

Communication and Outreach

Issues:

Public participation in the annual oversight evaluation planning and implementation has been minimal and, in many instances, no public participation occurs.

Public feedback shows a desire for more state program and mine-specific information on the Internet.

Background:

Outreach and Public Participation in the Oversight Process

Public participation is integral to the successful implementation of SMCRA. In framing the SMCRA, one of the principles that guided Congress was the recognition that public participation and involvement are vital to the success of a national surface coal mining regulatory program. SMCRA Section 102(i) states:

“It is the purpose of this Act to *** assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any state under this Act.”

OSM recognizes that effective oversight includes outreach to the public. Pursuant to [Directive REG-8, Oversight of State Regulatory Programs](#), each OSM Field Office develops and conducts an outreach program to solicit comments from the public and other interested parties regarding the oversight process, recommendations for additional review topics for the evaluation year, and suggestions for improvements of future annual evaluation reports. OSM’s Directive REG-8 directs Field Office Directors (FODs) –

“to interact on a routine, periodic basis with state and local coal associations, citizens, environmental organizations and other groups to actively seek out and determine their areas of concern and suggestions, as well as to provide timely information about OSM activities that may interest such groups. To further this interaction, each FO will develop and conduct an outreach program within the state(s) to solicit comments from the public and interested parties regarding the oversight process, recommendations for additional review topics for the evaluation year and suggestions for improvements of future annual evaluation reports. FODs are encouraged to work with their respective states in developing such programs and in conducting such outreach jointly with the state whenever possible.”

OSM Field Offices have used a variety of approaches for public outreach including direct mail, emails, and advertising in local newspapers.

Communication

OSM prepares a number of documents as part of the oversight process.

Annual Performance Agreement /Evaluation Plans – A Performance Agreement/Evaluation Plan (PA/EP) establishes how oversight will be conducted during a particular year. Directive REG-8 leaves the content and structure of PA/EPs to the discretion of the individual FOs and states, but suggests a number of subjects that the document should cover (See Directive REG-8, Appendix 1, II.D. PA/EPs, pages 1-14 to 1-15). Each PA/EP must incorporate the three required national GPRA measures: off-site impacts, reclamation success, and customer service. In addition to reviewing these three required elements, other oversight activities that OSM may conduct in a state, including inspections and topic-specific evaluations, and technical analyses to be conducted are identified in the PA/EP.

Topic-Specific Evaluation Reports – A PA/EP may identify a specific program area or other topic for evaluation and reporting. Directive REG-8 specifies that whenever the OSM Field Office completes a topical evaluation, it will prepare a topic-specific evaluation report independent of the annual evaluation report. Directive REG-8 does not specify the content and structure of topic-specific evaluation reports, but suggests a number of subjects that the document should cover (See Directive REG-8, Appendix 1, II.H. Topic-Specific Evaluation Reports, pages 1-15 to 1-16).

Annual Evaluation Reports – The results obtained from implementation of the PA/EP are reported in the Annual Evaluation Report for the state. OSM Directive REG-8 contains detailed instructions on the format and content of Annual Evaluation Reports (See Directive REG-8, Appendix 2, Annual Reports). Since the last major revision to Directive REG-8 in 1996, the format and content of Annual Reports have not materially changed.

Annual Oversight Evaluation Public Record – Directive REG-8 contains extensive requirements for establishment and maintenance of a public file containing documents pertaining to the annual oversight evaluation process and findings, but suggests a number of subjects that the document should cover (See Directive REG-8, Appendix 1, II.I. Evaluation Files, pages 1-16 to 1-17).

Public Access to Performance Agreement/Evaluation Plans and Annual Evaluation Reports – Directive REG-8 specifies that OSM will provide public access to individual state Annual Reports and PA/EPs through OSM's wide area network or Internet site (See Directive REG-8, Section 4.a.(6), page 5 and Appendix 2, A. Reporting Requirements, item 7, page 2-1).

Communication Media – When SMCRA was enacted, official documents were paper and the dissemination of copies of those documents and other information was by post or courier service. Since then, the use of computer technology for electronic communication and information access has exploded.

Issue Resolution:

1. Improve Outreach – Currently, little public feedback is received in the development of PA/EPs. OSM intends to enhance the way we conduct outreach and direct more resources toward this effort. OSM will place a greater emphasis on more effective outreach and achieve greater consistency on how outreach is conducted. We will ensure that each Field Office develops and implements an effective outreach plan that provides the public with opportunities to discuss the oversight process, including recommendations for additional review topics for the evaluation year and suggestions for improvements. OSM is seeking input on the desirability, usefulness, efficiency, and effectiveness of implementing outreach enhancement tools such as:
 - providing educational opportunities to the public explaining oversight and how citizens can participate;
 - circulating draft PA/EPs to the public for comment and addressing their concerns in writing;
 - hosting public forums with focus groups to discuss specific concerns;
 - notifying interested parties of new information, meetings, and public participation opportunities via email, face-to-face meetings, and telephone calls;
 - Sponsoring webcasts and using social networking tools.
2. Enhance State Performance Agreement /Evaluation Plan Content – The content and format of OSM-State PA/EPs is not specified. OSM is seeking comments on improving the content and format of the annual state PA/EP. We are seeking comments on how the format and content of these reports could be improved to provide information that would be more useful and meaningful to the public and other stakeholders.
3. Enhance Annual Evaluation Report Content – The content and format of annual state evaluation reports has not been reexamined since 1996. OSM is seeking comments on improving the content and format of the annual state evaluation reports. We are seeking comments on how these reports could be improved to provide information that would be more useful and meaningful to the public and other stakeholders.
4. Enhance Availability of OSM Annual State Evaluation Public Files – Oversight records are mainly paper and the electronic availability of such records is not consistent. OSM will improve how it delivers information concerning oversight evaluations of state programs. OSM intends to make the public review files of state program evaluations available online and post pertinent documents on an ongoing basis throughout the year as they are completed, rather than waiting until the end of the evaluation year. In addition, OSM intends to update the list of documents to be included in the public review files of state program evaluations.
5. Enhance Availability of OSM State Program Information – Public feedback indicates a desire for OSM and the states to publish more program-specific information on the Internet, including current laws and regulations, state policies, processes, preambles, and the approved

regulatory programs. Others believe that mine-specific data should be available on the Internet (e.g., inspection reports, photographs, and permit data). OSM is considering posting more state program-specific information on the Internet. OSM is seeking public input on what information should be available on our website.

[Discussion Papers Index](#)