

FRIDAY, JANUARY 12, 1979

PART V



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**WATER RESOURCES  
COUNCIL**

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**UPPER MISSISSIPPI RIVER  
SYSTEM MASTER PLAN**

**Proposed Guidelines for  
Public Participation**

Water Resources Council  
Upper Mississippi River  
System Master Plan  
Proposed Guidelines for  
Public Participation

[8410-01-M]

**WATER RESOURCES COUNCIL**

[18 CFR Part 708]

**UPPER MISSISSIPPI RIVER BASIN COMMISSION;  
PUBLIC PARTICIPATION IN UPPER MISSISSIPPI  
PI RIVER SYSTEM MASTER PLAN****Proposed Guidelines**

**AGENCY:** Upper Mississippi River Basin Commission, United States Water Resources Council.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes guidelines for public participation in the Upper Mississippi River System Comprehensive Master Management Plan, mandated by Title I of Pub. L. 95-502, the Inland Waterways Authorization Act of 1978. It is submitted preliminary to final publication to permit interested agencies, organizations, and persons to comment on the proposal.

**DATES:** Comment must be received on or before February 12, 1979.

A public meeting on these proposed guidelines will be held on February 5, 1979.

**ADDRESSES:** Send comments to: Upper Mississippi River Basin Commission, Room 510 Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The public meeting will be held at the Thunderbird Motel, Bloomington, Minnesota.

**CONTACT:** For further information contact:

D. D. Galloway, (612) 725-4690.

**SUPPLEMENTARY INFORMATION:** Pub. L. 95-502, the Inland Waterways Authorization Act of 1978, was enacted October 21, 1978. In part, the Act provides for the following: (1) Replacement is authorized of Loeks and Dam No. 26 on the Mississippi River at Alton, Illinois with a new dam and single lock two miles downstream from the existing dam; (2) An excise tax is imposed on fuel used by commercial cargo vessels on specified inland waterways; (3) A comprehensive study is to be made of inland waterway user charges and taxes; (4) The Upper Mississippi River Basin Commission is to prepare a comprehensive master plan for the management of the Upper Mississippi River System in cooperation with appropriate federal, state, and local officials. The Commission, established under Title II of Pub. L. 89-80, the Water Resources Planning Act of 1965, is directed to publish the preliminary master plan not later than January 1, 1981 and to publish the final master plan one year later.

As part of that assignment, Congress has directed the Commission in Title

I, Sec. 101(b) of the Act to publish, within 150 days after the date of enactment, guidelines in the FEDERAL REGISTER for public participation in the development, revision, and implementation of the master plan. Such guidelines are to be afterwards incorporated in the overall plan of study of the master plan.

In the interest of eliciting participation not only in the substantive planning process but also in the formulation of the guidelines, a 30-day period has been set aside for interested agencies, organizations, and persons to comment by submission of written or oral data, views or arguments before the final document is published. All communications received by the Commission on or before February 12, 1979 will be considered before final action is taken on the proposed guidelines. The proposal contained in this notice may be changed in light of comments received. All comments submitted to the Commission will be available for examination by interested agencies, organizations, or persons both before and after the closing date.

Supplementary to this notice, the Commission will hold a public meeting February 5, 1979 from 11:00 a.m. to 4:00 p.m. at the Thunderbird Motel, Bloomington, Minnesota, for purposes of hearing comments by interested agencies, organizations, and persons in regard to the proposed guidelines. If appropriate response is received, proceedings of this meeting will be published and made available at cost.

**WORDS OF ISSUANCE:** It is proposed to amend 18 CFR Chapter VI by adding the following Part 708:

**UPPER MISSISSIPPI RIVER BASIN COMMISSION; PUBLIC PARTICIPATION IN UPPER MISSISSIPPI RIVER SYSTEM MASTER PLAN**

**Sec.**

708.1 Definitions.

708.2 Scope.

708.3 Policy, objectives, and standards.

708.4 Required programs and reports.

708.5 Program objectives implementation.

**AUTHORITY:** Title II, Sec. 204, Pub. L. 89-80, Water Resources Planning Act of 1965; Title I, sec. 101 (b), Pub. L. 95-502, Inland Waterways Authorization Act of 1978.

**§ 708.1 Definitions.**

As used in this part, the term:

(a) "Act" means the Inland Waterways Authorization Act of 1978, Public Law 95-502.

(b) "Commission" means the Upper Mississippi River Basin Commission, with headquarters at Fort Snelling, Twin Cities, Minnesota.

(c) "Master Plan" means the Upper Mississippi River System Comprehensive Master Management Plan mandated by Title I of the Act.

(d) "GREAT" refers to studies conducted by Great River Environmental Action Teams pursuant to Sec. 117 of the Water Resources and Development Act of 1976 (Pub. Law 94-587) for purposes of developing balanced management strategies for multipurpose use of the Upper Mississippi River.

(e) "System" means those Upper Mississippi River reaches containing commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois, the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois.

(f) "Public meeting" means a meeting to provide individuals and representatives of interested organizations opportunities to present their opinions and suggestions by means of an informally structured format.

(g) "Public hearing" means a formally structured public meeting scheduled to provide adequate time for each testimony, which will be recorded, transcribed, published, and made available to the public.

**§ 708.2 Scope.**

(a) This part describes minimum guidelines for public participation in the development, revision, and implementation of the Master Plan specified in the Act.

(b) This part applies to the following organizations with references to the activities described in § 707.2(a):

(1) The Commission, including its staff and persons, organizations, and agencies under contract to it for work within the scope of the Master Plan.

(2) Such Federal departments and agencies as are directed under Sec. 101(e) of the Act to conduct studies pursuant to the Master Plan, for any work carried out for purposes of developing, revising, and implementing the Master Plan.

(3) Such departments and agencies of any state or local government as are authorized and/or directed to carry out studies and analyses under direction or advice of the Commission as stipulated in Sec. 101 of the Act.

(c) The guidelines referred to in this part shall be considered general requirements applicable to all studies, procedures, programs, regulations, or other administrative devices carried out under § 708.2(b), but only for those Master Plan activities under authority of the Act.

**§ 708.3 Policy, objectives, and standards.**

(a) *Policy.* (1) Congress had directed the Commission to prepare a comprehensive Master Plan for management of the System in cooperation with appropriate Federal, state, and local officials. In developing the plan, the Com-

mission is required to identify various economic, recreational, and environmental objectives of the System, recommend guidelines to achieve such objectives, and proposed methods to assure compliance with such guidelines and coordination of future management decisions affecting the System, and include with the proposed plan any legislation proposals which may be necessary to carry out such recommendations and achieve such objectives.

(2) The Commission is required to provide for public participation in the development, revision, and implementation of the Master Plan and to encourage and assist such participation. In doing this, the Commission seeks to foster a spirit of openness and a sense of mutual trust between the public and the planners. Public participation is expected to result in greater responsiveness of the Master Plan to public concerns and priorities, as well as improved popular understanding of official studies, planning processes, and decisions.

(3) In order for public participation to be effective, it must be timely and integrated into the planning process. The Commission shall seek public participation prior to any decision-making on the Master Plan or any of its components. Such public participation will ordinarily include informational output about the plan, public response and input, two-way discussions or exchange, and Commission consideration of public expressions.

(4) Public participation processes utilized by the Commission in developing the Master Plan shall aim for the highest achievable standards of objectivity and thoroughness consistent with other requirements of the Act and the intent, concepts, ideas, and basic tenets of the Principles and Standards for Planning Water and Related Land Resources published by the Water Resources Council in the FEDERAL REGISTER, Volume 38, Number 174, Part III, September 10, 1973 and any forthcoming revisions. Public participation programs shall include monitoring procedures to maintain an acceptable degree of responsiveness and accountability.

(5) Neither the Master Plan as a whole nor any component of it shall be formulated without incorporation of a program of public participation involving fair representation of all segments of the public. The public participation section of the Master Plan-Plan of Study shall be developed consistent with guidelines described in this part.

(b) *Objectives.* Objectives of the public participation program developed by the Commission as part of the Master Plan are:

(1) To sensitize the planners to public preferences,

(2) To anticipate and help resolve conflicts arising during the study,

(3) To improve information transfer and public awareness of the study,

(4) To provide for periodic reviews in the development of the Master Plan as well as the final review required by the Act, and

(5) To provide for evaluation of public participation in the planning process.

(c) *Standards.* The Commission in meeting the above objectives recognizes that:

(1) Inputs from the public are important for development of the Master Plan;

(2) Participants are to include individual citizens as well as organizations;

(3) The public participation program is to assume the existence of numerous publics and their interests—identified and delineated according to a number of socioeconomic, demographic, geographic, personal, and ideological variables;

(4) The public participation process must be continuous: It is to be provided for, encouraged, and assisted throughout the planning process;

(5) The public participation process is to have as a product measurable sets of opinion and other manifestations of the public will in regard to details of the Master Plan; and

(6) Inputs from the public into the Master Plan through avenues other than the Commission public participation program should be facilitated.

#### § 708.4 Required programs and reports.

(a) The Commission shall prepare a work plan for public participation as part of the Master Plan-Plan of Study. The work plan shall satisfy minimum standards described in this part. The work plan shall describe all substantive administrative and management arrangements to elicit public participation, shall delineate Commission member and staff responsibilities, and shall identify budgetary provisions.

(b) In addition to public meetings and hearings, the public participation program shall include survey research, program evaluation, and information/education activities as described in § 708.5.

(c) The Commission shall recommend long-term public participation activities and programs related to implementation of the Master Plan. These recommendations shall be based on evaluation of procedures and results mandated in this part and carried out during the Master Plan process.

(d) The Commission shall issue reports describing the participation program as developed or implemented during the designated reporting

period. Each such report shall include as a minimum a brief description of the main participation activities, the means used to obtain the participation, the quality and amount of participation elicited, the costs of the effort, and the use that was made of the elicited information in the planning process. The reporting periods shall be arranged so as to correspond generally with the main sequential segments of the overall planning process.

#### § 708.5 Program objectives implementation.

(a) The continuing public participation program shall contain mechanisms or activities for each objective listed in § 708.3(b). The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging, or assisting public participation. Special efforts shall be made to simplify the planning process and products for public and media use. Variances may occur in the use of any given program element, according to the nature of the planning issues, the budgetary resources accorded the participation process, and the effectiveness of the participation actually elicited and measured in the field.

(b) To obtain data in regard to plan-relevant public opinion, methods shall include but not be limited to survey research.

(1) The survey research process shall be developed and utilized in connection with the Master Plan as a whole and its components. Whereas public meetings are organized to elicit unstructured participation and opinion changes, surveys shall be targeted on carefully-selected samples of functionally-defined publics located throughout the System.

(2) The Commission shall evaluate the effectiveness of the information/education program on the part of the surveyed publics necessary for continued and sustained participation in the decision-making steps of the planning process.

(3) If a gap is found between the desired and actual effectiveness, the Commission shall develop and implement a short-term narrow-focus information and education program targeted at the specific problem areas in question.

(4) On completion of the short-term information/education program, re-surveys shall be made among the affected publics. The results shall constitute a measure of the effectiveness of the short-term information/education program.

(c) To improve information transfer and public awareness of the study, two levels of information and education activities shall be pursued. The first shall have the general public as its

target audience and shall emphasize methods that foster general awareness and understanding of plan issues and the nature of the ongoing planning process. The second level of information and education activities shall focus on public interest groups, agency representatives, and elected officials and shall emphasize the creation of plan component data and information in a form that can be utilized by these groups in the plan decision-making process. The information presented shall be broadly representative of the relevant perspectives and issues.

(d) Throughout the period of study and the succeeding period of implementation of the Master Plan, the Commission shall provide a centralized capability for acting as an information/education center. The Commission shall provide a central source of media-directed information about the Master Plan, its components, future expected planning needs in the System, current program-related activities, and other relevant subject areas. Special efforts shall be made to summarize complex technical materials for public and media use. The Commission shall have an arrangement for providing technical and informational assistance to public groups for citizen education, community workshops, training, and dissemination of information to communities. Requests for information shall be promptly handled. The Commission shall have standing arrangements for early consultation and exchange of views with interested or affected persons and organizations on development or revisions of plans, programs, or other significant actions prior to decision-making. Survey research methods and other procedures will be used to determine the content and emphasis of information and education activities and products.

(e) The Commission shall provide for periodic reviews of the development of the Master Plan as well as the final review required by the Act. Activities to accomplish this shall include:

(1) *Public meetings.* (i) Public meetings shall be organized at locations in parts of the System most significantly affected by the possible outcomes. These open meetings shall be timed to coincide with sequential elements of the planning process.

(ii) The meetings shall provide citizens and representatives of interested organizations an opportunity to utilize an informally-structured format to air their suggestions and grievances in

regard to the subject matter of the Master Plan.

(iii) Where the Commission deems necessary a formal public hearing, it may coincide with the public meeting. When this is the case, a clear distinction shall be made between the formal and open segments of the meeting/hearing.

(iv) Documents and data pertaining to the agenda for each public meeting shall be made available to the public for a reasonable time prior to the public meeting, at a location convenient to the expected participants. In addition, the Commission shall prepare outlines of major issues including brief descriptions of the issue, alternatives, and sources of additional information.

(2) *Public hearings.* (i) The Commission is required to publish a preliminary plan not later than January 1, 1981 and to hold public hearings in each state which would be affected by the plan. The Commission is required to review all comments presented at such hearings or submitted in writing to the Commission, and, after making any revisions in the plan it decides are necessary, to submit to Congress a final Master Plan not later than January 1, 1982.

(ii) The public hearings on the preliminary plan and any other public hearings deemed necessary by the Commission are to be consistent with the provisions of sec. 205 of Pub. L. 89-80 in conformity with this part. If conflict exists between the minimum guidelines of this part and requirements of state or Federal law or other regulations pertaining to a particular hearing, the more stringent requirements shall be observed.

(iii) In addition to any other formal legal requirements, the public hearings are to be well publicized and notices of each hearing will be mailed to interested or affected persons at least 30 calendar days before the hearings.

(iv) In determining locations and times for hearings, consideration will be given to travel and to facilitating attendance and testimony by a cross-section of interested or affected persons and organizations. Accessibility of hearing sites by public transportation will be considered.

(v) The preliminary plan and any supporting reports, documents, and data to be discussed at the public hearings are to be made available to the public at least 30 days prior to the public hearings. Information concern-

ing availability of the preliminary plan, reports, documents, and data will be provided in public hearing notices.

(vi) The elements of the public hearings, proposed time schedules, and any constraints on statements shall be specified in public hearing notices.

(vii) Testimony of witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. Blocks of time shall be considered for major categories of witnesses.

(viii) Public hearing procedures shall not inhibit free expression of views by requirements of more than one legible copy of any statement submitted, or for qualifications of witnesses beyond that needed for identification.

(ix) A record of public hearing proceedings shall be made promptly available to the public at cost. The Commission shall invite, receive, and consider comments in writing from any interested or affected persons and organizations. All such comments shall be part of the public record.

(f) To provide mechanisms for evaluation of public participation in the Master Plan:

(1) the Commission shall conduct periodic evaluations of the public participation program. The purpose of this evaluation is to determine the following:

(i) The extent of actual participation elicited from each of the process phases—public meetings, public hearings, survey research, direct input from organizations, and other sources.

(ii) The degree to which participation elicited from each process phase was actually utilized in the planning process.

(iii) Regional/local differences in effectiveness of public participation methods and procedures.

(iv) The need to modify the public participation process during the Master Plan.

(2) Public participation evaluations shall be incorporated into the Master Plan. Recommendations resulting from this overall evaluation shall be utilized to draft new guidelines and plans of study for public participation programs to be implemented after the Master Plan has been adopted.

NEIL S. HAUGERUD,  
Chairman, Upper Mississippi  
River Basin Commission.

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