



PUBLIC PARTICIPATION GUIDANCE



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INTRODUCTION

DEQ's goal is to select, design, and implement public participation activities that meet the needs of both the agency and the public. Sometimes that will mean going above and beyond the bare minimum required by statute or rule. This guidance document establishes a framework to assist programs across the agency as they implement the DEQ Public Participation Principles:

- Commit to public participation
- Respect our citizens
- Be clear and open about the process
- Inform the public
- Consult the public
- Involve the public

When should I use this guide?

The public participation matrix included in this guidance document is intended to be referenced for any DEQ action or decision that requires some form of public notification. While it is possible that some of the activities may be appropriate in instances where public notification is not required but significant interest exists, the matrix is not meant to add a public notice requirement for routine agency actions. The matrix establishes four tiers of public participation activities, based on legal requirements, as well as the level of known or potential interest and/or controversy, and provides a list of activities that should be performed at each tier.

How do I know what tier to select?

The public participation matrix is intended to meet the needs of 95% of projects. Of course, there may be situations that do not perfectly fit within a tier. There is always some judgement required to determine the appropriate level of public participation. Decisions are often informed by your relationships with stakeholders and understanding of potential interested parties. While definitions and examples are presented for each tier, when in doubt please talk with management and your PIO.

How do I use this guide?

1. Determine what tier of public participation is appropriate for your project, permit, decision, etc. If you are unsure, talk with your management or the Communications Team. Are there any additional considerations such as location or potential for controversy that need to be considered?
2. Make note of what public participation activities are the responsibility of the program, which are led by the Communications Team, and which will require consultation with the Communications Team.
3. Be aware of lead times for some activities:
 - Public meetings should be publicized with a minimum of 3 weeks of notice.
 - Press releases can take up to two weeks to go through all needed review and PIOs can advise if your desired timing conflicts with other big news items.

PUBLIC PARTICIPATION PRINCIPLES

Commit to Public Participation

Public participation is central to the work we do. We take feedback and comments about our work seriously, and we shouldn't fear disagreement or criticism. Agency decisions and decision-making processes are stronger and more durable when stakeholders and the public are meaningfully engaged in the process. Going above and beyond the minimum requirements for public participation, when appropriate, showcases our commitment to high quality customer service – anticipating and striving to meet information and engagement needs.

As an agency, DEQ commits not just to providing opportunities for participation, but to investing resources in improving Montanans' capacity to participate in a meaningful way. We show leadership and help communities thrive by educating the public on the technical complexities of environmental issues and on how to effectively participate in the DEQ decision-making process.

Respect our Citizens

Public participation is most effective when we engage the public with a sincere belief in the value of their input, and not just out of obligation. We respect our citizens when we treat them as legitimate participants who have value to add to our decisions and unique local knowledge to contribute. This also means that we must adapt our communication strategies to meet the needs of a variety of audiences and respect their ability to learn about—and meaningfully participate in—complex issues.

Providing excellent customer service in our public participation activities shows that we respect the public's time and effort. This includes being prepared, hosting participatory opportunities at times and locations that meet their needs, providing easy-to-use tools to facilitate involvement, and offering technical assistance or alternative methods where possible.

Be Clear and Open about the Process

It is important to ensure that opportunities for participation are easy to find, accessible, and inclusive. Simplifying the participation process by striving for consistency across the agency provides efficiency, predictability and the ability to gain experience with agency decision-making and public participation processes. We will be transparent and honest about the range of decision outcomes and the role of public input in the process. We will work to “close the loop” with the public and articulate how public input impacted a decision.

DEQ will communicate clearly when there are specific requirements in law that limit the scope of the public's role in the decision-making process.

Inform the Public

We will seek out ways to proactively share information and raise awareness of agency projects, goals, and actions, and to anticipate public information needs and desires. This is a commitment by the agency to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. Examples include placing public notices,

holding public meetings, maintaining an accurate and up-to-date website, issuing timely press releases, maintaining interested parties' lists, developing GovDelivery products, and proactively reaching out to stakeholder groups and NGOs.

Consult the Public

We will listen to and acknowledge public concerns and aspirations, and provide feedback on how public input influenced a decision. This includes proactively obtaining public feedback on our analysis, alternatives and/or decisions. Public comment periods are a key component of public participation, and we will offer them as appropriate, not just when they are required. We will work to educate the public on how to craft substantive comments and appreciate the time and effort it takes. Examples of effective consultation include appropriate public comment periods and timelines, acknowledgement of comments received, and good faith responses to all substantive comments.

Involve the Public

When possible and appropriate, we will work directly with the public throughout the decision-making process to ensure that public concerns and aspirations are consistently understood and considered and are directly reflected in the alternatives developed. We will provide participation and engagement opportunities early in agency processes. Engaging the public early provides the best chance for them to affect the final decision and promotes efficiency and accountability in the decision-making process. Examples of effective involvement include webinars and other educational events, targeted engagement of representative organizations, a commitment to robust scoping processes, and maintaining an active field presence.

PUBLIC PARTICIPATION TIERS

Tier One – Inform

Projects or announcements where public notice is required but with no opportunity for public comment or public meeting. Tier one may include routine permits, non-controversial final rule adoption, etc.

Program Examples:

Tier Two – Consult

Projects with a public input or engagement component such as a comment period, meeting, or hearing. Tier two projects sometimes require that a public hearing be held upon request. Tier two projects are generally not expected to be highly controversial or of particularly broad interest.

Program Examples:

Tier Three – Involve

Projects with an opportunity for scoping, design, or otherwise engaging the public in the identification of alternatives, providing input, or sharing local knowledge at a pre-decisional stage of decision-making. Tier three projects are often those requiring an Environmental Impact Statement.

Program Examples:

Tier Four – Elevate

Projects with known or expected controversy, politics, and/or high public interest. (See “*Are you Dealing with a Tier Four Project?*” worksheet)

Program Examples:

PUBLIC OUTREACH & ENGAGEMENT ACTIVITIES

Activity	Lead	Tier 1	Tier 2	Tier 3	Tier 4
Proactively loop in appropriate staff in other DEQ programs prior to any public posting/notice	PGM				
Draft your public notice (include PIO review on Tiers 2-4)	PGM				
Develop key messages & talking points with PIO	PGM				
Newspapers & Print Media					
Publish a public notice legal ad in local newspaper(s), if required in rule or statute	PGM				
Send a press release to local media outlets (work with PIO to decide for Tier 2)	PIO				
Purchase a retail public notice ad in local newspaper(s)	PGM				
Send a press release to statewide media outlets	PIO				
DEQ Website					
Post public notice to central DEQ Public Notice web page	PGM				
Post comment period, meeting, or hearing information on central DEQ Public Comment or Public Meeting web page	PGM				
DEQ Social Media					
Post comment period, meeting, or hearing information on Twitter	PIO				
Post comment period, meeting, or hearing information on Facebook	PIO				
Direct Outreach					
Email (or mail, if required) public notice to interested parties list, including those directly impacted by or involved in the action or decision	PGM				
Contact relevant and potentially interested local officials to provide updates, solicit feedback, raise awareness, or get buy-in	PGM				
Public Meetings					
Host at least one hybrid public meeting/hearing (or offer opportunity upon request)	PGM				
Host an additional hybrid public meeting prior to decision	PGM				

 Activity Required  Consult with PIO on Activity

PGM = Program Staff (or applicant) | PIO = Communications Team

WORKSHEET: ARE YOU DEALING WITH A TIER FOUR PROJECT?

If you're not sure whether a project or decision may be controversial, ask yourself the following questions. You may want to discuss these with your project team or supervisor. If you answer "YES" to any of these questions, it's time to connect with your Public Information Officer! PIOs can help you determine the appropriate next steps based on the specific situation.

Project: _____

Location: _____

Circle Y or N for each of the following questions.

Y / N Are other DEQ programs responsible for related reviews or actions?

Y / N Relative to other similar types of projects/actions, did you receive a significant number of comments?

Y / N Relative to other similar types of projects/actions, does your program consider this one a big deal for any reason?

Y / N Is this project or action related to a brand new, or greenfield, facility?

Y / N Has there been any public opposition to this project/action?

Y / N Do you anticipate stakeholder opposition to this project/action?

Y / N Are you aware of existing misunderstandings related to this project/action?

Y / N Is this project or action related to recent or ongoing litigation?

Y / N Has the project been in the news previously? At what level?

Y / N Has the legislature or any legislator expressed interest in this project or topic?

Y / N Has a local government body or official expressed interest in this project or topic?

Additional Considerations

Y / N Does this project/action have the potential to impact tribal lands or resources?

Y / N Does this project/action have the potential to impact a historically underserved community, or an area impacted by multiple environmental risk factors?

Y / N Do you have other concerns about the project/action not addressed on this worksheet?

Please describe:
