental Awards, the White House's Closing the Circle Award, and state sponsored awards.

4.4.17: Question and Answer Documents

Especially when preparing to respond to emerging issues or any subject that could generate public concern, it is useful to create a list of questions that could be posed to Army officials regarding specific environmental issues. Once a list of questions is completed, draft official answers to these questions for spokespeople to use as talking points when responding to questions from the stakeholders or media. These questions and answers can also be included in information updates distributed directly to stakeholders. These questions should provide easy-to-understand, non-technical answers. They should also cover the most difficult questions that could be asked, provide coordinated answers to these questions, and weave in the program's key messages.

4.6: Develop Implementation Schedule

With all the major components in place, begin developing an implementation schedule that will guide establishment of involvement and information efforts. Review the prioritized list of stakeholders and their involvement interests and map out the following for each group:

- The methods and tools that will be used to establish and maintain relationships with key stakeholders throughout the course of environmental programs and initiatives (interaction with key elected officials and staffers, regular contact with key individuals, small groups, forums, advisory boards);
- The tools, tactics and key messages that will be used to meet the information needs and preferred methods of communication for each larger stakeholder group;
- Opportunities to implement feedback mechanisms with you're the chosen tools and tactics that allow the program to track and assess progress towards overall communications goals (e.g., documenting informal discussions with stakeholders, comment cards in newsletters or at public meetings, direct mail surveys, etc.); and
- A schedule for development and deployment of these tools and tactics based on required sequence, program milestones and urgency of any emerging issues.

4.7: Conduct Evaluation Activities

It is crucial to take advantage of opportunities to collect feedback from stakeholders. Whether through casual conversations with stakeholders or more formal data collection methods, such as comment cards, this information will help to continuously monitor the effectiveness of interactions and communication with stakeholders and identify new opportunities for public involvement. The following are sample survey questions designed to collect feedback about a particular issue or public concern or to collect basic information:

- Are we meeting your information needs?
- Is there anything you would like to see us do that might help you become involved in our environmental programs?
- Is the information we are providing clear and easy-to-understand?
- Do you still have questions regarding this environmental issue? If so, what are they?
- How often would you like updates regarding the installation's environmental program?
- How would you like to receive updates?
- Are you interested in being added to our mailing list?
- Are you part of a community group that would be interested in a presentation or tour regarding the environmental program?

It is important to remember that a public involvement plan is a living document, and should have sufficient flexibility to address emerging issues and interests as the environmental programs proceed. The data collected can be used to amend the community involvement

approach, both in terms of how to develop and use specific tools and tactics and the larger public involvement plan. Follow up with stakeholders who participated in the initial assessment process to determine how effectively the program is responding to their needs and interests, as well as additional ways to improve Army involvement and communications efforts.

5.0: Risk Communications

For the purposes of this guidebook, risk is defined as environmental harm or adverse health effects that could result from human activities or exposure to the environmental conditions at a site. Risk communication is at the heart of effective public involvement. Virtually any decision affecting air, land, and water requires a discussion of risk to public health or the environment. Whenever a risk-related incident occurs, the Army must effectively communicate that risk and the plans for responding to the emergency. Working with the community requires more than a cursory understanding of this specialized task. The stakes are high whether you are speaking at a local public meeting or being interviewed by national news media.

Risk communication must be done within the context of trust and respect that is established through regular personal communications among stakeholders. Research verifies that this foundation must be in place before an effective discussion about risk can occur. Therefore, it is important for the Army to establish relationships with community members on a variety of issues in order to be able to have a meaningful discussion about risks involved in the environmental programs when that conversation is required.

If a community perceives itself as powerless against an institution as large and powerful as the Army, it will often distrust Army sources of information because of a perceived historical pattern of “decide, announce, and defend.” Environmental justice issues may also impact how a community regards the Army. A community’s mistrust may be compounded by its concern about the consequences of the Army’s decisions for the community, particularly if the community does not have input to those decisions. Unaddressed community concerns frequently lead to anger, hostility, and what communication experts call “outrage factors.” These include feelings of:

- Lack of control over the risk;
- Involuntary acceptance of risk; and
- Unfamiliarity with the risk.

Outrage factors affect how people perceive risks. For example, people living near an installation may believe a risk—such as unexploded ordnance buried underground three miles from their neighborhood—is unacceptable because:

- The Army, which they perceive as a large uncaring institution that has lied to the American public in the past, put it there. The Army also controls the hazard; thus, the source of both the problem and the solution lacks credibility.
- They feel they have little control over a problem that has the potential to harm them, their families, and their property values.
- The risk is “hidden” from them. The buried ordnance is worse than a visible risk because they cannot see it.

Regardless of how unlikely it is that an environmental condition will actually affect their health and safety, they may become angry and outraged at the risk and the perceived

source of the problem. Statistics really do not matter to them. In fact, numerical assessment of risk is the least persuasive and least important element in the communication. The Army needs to ensure that community interests and concerns are identified and addressed in a manner that takes into consideration the technical, legal, social, and political “risk plus” factors related to a given situation.

What is important? The following are three key findings from community-based research and practice in risk communication:

1. Perception equals reality. First, recognize that the Army’s perception and one’s own understanding of the facts related to the installation’s environmental problems might not resemble the public’s perceptions. The first step in building a public involvement program should be learning how members of a community think, talk about, and perceive risks associated with the installation’s missions and functions.

When one understands the community’s perceptions, they can begin to address concerns. The installation should provide members of the community an opportunity to voice their concerns and interests, and provide them the opportunity to help define the issues, and identify mutually acceptable solutions. This gives people ownership and a sense of control over activities that affect their community, while allowing the Army to move forward with its environmental programs. Discussions should help all stakeholders understand the scope of the hazard, any associated risks, and the “risk plus” factors that need to be considered in making decisions

2. Trust and credibility are essential. Credibility is hard to earn and easily lost. When people feel an installation’s environmental problems may jeopardize their health, safety, and property values, they will hold Army representatives personally responsible. To gain credibility, one must consistently provide excellent environmental performance, personal accountability for “fixing the problem,” and a willingness to put in the time required to build relationships with members of the community. Supporting a decision-making process that is open, visible, and inclusive, giving some ownership to the community will foster an atmosphere of trust.

Trust is the bedrock of effective risk communication. The credibility of an information source—like the Army—plays a major role in how risk is perceived. National surveys show that nurses, physicians, and other health professionals are among the most trusted sources of information on health-related environmental questions. Fire chiefs and emergency response officials are considered highly credible sources on safety issues. The Centers for Disease Control has a high level of credibility, as well. Other government and industry officials ranked lowest in trust and credibility as sources of environmental safety and health information, even though they are also considered to be the most knowledgeable on these subjects.

As a result, the Army will be unable to communicate risk information successfully to the community unless it earns its trust and respect. Indeed, an environmental activist recently noted in a public meeting that he would never trust the military, but he could develop

“some level of confidence in the people running the place, [if they] proved themselves to be competent and caring.”

The primary way to build trust is to proactively and consistently interact with stakeholders on a personal level, and communicate with stakeholder groups in layman’s terms, i.e., providing factual information in a manner that is easy to understand on a regular basis. It is also helpful to foster partnerships with credible third parties, who can support the program’s or the installation’s actions. These third party advocates should be well-respected in the community and serve as independent, non-partisan, people or organizations.

3. Communication skills must be learned and practiced. Risk communication is a process of establishing and maintaining relationships with stakeholders that lead to mutual trust and credibility so that the complexities of risk can be discussed effectively. If these relationships are not established, the situation can become adversarial. Research indicates that in adversarial situations, people evaluate a communicator’s credibility in 30-60 seconds based on their observations and prior knowledge of four characteristics:

Empathy and caring account for about half of a source’s credibility, while competence and expertise, commitment and dedication, and honesty and openness account equally for the other half.

It is extremely important that all Army environmental managers and staff be trained and practice risk communication concepts, approaches, and methods in order to reduce adversarial situations in the first place, and to effectively handle adversarial situations when they occur.

For more information about risk communication courses and schedules, call the U.S. Army Center for Health Promotion and Preventive Medicine at DSN 584-8147 or commercial (410) 436-8147.

5.1: Public Health and Safety Communications

Many of the suggestions found in the various regulatory guidelines for public involvement are intended to encourage facility personnel to go beyond their legal requirements and responsibilities. Although they are generally helpful in maintaining good relations with local citizens, the constrained resources and staff shortages at many Army installations may place practical limits on the level of effort that can be committed to involving the public in *all* environmental decisions.

Concern is likely to be higher, however, for issues that potentially impact public health and safety, such as cleanup decisions under the Army’s Installation Restoration Program, or an installation’s use, storage or transport of toxic or hazardous materials. It is crucial that Army installations commit the resources necessary to involve the public in decisions that may have health implications; be prepared to provide regulatory agencies with information that enables the public to be aware of potential hazards to their health and safety; and be prepared to minimize hazards to the public and facilitate emergency response if accidents occur. Failure to meet these requirements may result in regulatory fines or penalties, and

public controversy over health and safety issues has hampered installation operations in some cases.

This section addresses public involvement in response to issues based on health and safety concerns, such as the Emergency Planning and Community Right-to-Know Act and the Toxic Release Inventory reporting program required under EPCRA and Executive Order 12856.

5.1.1: Emergency Planning and the Community's Right to Know

The Emergency Planning and Community Right-to-Know Act (EPCRA) resulted from a cloud of methyl isocyanate gas that escaped on December 4, 1984, from a Union Carbide chemical plant in Bhopal, India, killing or permanently injuring several thousand people.

EPCRA requires that detailed information about the nature of hazardous substances in or near communities be made available to the public.

Military installations and other federal facilities are responsible for:

- Immediately reporting releases of hazardous substances that exceed reportable quantities;
- Gathering information on the hazardous chemicals they use and store, and providing this information to state and local commissions; and
- Completing the Toxic Release Inventory annually.

5.1.2: Executive Order 12856 and the Toxic Release Inventory

In August 1993, President Clinton issued Executive Order 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*. This order requires federal facilities to comply with EPCRA and the Pollution Prevention Act of 1990. EPCRA's Toxic Release Inventory requires certain facilities with toxic releases above specified amounts to report toxic chemical releases and off-site transfers to the EPA and state governments.

The EPA compiles this data into a database known as the Toxic Release Inventory (TRI), which is released to the public. Executive Order 12856 requires federal facilities, like private industry, to submit annual TRI reports to the EPA.

The EPA's TRI program provides the public with information on the release of toxic chemicals in their communities. Facilities must report on both routine and accidental releases of toxic chemicals, the maximum amount of the listed chemical on-site during the calendar year, and the amount of chemical contained in wastes transferred off-site. The EPA posts information obtained from facilities' TRI reports on the Internet and makes it available in other formats. The intent is full disclosure, and installations that show significant releases or transfers of toxic chemicals are likely to be the subject of public concerns and media interest.

At the installation level, there are several important aspects of public information and involvement to keep in mind when dealing with public interest in this issue:

- Under the law and by executive order, the public has a right to information about toxic releases. The EPA will make this information public, and follow-on questions from local communities or news media should be anticipated.
- Information released must be closely coordinated within the installation's environmental team to assure the accuracy and consistency of information. In keeping with the principles of environmental risk communication, as outlined previously in this chapter, information must be presented in a way that is accurate and easily understood by the lay person, and that prevents misunderstanding and undue alarm. The installation environmental team should work together to ensure that information, while explained in understandable terms and not technical jargon, is accurate.

5.2: Environmental Justice Issues

As federal entities, military organizations must promote the fair treatment of people of all races, income levels, and cultures with respect to activities, programs and policies with the potential to adversely impact the environment or human health. One way to promote the fair treatment of all groups and economic classes of Americans is to ensure they are fully and effectively included in the environmental decision-making process.

To develop and implement a public involvement strategy that is inclusive of everyone within local communities, Army installations should review the available demographic information about the population immediately surrounding the installation. It is necessary to consider this information when addressing public health and safety issues, planning actions with the potential to affect the environment, and in all aspects of public involvement.

What does this mean for public participation at the installation level? In essence, Army installations must strive to achieve the following goals as an integral part of their environmental program:

- Improving opportunities for minority and low-income communities to have access to and share information on Army policies and practices that affect their health and the environment;
- Enhancing existing methods of encouraging participation by minority and low-income citizens in Army activities that affect their health and the environment, or, where possible, devising better methods of encouraging participation;
- Providing translation of crucial public documents and interpreting hearings or public meetings where practicable and appropriate; and
- Improving existing community involvement and communication systems to ensure inclusiveness.

There are several ways to achieve the above goals, depending on the communities involved. At some installations, effective community involvement has been conducted through contacts with the local chapter of the National Association for the Advancement of Colored People (NAACP). Spanish and other appropriate foreign language mass media and social organizations have also been effective. Some minority, ethnic, or low-income communities have been reached effectively through church or civic organizations. Environmental and public affairs staff will have to research and determine the best options for reaching all members of the community.

It is important to note that native Hawaiians, American Indians, and Alaska Natives may make up a segment of communities, or may be communities in their own right, near installations. The federal government has a responsibility to conduct interactions with federally recognized tribes on a government-to-government level. Native Americans who belong to state, but not federally recognized tribes, or tribes or bands not recognized by either the state or federal government, may be treated as any other individual or group. Some of these will be covered in communications to minority, and other demographic groups, but it may be prudent to attempt to contact recognized tribes, bands, or associations. It is crucial that in planning for public involvement with tribal governments, installations consider and communicate with all impacted tribes, any umbrella organizations or forums on a regional level with other local tribes, or any national affiliations such as the National Congress of American Indians, Association on American Indian Affairs, and the American Indian Anti-Defamation Council. Established protocols dictate how federal agencies or departments are to seek participation from representatives of federally recognized tribes and Alaska natives. Department of the Army Pamphlet 200-4, *Cultural Resources Management*, outlines this process. Information is also available via the Army Environmental Center information hotline at 1-800-USA-3845.

APPENDIX A: Environmental Regulations and Public Involvement Requirements

APPENDIX B: ENVIRONMENTAL LAWS & PUBLIC INVOLVEMENT REQUIREMENTS

This section outlines specifics and provides references for applicable environmental laws. These laws include:

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ Superfund Amendment and Reauthorization Act (SARA)
- Resource Conservation and Recovery Act (RCRA)
- National Environmental Protection Act (NEPA)
- Endangered Species Act (ESA)
- Safe Drinking Water Act
- Clean Air Act
- Federal Pollution Control Act (Clean Water Act)
- Emergency Planning and Community Right-To-Know Act
- Historic and Archeological Preservation Laws
- Government-To-Government Relations with Native American Tribes
- Quiet Communities Act
- Sikes Act

CERCLA/SARA

Under CERCLA, as amended by SARA and funded through Defense Environmental Restoration Program, the Department of Defense enacted the Installation Restoration Program. This program serves as a process to identify, restore, and at Base Realignment and Closure installations, transfer, and military property to the community.

Public involvement requirements under CERCLA vary depending on the expected length of an environmental cleanup action: those lasting more than 120 days require the development of a formal community relations plan based on a community interview process. Additionally, throughout the IRP process, the Army is required to establish and maintain information repositories and administrative records, facilitate a public forum called a Restoration Advisory Board, and maintain Technical Assistance for Public Participation programs. The Army is also required to properly advertise and hold public comment periods and public meetings at specific times during the process. IRP steps and their associated public involvement requirements are outlined in the EPA Superfund Community Involvement Handbook. This document also details best practices and can be found online at www.epa.gov/superfund/tools/cag/ci_handbook.pdf.

RCRA

This law established a regulatory system to track hazardous wastes from generation to disposal. RCRA requires permits for hazardous waste treatment, storage, and disposal facilities. RCRA public involvement activities are associated with 1) cleanup activities at sites of hazardous waste operations requiring RCRA permits, and 2) obtaining and renewing permits to operate facilities.

The corrective action process can be carried out one of two ways: 1) under an order or, 2) under an existing RCRA permit. Public participation is approached differently for each.

EPA guidance suggests that substantive corrective action requirements and public participation requirements imposed under an order should generally be the same as those that would occur if the corrective action were taking place under a permit. Generally, it is suggested that under an order a federal facility:

- Issues a statement of basis discussing the proposed remedy;
- Provides public notice that a proposed remedy has been selected and statement of basis is available;
- Provides a public comment period on the proposed remedy;
- Holds a public hearing if requested; and
- Writes a final decision and response to concerns.

Resources for public participation for the corrective action process under an order are listed in the EPA RCRA Public Participation Manual, which can be accessed online at www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.htm. The manual also details public participation requirements, as well as suggested activities, for corrective actions under a permit.

In December 1995, the EPA issued its Expanded Public Participation Rule for RCRA, broadening the public involvement programs under RCRA. The rule applies to hazardous-waste facilities that store, treat and/or dispose of hazardous waste. To conduct their operations, these facilities must seek an initial or renewed permit from states or American Indian tribes authorized by the EPA to administer RCRA permits. The rule makes it easier for citizens to become involved earlier and more often in the process of issuing permits for hazardous waste facilities. It expands public access to information about facilities and addresses environmental justice concerns. Authorized states and tribes must modify their permitting requirements to meet the public participation regulations.

- Permit applicants must hold a public meeting to inform community members of proposed hazardous waste management activities before applying for a permit.
- The permitting agency must announce the submission of a permit application by sending a notice to everyone on the facility mailing list. The announcement will tell community members where they can examine the application while the agency reviews it.
- The permitting agency may require a facility to “set up an information repository (or library)” at any point during the permitting process.
- Finally, the permitting agency must “notify the public prior to a trial (or test) burn” at a combustion facility (i.e., an incinerator or other facility that burns hazardous waste) by sending a notice to everyone on the facility mailing list.

Note that states may have their own public participation requirements in addition to federal requirements. Additional details for public participation in the permitting process can be found in the EPA RCRA Public Participation Manual at the aforementioned URL.

NEPA

NEPA ensures that federal officials are well informed of potential environmental impacts that may result from federal action through two types of environmental impact evaluations.

An Environmental Assessment (EA) is conducted to determine the extent of environmental impacts of a project and decide whether those impacts are significant. Environmental agencies, applicants, and the public should be involved to the extent practicable in the preparation of an EA. This should be based on the magnitude of the proposed project, extent of anticipated public interest, urgency of the proposal, any relevant questions of national security classification.

An Environmental Impact Statement (EIS) is a public document with the primary purpose of ensuring NEPA processes and goals are incorporated early into federal programs and agencies. They serve as the basis of informed decision-making and offer a full and fair discussion of environmental impacts of major actions by a federal agency. Before an EIS is prepared, a Notice of Intent describing the proposed federal action is published in the Federal Register. At this time, the Scoping Process begins, which allows members of the public, as well as federal, state, and local agencies time to comment on the proposed action. These comments are later incorporated into a draft version of the EIS. Once a draft EIS is complete, the public is again invited to comment on it. The final EIS, containing responses to comments received on the draft EIS, identifies the environmentally preferred alternative. A minimum 30-day waiting period must elapse before a Record of Decision (ROD) can be signed. The ROD will state the agency's final decision, discuss factors used in making the decision, and identify any monitoring programs to be implemented.

For detailed information regarding public involvement regarding NEPA, refer to AR 200-2, which can be accessed at www.usapa.army.mil/pdffiles/r200_2.pdf.

ESA

To comply with ESA, installations planning actions that may have an impact on federal species must consult, formally or informally, with the U.S. Fish and Wildlife Service (USFWS). Documents prepared under consultation may include biological assessments and environmental assessments or EIS. Installation staff work with the USFWS to avoid critical habitat or minimize impacts on the habitat and the species that depend on it. Installations must consult with the USFWS if any ongoing or proposed actions may affect plant or animal species covered by this act.

AR 200-3 provides the framework for formal consultation and consultation procedures with the USFWS and National Marine Fisheries Service for Biological Assessments and Recovery Plans and proposed designation of critical habitat. During these consultations and associated investigations, the installation and the regulator determine whether there may be any adverse impacts and whether the action will result in a "taking" of the species. Where the action is likely to result in adverse effects, the USFWS prepares a biological opinion, requiring mitigation and permitting take. During these consultations, the installation must also determine the separate documentation requirements associated with NEPA. Such documentation and associated public review and comment address either the original proposed action that could cause a taking, or the Army's proposal to mitigate a taking that is already happening.

AR 200-3 can be accessed on line at www.usapa.army.mil/pdffiles/r200_3.pdf.

SAFE DRINKING WATER ACT

As a supplier of drinking water to customers, an Army installation which operates its own treatment plant is required to notify its customers of how it is meeting specific water discharge requirements. If the discharge from a plant contains levels of contaminants that are above the levels allowed by regulatory standards, there will likely be public interest, at least from on-post workers and families. Also, permit renewals or permits for plant modifications will normally require public notice and, sometimes, public meetings or hearings.

The Safe Drinking Water Act Amendments of 1996 required the EPA to issue a regulation requiring the water systems to provide customers with annual "consumer confidence reports" (CCR). The reports must list levels of regulated contaminants along with maximum contaminant levels, maximum contaminant level goals, a statement of the health concerns for any contaminants for which there has been a violation of the standards, a description of the sources of drinking water and data on unregulated contaminants for which monitoring is required. Under this regulation, which took effect on September 18, 1998, community water systems were required to provide the first such report to the consumer by October 19, 1999. The next and all subsequent CCRs are due annually by July 1.

All installations that own community water systems are required to prepare a CCR and provide a copy to each consumer. Installations may be able to post CCRs in housing units, publish notices in post newspapers and provide this information in similar ways. They should check with their state regulators regarding this requirement. Installations will also need to send a copy of their CCR to the state agency or Indian tribal government entity that has jurisdiction over their public water systems. This must be followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted.

CLEAN AIR ACT

This act requires that the EPA publish criteria for determining air quality and information on techniques to control air pollution in the Federal Register, and that copies of this published information also be made available to the general public.

Most fixed facilities discharging regulated air pollutants must obtain a permit from the EPA or their state. The application process for new or modified permits usually involves public notice and/or public meetings. The regulator may require operators of emissions sources to establish and maintain records on their emissions; submit reports on emissions; and install, use, and maintain equipment to monitor emissions. These records, reports, and other information of this type must be made available to the general public, except for materials that are classified or contain trade secrets.

The Clean Air Act requires each state to prepare plans for notifying the public on a regular basis when air quality does not meet regulatory standards. The state must keep the

public informed of the health hazards associated with the air pollution and made aware of measures that can be taken to reduce air pollution levels. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas, press notices, fact sheets, or public meetings, depending on the extent of the situation.

When a facility discharging air emissions is found to be violating its discharge limits and a settlement or consent order will be filed in court, the EPA administrator must provide a reasonable opportunity for public participation by publishing a notice in the Federal Register and allowing at least 30 days for written public comments. All written public comments must be considered, and a settlement agreement may be withheld or withdrawn if comments disclose information indicating that the settlement or consent order is inappropriate or should be modified. It is also necessary to follow these procedures or some modification of them when the state is the regulator.

FEDERAL WATER POLLUTION CONTROL ACT (CLEAN WATER ACT)

This act requires the EPA administrator to maintain a continuing program of public information and education on recycling and reusing wastewater, using land treatment for wastewater, and reducing the volume of wastewater. The law also empowers the EPA administrator to require owners and operators of point sources of water pollution to establish and maintain records of their discharges; report them on a regular basis to the appropriate regulatory agencies; and install, use, and maintain equipment to monitor discharges. These records must be made available to the public. Information that is classified or protected as a trade secret is exempt. Opportunities for public hearings must be provided before a wastewater discharge permit can be issued, renewed or modified.

States may administer their own pollution prevention programs. For permits covering discharges into navigable waters, the public and the states affected by these discharges must receive notice of each permit application and have an opportunity for a public hearing on each such application. A copy of each permit application and each permit issued must be available to the public. Members of the public have the right to request permits and permit applications for reproduction. All of the public involvement provisions that apply to obtaining permits for discharging pollutants into navigable waters also apply to permits for discharging dredged or fill material.

The first of many laws to deal with spills of environmental contaminants, the Clean Water Act required spill-prevention planning and notice of spills to regulators. Spills of oil and hazardous substances are of great public interest, and spill emergency plans normally include public notice procedures and restrictions. The entire installation environmental team should participate fully in spill planning and responses to major spills.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

This law requires installations involved with certain hazardous substances or chemicals to report their activities and chemical quantities to the public. It requires emergency notification when toxic substances are released; public availability of toxic release information (Toxic Release Inventory reports); and public availability of plans, toxic material safety data sheets, forms, and notices. Technically, the language of EPCRA does not specifically place reporting and emergency planning requirements on federal agencies

and facilities. However, Executive Order 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements" directs federal facilities to meet EPCRA requirements.

HISTORIC AND ARCHEOLOGICAL PRESERVATION LAWS

Section 106 of the National Historic Preservation Act (NHPA) requires the Army to seek and consider the views of the Advisory Council on Historic Properties, state historic preservation offices and federally recognized Indian tribes when identifying historic properties, evaluating Army effects on historic properties, and developing alternatives or treatment measures to address effects to historic properties. Public participation in the Section 106 process is required to address adverse effects, and may be fully coordinated with public participation programs carried out by the Army under the NEPA and other pertinent statutes. Notice to the public under these statutes should adequately inform the public of preservation issues, to elicit public views on issues that can then be considered and resolved, when possible, as decisions are made. Members of the public with interests in an undertaking and its effects on historic properties should be given a reasonable opportunity to have an active role in the Section 106 process.

Section 304 of the National Historic Preservation Act gives the Army the authority to withhold information about the location or character of a historic property if it is determined that public disclosure may risk harm to the historic property or impede the use of a traditional religious site by practitioners of the religion. Additionally, Section 9 of the Archeological Resources Protection Act states that information concerning the nature and location of any archeological resource may not be made available to the public if there is a risk of harm to such resources.

The NHPA and several other cultural resources legal requirements [such as the Native American Graves Repatriation Act (NAGPRA), the Archeological Resources Protection Act (ARPA), and Executive Order 13007, "Indian Sacred Sites" require stakeholder involvement in their respective compliance processes. It is recommended that a public involvement plan be developed as part of the installation's Integrated Cultural Resources Management Plan (ICRMP), to incorporate these various public and stakeholder involvement requirements into a single plan. This recommendation is outlined specifically in AR 200-4 and can be found online at www.usapa.army.mil/pdffiles/r200_4.pdf. The NHPA can be found online at www.achp.gov/NHPA.pdf.

GOVERNMENT-TO-GOVERNMENT RELATIONS WITH NATIVE AMERICAN TRIBES

It is important to recognize the unique status of federally recognized tribes as sovereign nations, and to understand that the process includes consultation at the appropriate administrative levels in accordance with established protocols. To effectively include American Indians and Alaska Natives when considering environmental issues, it is important to understand the fundamental relationship that exists between the federal government and federally recognized tribes, including Alaska Native villages. A White House memorandum dated April 29, 1994, titled "Government-to-Government Relations with Native American Tribal Governments," directs federal departments and agencies to deal with federally recognized tribes on a government-to-government basis. In addition, the memorandum instructs federal departments and agencies to consult with tribal

governments, to the “greatest extent practicable and to the extent permitted by law,” before taking actions that affect tribes. Appendix F of AR 200-4 provides a copy of Army guidelines for consulting with Native Americans.

QUIET COMMUNITIES ACT

This law and good planning principles eventually led Department of Defense facilities to develop a program known in the Army as the Installation Compatible Use Zone (ICUZ) program to deal with installation-created noise. The noise from aircraft, industrial operations and weapons firing on, or by, Army installations is averaged and predicted. It is sometimes necessary to constrain activities to limit the effect of the noise they generate on hospitals, on- and off-post housing and other “incompatible” land uses. The ICUZ plan is normally presented to local community planning boards in an attempt to encourage compatible zoning. Installations, or the boards themselves, may provide public notice of such meetings and other opportunities for public comment.

SIKES ACT

This law calls for Department of Defense facilities to develop integrated natural resource management plans (INRMPs) in cooperation with the USFWS and state fish and game agencies. The public must also be invited to comment on the draft INRMP. The INRMP must reflect the mutual agreement of these agencies. By Army policy, such plans also undergo evaluation under NEPA because the plans incorporate standard procedures for future land management decisions and operations. NEPA evaluations, as described previously, normally include public notice and often involve public meetings. Public comments, which may cause modifications to final management plans, must normally be addressed in NEPA documentation.

APPENDIX B: Restoration Advisory Boards and Technical Assistance for Public Participation

APPENDIX C: RESTORATION ADVISORY BOARDS & TECHNICAL ASSISTANCE FOR PUBLIC PARTICIPATION

On September 27, 1994, the Department of Defense (DoD) and the U.S. Environmental Protection Agency (EPA) jointly issued guidelines for the formation and operation of RABs called "Restoration Advisory Board Implementation Guidelines". The guidelines describe how to implement the DoD RAB policy and identify each stakeholder's role with the RAB. The guidelines also state that existing Technical Review Committees (TRCs) or similar groups may be expanded or modified to become RABs, and that RABs may fulfill the statutory requirements for establishing TRCs (10 U.S.C. § 2705 (d)(1) grants DoD the authority to establish RABs instead of TRCs at installations undergoing environmental restoration).

Each active installation participating in the Army's Installation Restoration Program (IRP) and each Army Base Realignment and Closure (BRAC) installation must determine community interest with regards to participating in a RAB. The Installation Commander is responsible for encouraging and identifying sufficient and sustained community interest in a RAB. If sufficient interest is expressed, the Installation Commander is responsible for establishing a RAB. If the Installation Commander determines that there is no initial community interest in establishing a RAB, he/she is responsible for a periodic re-evaluation of the community interest in establishing a RAB.

Installations with RABs are directed to:

- Inform RAB members regarding the relative risk process, the Army budgeting process, and how these affect the sequencing of restoration actions;
- Encourage RABs to participate in the initial development and/or reassessment of relative risk evaluations of sites;
- Develop budget requests within Army guidelines while considering individual RAB member's advice regarding sequencing;
- Advise the RAB of funds provided, restoration projects funded, and what work is remaining; and
- Provide the RAB with all relevant information on cleanup alternatives, including implications of land use choices and corresponding cleanup levels and remedies.

The Technical Assistance for Public Participation (TAPP) program provides community members of RABs access to independent technical support through the use of government purchase orders. Community members of the RAB apply to the Installation Commander for independent assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards and restoration activities at the installation.

The principal criteria for obtaining TAPP is that the technical assistance is likely to contribute to:

- The efficiency, effectiveness, or timeliness of environmental restoration activities at the installation, or
- Community acceptance of environmental restoration activities at the installation.

U.S. Army Restoration Advisory Board and Technical Assistance for Public Participation Guidance was issued in April 1998. It outlines RAB roles and responsibilities, how to determine interest in a RAB, criteria for establishment, operating procedures, and adjournment. It is located along with other resource documents on the Defense Environmental Restoration Program Web site at <http://www.dtic.mil/envirodod/Policies/PDRAB.htm>.

A revised Army RAB rule was released in late 2003 as a draft for review and comment to Army officials and to the public. This document is still being finalized. Until that time, refer to the current Army RAB guidance document mentioned above. You can access <https://www.denix.osd.mil/denix/Public/News/OSD/RAB/rabrule.html> to access the draft RAB rule.

APPENDIX C: Acronyms

| ACRONYM | DEFINITION |
|----------------|-----------------------------------------------------------------------|
| BIA | Bureau of Indian Affairs |
| BRAC | Base Realignment and Closure |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR | Code of Federal Regulations |
| CRP | Community Relations Plan |
| DEIS | Draft Environmental Impact Statement |
| DERP | Defense Environmental Restoration Program |
| DMPRC | Digital Multi-Purpose Range Complex |
| DoD | Department of Defense |
| DODGARS | Department of Defense Grant and Agreement Regulations |
| EPCRA | Emergency Planning and Community Right-to-Know Act |
| ER, A | Environmental Restoration, Army |
| ESA | Endangered Species Act |
| FAA | Federal Aviation Administration |
| FR | Federal Register |
| FUDS | Formerly Used Defense Sites |
| IFC | Integrated Fire Control |
| MEC | Munitions and Explosives of Concern |
| MIC | Metlakatla Indian Community |
| MOA | Memorandum of Agreement |
| NAACP | National Association for the Advancement of Colored People |
| NALEMP | Native American Lands Environmental Mitigation Program |
| NEPA | National Environmental Policy Act |
| NOI | Notice of Intent |
| PAO | Public Affairs Office |
| PLI | Private Lands Initiative |
| RAB | Restoration Advisory Board |
| RCRA | Resource Conservation and Recovery Act |
| RCW | Red-Cockaded Woodpecker |
| RMA | Rocky Mountain Arsenal |
| SARA | Superfund Amendment and Reauthorization Act |
| TAPP | Technical Assistance for Public Participation |
| TCE | Trichloroethylene |
| TERC | Total Environmental Restoration Contract |
| TRI | Toxic Release Inventory |
| URL | Uniform Resource Locator |
| USACE | U.S. Army Corps of Engineers |
| USCG | U.S. Coast Guard |
| USFWS | U.S. Fish and Wildlife Service |
| UXO | Unexploded Ordnance |