

Department of Energy
Bonneville Power Administration

POLICY FOR PUBLIC INVOLVEMENT

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Final Policy. BPA File No.: PI-1.

SUMMARY: BPA is adopting a Policy for Public Involvement which affirms the public involvement practices in which it currently engages. A Notice of Intent and Proposed Policy with Request for Comment was issued on March 12, 1986. The Policy for Public Involvement revises the Procedure for Public Participation in Major Regional Power Policy Formulation. The policy applies to public involvement for major regional power policies and other BPA actions. It contains general objectives, required procedures, and optional activities for informing and involving the public. The Policy for Public Involvement will help the public to anticipate and participate in BPA's decisionmaking processes and will assist BPA in consistently providing appropriate opportunities for interaction with the public.

Responsible Official: Donna L. Geiger, Public Involvement Manager, is the official responsible for developing the policy.

DATES: This policy is effective immediately.

ADDRESSES: Additional copies of the final policy may be obtained from Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. The Official Record for the development of the policy may be viewed at the Public Involvement office, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Teresa M. Cunningham, Public Involvement staff, at the above address or the following telephone numbers (voice/TTY): 503-230-3478 from Portland; 800-452-8429 from Oregon outside of Portland; or 800-547-6048 from California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming. Information may also be obtained from:

Mr. George E. Gwinnett, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, U.S. Federal Building, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6959.

Mr. Terence G. Esvelt, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Wayne R. Lee, Upper Columbia Area Manager, U.S. Courthouse, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-522-6225.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, 550 West Fort Street, Room 376, Boise, Idaho, 83724, 208-334-9137.

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I. Background.

The Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pacific Northwest Power Act) directs BPA to conduct a thorough program to inform and involve the public of the Pacific Northwest in those electric power and conservation issues which concern it. In addition, the National Environmental Policy Act of 1969, as amended, requires that BPA seek and consider public views on environmental impacts of its actions. Other Federal statutes and Executive Orders may also require BPA to conduct some type of public involvement depending upon the circumstances. BPA has moved to meet these mandates through a wide range of activities designed to explain BPA activities and elicit public recommendations.

It is BPA's intent to continue to provide appropriate opportunities for the public to participate in BPA's decisionmaking processes. This commitment to public involvement responds to the fundamental right of all citizens to participate in the decisions of their government. BPA has found that the best interests of both public policy and prudent business practice have been served by directly involving BPA's constituencies in its decisionmaking process.

A. Current BPA Public Involvement Activities. BPA's public involvement activities span a wide range of issues, publics, and processes. In each, the goal is to offer vehicles for public participation that are appropriate to the resources of the interested public, the complexity of the subject, and the impacts of the action involved.

BPA has provided public involvement opportunities in the development of a number of major regional power policies. Examples of such policies are: BPA's Billing Credits Policy, Customer Service Policy, Transmission Policy, and the Fish and Wildlife Consultation Procedures.

BPA has also involved the public in many other important issues. These actions include: determinations on significant regional issues; annual planning activities; development of generic contracts; program development; research and development projects; and the planning, construction, and

maintenance of transmission facilities. Some specific examples of these activities are BPA's Direct Service Industries Options Study, Resource Strategy, Load Forecast, Long-Term Conservation Contracts, Model Conservation Standards Implementation Program, and Fall River-Lower Valley Reinforcement Project. Many different public involvement techniques have been used in these actions. Some involved symposiums or town hall meetings. Others used roundtable discussions, workshops, and technical work groups to reach specific publics. In some situations, a more informal approach was appropriate and techniques such as open houses and contacts with landowners were used.

In addition to these public involvement activities, BPA conducts regular consultations with its customers; State, local, and tribal governments; public utility commissions; interest groups; and others. These discussions are informal and may include issues which are in some stage of public involvement at the time of the consultation. As such, these exchanges may be an important part of the public involvement efforts on specific issues.

B. Other Procedures for Special Activities. The Pacific Northwest Power Act requires very specific public involvement procedures for the acquisition of major power resources [sec. 6(c)] and the establishment of rates [sec. 7(i)]. It also requires consultation with certain publics concerned with fish and wildlife issues [sec. 4(h)(11)(B)]. No administrative procedures have been established yet for the acquisition of major power resources. BPA has further defined the procedures for establishing rates in its Procedures Governing Bonneville Power Administration Rate Hearings (51 FR 7611, March 5, 1986) and has used these procedures in subsequent rate cases. BPA has published procedures (50 FR 23173, May 31, 1985) for consulting with fish and wildlife agencies, Indian tribes, and hydroelectric project operators on fish and wildlife issues in the management and operation of Federal hydroelectric facilities. All of these procedures are referenced in the Policy for Public Involvement.

C. Development of Policy for Public Involvement. Subsequent to adoption of the Procedure for Public Participation in Major Regional Power Policy Formulation (46 FR 26368, May 12, 1981), BPA greatly expanded both the number and kinds of opportunities available for the public to participate in its actions. BPA also identified several ways in which that procedure could be strengthened. As a result, on March 12, 1986 (51 FR 8624), BPA published a Notice of Intent and Proposed Policy with Request for Comment. The Proposed Policy for Public Involvement was a revision of the Procedure for Public Participation in Major Regional Power Policy Formulation.

The comment period on the proposed policy extended from March 12 through April 18, 1986, and was subsequently reopened on request to receive comments at a meeting with leaders of public interest groups on April 22, 1986. Twenty written comments and 12 oral comments were received on the proposed policy from 29 organizations and individuals.

A Staff Evaluation of the Official Record, which summarizes and evaluates the comments, and contains staff recommendations was prepared. In addition, a Record of Decision was written which describes the Administrator's decisions on each issue and the reasons for those decisions. Both of these documents are part of the Official Record for the development of the Policy for Public Involvement. This record may be viewed at BPA's Public Involvement office.

II. Text of Policy for Public Involvement:

POLICY FOR PUBLIC INVOLVEMENT

SECTION I. PURPOSE.

The purpose of this policy is to affirm the Bonneville Power Administration's commitment to insure widespread public involvement in the formulation of regional power policies and other appropriate actions. The procedures described in the policy will clarify for the public how it can expect to be informed of actions under consideration by BPA and to take part in the deliberations leading to BPA's decisions. The procedures will also guide BPA in consistently providing appropriate opportunities for interaction with the public on such matters.

SECTION II. OBJECTIVES.

Through this policy, BPA intends to provide the public with the fullest information practicable on BPA policy and program development, to provide early and effective opportunities for the public to express its opinions and concerns, and to consider the views and information presented by the public prior to reaching decisions.

The procedures contained in this policy necessarily reflect the flexibility reserved for the Administrator by law. By preserving this flexibility, it is not the intent of the policy to limit unnecessarily the extent of public involvement, but rather to preserve the Administrator's discretion to act quickly when necessary and to conduct routine business without cumbersome procedural requirements.

SECTION III. SCOPE.

This policy applies to major regional power policies as described in Section V and to other BPA actions as described in Section VI.

A. The policy does not apply to:

1. Interpretive rulemaking;
2. Rules of internal agency organization, procedure, or practice;
3. Policies for which another exclusive procedure is required by law or regulation, or for which the Administrator has established alternative procedures that supersede this policy.

a. BPA ratemaking, Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, sec. 7(i). This exclusive procedure is set forth in the Procedures Governing Bonneville Power Administration Rate Hearings, (51 FR 7611, March 5, 1986.)

b. Acquisition of a major resource, Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, sec. 6(c). This statute describes a process that includes public notice and comment, development of a record, and review by the Northwest Power Planning Council and appropriate committees of Congress. BPA has not yet developed specific procedures to implement this provision.

B. This policy may apply in addition to procedures that have been established for special activities, such as the Fish and Wildlife Consultation Procedures (50 FR 23173, May 31, 1985). These procedures describe how BPA will consult with Columbia River Basin fish and wildlife agencies, Indian tribes, and hydroelectric project operators as it fulfills its responsibilities in the management and operation of the Federal Columbia River Power System hydroelectric facilities. The consultation procedures provide for combining and coordinating the Fish and Wildlife Consultation Procedures and the public involvement procedures for developing major regional power policies.

SECTION IV. DEFINITIONS.

A. Administrator. The Bonneville Power Administrator.

B. Customer. A person or entity having a direct relationship with BPA as the result of contractual arrangements for the purchase, exchange, transfer, assignment, or sale of electric power and energy, related services, or transmission capability to, with, or from BPA.

C. Decision Document. A document which describes the decisions made on a major regional power policy, the information considered, and the reasons for the decisions.

D. Interested Person. Any person, group, or entity with an interest in the proposed action or decision.

E. Major Regional Power Policy. An agency statement of future effect and general applicability designed to implement, limit, or prescribe policy which the Administrator identifies as involving major regional power issues. The term major regional power policy does not include the development and execution of particular agreements, contracts, or other instruments between BPA and its customers, except for those generic agreements, contracts, or other instruments which the Administrator identifies as establishing major regional power policy.

F. Public. Affected or interested persons; organizations; or groups; including but not limited to BPA customers; officials of local, State, and Indian tribal governments; and officials of other Federal agencies.

G. Public Comment Forum. A meeting for which public notice is given and during which oral comments are presented to BPA.

H. Public Information Program. A program using a variety of techniques, designed to inform the public of BPA actions, policies, or decisions.

I. Public Involvement. Informal as well as systematic opportunities for members of the public to know about and express their opinions on possible BPA decisions or actions. The term "public involvement" is considered to be synonymous with "public participation," and is the term normally used within BPA.

J. Public Involvement Program. A program of activities, using a variety of techniques, to inform the public of proposed BPA actions or decisions and to provide opportunities for the public to express opinions and make recommendations which BPA considers before taking actions or making a decision.

K. Public Meeting. Opportunities for BPA to exchange information and views with the public in person. These meetings may involve a few or many persons and take such forms as briefings, workshops, symposiums, or roundtable discussions.

L. Public Record. Except as otherwise expressly provided by law, the compiled and indexed records which document the development of a major regional power policy.

SECTION V. PUBLIC INVOLVEMENT PROCEDURES FOR MAJOR REGIONAL POWER POLICIES.

A. Decision to Formulate a Policy and Notice of Intent. When the Administrator decides to formulate a major regional power policy, the Administrator shall publish a notice of intent to formulate the policy. The purpose of the notice of intent is to offer to interested persons the opportunity to make recommendations on the policy to be developed. Notice shall include the following:

1. The subject of the proposed policy;
2. An explanation of the need for and the probable effect of the policy with a statement of available information on these issues;
3. The legal authority under which the policy is being developed;
4. An indication of the extent to which other existing policies might be affected by the development of the new policy;
5. A request for written recommendations for BPA's use in formulating or revising the policy;
6. The time limit for the receipt of such recommendations; and
7. The name, address, and telephone number of the BPA official who will receive them.

The Administrator may combine the notice of intent with either the notice of policy alternatives or the notice of proposed policy.

B. Notice of Policy Alternatives. Where determined appropriate, the Administrator may issue a notice describing and requesting comment on possible alternatives for a proposed policy. Information obtained in response to the notice of intent and other information available to BPA may be used to identify these alternatives. Public comment on the alternatives will assist BPA in preparing a proposed policy. The notice of policy alternatives shall include:

1. The text of the policy alternatives;
2. The dates, times, and locations of any scheduled public meetings;
3. Information on procedures by which interested persons may participate in any public meetings;
4. A request for written comments on the policy alternatives;
5. Any time limits for receipt of such comments;
6. The name, address, and telephone number of the BPA official(s) to contact for further information; and
7. Any other information considered necessary.

C. Notice of Proposed Policy. After the period for receipt of recommendations stated in the notice of intent or for comments on the notice of policy alternatives, the Administrator shall publish a notice of the proposed policy. The notice shall include:

1. The text of the proposed policy;
2. An indication of the probable extent to which other existing policies may be affected by the proposed policy;
3. The dates, times, and locations of scheduled public comment forums and/or public meetings;
4. Information on procedures by which interested persons may participate in public comment forums or meetings;
5. A request for written comments on the Policy;
6. Any time limits for receipt of such comments;
7. The name, address, and telephone number of the BPA official(s) to contact for further information; and
8. Any other information considered necessary.

D. Public Comment Forums. One or more public comment forums shall be scheduled on the proposed policy so that interested persons may present their views on the proposed policy in person.

The Administrator shall determine the number, dates, locations, and time of day of such forums. Notice of the forums shall be published either as part of the notice of proposed policy or in a separate notice. The notice shall include:

1. The name, subject, and purpose of the policy;
2. The date(s), time(s), and place(s) for the forums;
3. Information on any available material which discusses the need for the policy and effects which the policy may have;
4. The time period for receipt of comments;
5. The names, addresses, and telephone numbers of BPA officials from whom additional information can be obtained; and
6. Other material which is considered necessary.

BPA shall offer interested persons the opportunity for oral presentation of views, data, and arguments. Persons who wish to speak at public comment forums should, before the forum, notify the BPA Public Involvement Manager or the Area or District Manager of the locality in which the forum will be held. This will permit preparation of a tentative schedule of participants. Time limitations may be established for oral presentations to assure that all interested persons who desire to speak will have an opportunity to do so. Interested persons with similar views, data, and arguments may be required to consolidate their comments.

A verbatim transcript of these comments is ordinarily prepared and included in the record of the hearing. When a transcript is not prepared, a detailed summary of the hearing is made instead. During the period in which a major regional power policy is being developed, transcripts or summaries of public comment forums shall be available for review at the Area or District office in the locality where the forum is held. Copies of the transcripts or summaries of forums shall also be available for review in BPA's Public Involvement office. The transcript or summary of the forum, as well as any written comments, documents, or exhibits submitted at the forum, shall be placed in the Public Record.

E. Public Meetings. The Administrator may determine the need for public meetings in addition to the public forum(s) specified above.

The subjects and purposes, dates, times, and locations of the meetings shall be announced. Meeting notices may also describe the format of the meeting, and the nature of the participation opportunities which may be offered.

These meetings may serve a number of purposes, including:

1. Providing information regarding the proposed policy or alternatives;
2. Permitting a detailed public review and exchange of information regarding technical data or methodology;
3. Providing an opportunity for public comment at interim stages in the decisionmaking process; and
4. Other purposes determined by the Administrator to be consistent with this Policy for Public Involvement.

A transcript is ordinarily not prepared for these meetings. A summary may be prepared, and may be mailed to meeting participants with an invitation to comment upon the summary or submit additional public comments, documents, or exhibits. The meeting summary, if prepared, and any subsequent comments, documents, and exhibits shall be placed in the Public Record.

F. Time Allowed for Public Recommendations or Comment and for Notice of Public Comment Forums and Meetings. Whenever practicable, the Administrator shall allow at least 30 days for the public to submit written recommendations in response to a notice of intent and to offer comments on a notice of policy alternatives and notice of proposed policy.

Whenever practicable, the Administrator shall allow at least 15 days advance notice of public comment forums and public meetings.

G. Decision Document. Following the comment period on a notice of proposed policy, a decision document shall be completed. The decision document shall be signed by the Administrator and made a part of the public record. The decision document shall include:

1. A description of the proposed action;
2. A summary of the comments received on the proposed action;
3. An evaluation of the proposed action and of other alternatives which have been recommended or identified by the public or BPA;
4. The Administrator's decision; and
5. A concise summary of the reasons for the decision.

H. Notice of Final Policy. BPA shall publish a notice of any final policy. The policy shall become effective on the date of the publication of the notice unless otherwise specified.

I. Methods of Public Notification and Contact. Notices of intent, policy alternatives, proposed policy, public comment forums, final policy, and, whenever practicable, notices of public meetings shall be published in the FEDERAL REGISTER, or elsewhere if so determined by the Administrator. In addition, the Administrator may send a written announcement to persons who

have previously expressed an interest in the development of a major regional power policy, or to persons who, in the opinion of the Administrator, could reasonably be expected to have such an interest. The Administrator may also direct that an announcement be made in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable.

In addition to written notice, the Administrator may initiate contact in person or by telephone with interested persons to inform them of opportunities to submit recommendations or comments.

J. Combination of Other Required Notices with Policy Notices. The Administrator may combine notices required by other laws and regulations with notices pertaining to major regional power policies.

K. Procedures for Expedited Decisionmaking.

1. Any or all procedures provided for in Section V do not apply when the Administrator for good cause finds that such notice and public involvement are impracticable, unnecessary, or contrary to the public interest. The Administrator shall incorporate such a finding and a brief statement of the reasons for this finding in any policy that is issued.

2. When such a finding is made, the Administrator may choose to adopt an interim policy specifying the period of time for which it will remain in effect.

3. In adopting an interim or a final policy, BPA shall be guided by the following principles:

a. Those procedures which the Administrator determines are practicable shall be completed.

b. To the extent practicable, alternative means of providing notice, informing the public, and providing opportunities for comment shall be used.

4. If an interim policy is adopted, the applicable procedures for major regional power policies shall be followed in adopting the final policy.

L. Public Record. The records which document the development of a major regional power policy shall be compiled and indexed in a public record. The public record shall include the following:

1. All FEDERAL REGISTER or other notices provided for by these procedures;

2. The transcripts or summary prepared for the record of oral comments taken at public comment forums;

3. Any transcripts or summaries prepared for the record of oral comment taken at public meetings;

4. Written comments, data, and questions of public record and BPA's replies to these items;

5. The decision document; and

6. Any other information that is determined by the Administrator to be relevant.

The public record shall be available for inspection or copying.

SECTION VI. PUBLIC INVOLVEMENT FOR OTHER BPA ACTIONS.

A. Other BPA Actions for Which the Administrator May Conduct Public Involvement. The Administrator may determine that it is appropriate to conduct public involvement on other selected BPA actions. Such other actions may include:

1. Formulation of policies which are not major regional power policies;
2. Planning activities and the development of plans related to areas such as energy conservation, renewable resources and other generating resources, fish and wildlife resources, and the transmission system;
3. Development and implementation of programs related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system; and
4. Other BPA actions related to major regional power issues.

B. Factors for Determining the Appropriate Level of Public Involvement.

In determining the appropriate level of public involvement as well as the provision of notice and comment for other BPA actions, the Administrator may take into account pertinent factors such as:

1. The precedential nature of the action;
2. Whether and when public support is required for effective implementation of the contemplated action;
3. The effect on BPA and its customers;
4. The impact of the proposed action on the public;
5. The particular segment(s) of the public which can be expected to be interested in the action;
6. The level of public interest;
7. The time available for public involvement; and
8. The existence of previous or concurrent public involvement activities on similar actions.

SECTION VII. RELATIONSHIP TO NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

To the maximum extent practicable, BPA shall implement the public involvement procedures described in this policy and the procedures required by the National Environmental Policy Act concurrently and in a complementary fashion. In order to minimize the impact on the public's resources, joint notices shall be issued and combined meetings shall be held whenever possible.

III. Explanation of Policy Provisions.

The policy contains nearly all of the procedural requirements which were contained in the Procedure for Public Participation in Major Regional Power Policy Formulation, with some modifications. In addition, the policy describes the types of other BPA actions for which the Administrator may conduct public involvement and the factors for determining the appropriate level and type of public involvement.

This section provides some background information on the meaning of the policy provisions. It also describes how the final policy revises the Procedure for Public Participation in Major Regional Power Policies and how the final policy differs from the proposed policy. A summary of the public comments received on the proposed policy and BPA's evaluation of the comments is contained in the Staff Evaluation of the Official Record, Proposed Policy for Public Involvement.

Section I. Purpose. The statement of purpose reflects the revised scope of the policy and describes the benefits of the policy to both the public and BPA. To clarify the actions covered by the policy, the proposed "commitment to insure widespread public involvement in the formulation of regional power policies" has been expanded in the final policy to include "and other appropriate actions."

Section II. Objectives. This is a new section which outlines how and why BPA intends to involve the public. The extent of and reasons for the flexibility retained by the Administrator are also described.

Section III. Scope. The scope of the policy has been revised to cover major regional power policies and other BPA actions. Alternative or joint coverage of actions by other procedures for public involvement is explained and the citation for the Procedures Governing Bonneville Power Administration Rate Adjustments has been updated. The language of the proposed policy has been changed slightly to include among the areas not covered by the policy, those policies for which a regulation establishes another exclusive procedure.

Section IV. Definitions. Terms which have a particular meaning for the policy are defined.

A. Administrator. [No change.]

B. Customer. In response to a comment on the proposed policy, "exchange" has been added to the list of identifying arrangements between BPA and its customers. This term was inadvertently omitted from the proposed policy.

C. Decision Document. This document combines and replaces the functions of the evaluation of the record and record of decision which were required by the previous procedure. The purpose of this new document is to streamline the presentation of this information by reducing the redundancy of the evaluation of the record and the record of decision. For ease of use, the final policy has been changed to include the description of the decision document's contents within Section V which pertains to major regional power policies.

D. Interested Person. [No change.]

E. Major Regional Power Policy. This definition has been expanded to cover generic agreements, contracts, or other instruments between BPA and its customers which, while not policies, nevertheless establish major regional power policy.

F. Public. This definition has been added to explain a basic term that is used throughout the policy.

G. Public Comment Forum. This is a new definition which describes a particular kind of public meeting in which BPA receives public comments in person. The language of the proposed definition, which explained when a detailed summary of a public comment forum would be prepared instead of a verbatim transcript, has been moved to Section V of the policy.

H. Public Information Program. This definition has been added to differentiate a public information program from a public involvement program. In a public information program, the goal is to make information available to the public.

I. Public Involvement. This definition has been added to explain a term which is basic to the policy.

J. Public Involvement Program. This is a new definition. In a public involvement program, information is provided to the public and opportunities are provided for the public to express its views and recommendations.

K. Public Meeting. This term has been added to describe a type of activity which BPA frequently uses in addition to public comment forums.

L. Public Record. This new term is used for the agency record to avoid confusion with official records which are prepared for judicial review. As recommended in comments on the proposed policy, the description of the contents of the public record have been revised to clarify that, when prepared for the record, transcripts or summaries of public comment forums will always be included in the record as well as any transcripts or summaries of public meetings.

Section V. Public Involvement Procedures for Major Regional Power Policies.

A. Decision to Formulate a Policy and Notice of Intent. The Administrator decides which BPA actions are major regional power policies. While the policy does not include any specific criteria for making this determination, the Administrator typically considers the nature of the policy, the magnitude of its effect and the extent of the public sectors which will be impacted. Preliminary informal contacts by BPA with potentially affected publics can assist the Administrator in the determination of which actions are major regional power policies.

The wording of this part has been adjusted to indicate that the decision and notice requirements apply only to major regional power policies. The description of alternate ways that notice may be given has been moved into subsection I., Methods of Public Notification and Contact.

The proposed content of the notice of intent to formulate a policy has been revised to specify that the explanation of "the need for and the probable effect of the policy" should also include "a statement of available information on these issues" as was required by the previous procedures. Also, the proposed policy's requirement that notice be published in the FEDERAL REGISTER or elsewhere has been moved to subsection I. Finally, the proposed language on combining the notice of intent with the notice of policy alternatives or with the notice of proposed policy has been incorporated in this section.

B. Notice of Policy Alternatives. This is a new part. In the development of certain major regional power policies, it may be appropriate for BPA to obtain helpful advice for the preparation of proposed policies by first seeking comments on alternatives for framing the policy. All policy development processes may not lend themselves to this step. The final policy revises the proposed policy by adding a description of what the notice of policy alternatives shall contain. The final policy also places the requirement that the notice of policy alternatives be published in the FEDERAL REGISTER or elsewhere in subsection I.

C. Notice of Proposed Policy. This part describes when a notice of proposed policy will be issued and the contents of such a notice. In the final policy, the requirement that the notice of proposed policy be published in the FEDERAL REGISTER or elsewhere has been moved to subsection I.

D. Public Comment Forum. This part describes all requirements for conducting public comment forums. The Procedure for Public Participation in Major Regional Power Policy Formulation has been revised by moving the language on other means of making notices available to subsection I., by modifying the request for advance notice of participation in a comment forum, and by deleting the requirement that the responsible official must act as or appoint a chairman of the forum. BPA officials who are responsible for the development of a policy may still attend and chair public comment forums even though the section does not contain a specific reference to their role.

Information on the preparation of transcripts and detailed summaries that was contained in the proposed definition of the term has been moved to this subsection. The final policy also clarifies that local BPA offices will only retain transcripts or summaries of comment forums during the development of a major regional power policy and places the requirement that the notice of policy alternatives be published in the FEDERAL REGISTER or elsewhere in subsection I.

E. Public Meetings. This is a new part which describes alternative ways that BPA can interact with the public in addition to public comment forums. In response to a comment, the final policy clarifies that public meetings can be used to exchange technical information. Also, as with other notice requirement, the description of how BPA will notify the public of meetings has been moved to subsection I.

F. Time Allowed for Public Recommendations or Comment and for Notice of Hearings and Meetings. This new part describes the length of time which BPA will ordinarily allow for written comments and for notice of hearings and meetings. These are minimum periods of time. Whenever possible, BPA will provide earlier notices. BPA will also consider special requests for extensions of time in which to submit comments.

G. Decision Document. This document contains essentially the same information as the previously required evaluation of the official record and the record of decision which it replaces. Though not required by the policy, BPA may circulate all or parts of the decision document in draft form for public comment. BPA has found that this practice can help to ensure that BPA has fully understood and adequately evaluated comments which have been submitted. In the final policy, this part includes a description of the contents of the decision document.

H. Notice of Final Policy. This action concludes the development of a major regional power policy.

I. Methods of Public Notification and Contact. In the final policy, this new part contains all requirements for providing notice and includes information on how BPA will use publications, direct mail, and personal contact to give this notice.

J. Combination of Other Required Notices with Policy Notices. This part has been added to the final policy to explain that, when it is desirable to do so, the Administrator may combine other required notices with notices specified for major regional power policies.

K. Procedures for Expedited Decisionmaking. Under the Procedure for Public Participation in Major Regional Power Policy Formulation, BPA could only waive the requirements for major regional power policies when an emergency situation existed. The final Policy for Public Involvement permits the use of expedited procedures under more circumstances. These circumstances are still expected to be rare. For example, a sudden and short-lived opportunity to make a regionally beneficial decision, where that decision establishes a major regional power policy, would be the type of situation in which fulfilling all procedural requirements for major regional power policies would be impracticable. That is, a delay in the decision would make it impossible to capture the economic benefit of the decision. Similarly, an emergency situation, such as a sudden finding that a resource or utility practice could endanger the public, could also make any delay in a decision contrary to the public interest.

Several changes were made to the proposed language of this part. One simplifies the wording which describes how a decision is made to use an expedited procedure. Another substitutes the word, "impracticable," as used in the Administrative Procedure Act, for the proposed "impractical." No change in meaning is intended. Finally, the proposed procedure has been revised to require the Administrator to fulfill all practicable public involvement procedures and use alternative means of informing and involving the public before a final policy is issued as well as before an interim policy is adopted.

L. Public Record. This part has been added to describe the purpose and contents of the record for development of a major regional power policy.

Section VI. Public Involvement for Other Actions. This section is included in the policy to reflect the full range of public involvement activities which BPA currently undertakes and which it intends to continue. BPA's practice has been to inform and involve the public on many issues which are not defined as major regional power policies. The section describes the types of actions for which the Administrator may conduct public involvement and the factors for determining the appropriate level and type of public involvement activities which may be most appropriate and effective.

A. Other BPA Actions for Which the Administrator May Conduct Public Involvement. The Administrator may also determine that it is appropriate to conduct public involvement on actions other than major regional power policies. Such other actions may include:

1. Formulation of policies which are not major regional power policies. Certain policies may affect future BPA actions but may not be identified as major regional power policies. The development of BPA's Conservation Cost-Sharing Principles is an example of how BPA can involve the public in discussion of a policy which is not a major regional power policy.

2. Planning activities and the development of plans related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system. BPA develops regular plans to guide its decisions. These plans include projections for the power demands which BPA anticipates, the resources which must be acquired to meet these demands, changes or additions which are required to the transmission system, and other activities which occur on a cyclical basis. Information provided by the public may assist BPA in the preparation of these plans.

3. Development and implementation of programs related to areas such as energy conservation, renewable and other generating resources, fish and wildlife resources, and the transmission system. Once basic policies and action plans are in place, BPA develops and carries out specific programs. These programs include research and development activities, the acquisition of energy conservation and other energy resources, and construction and maintenance of transmission facilities. These programs affect specific publics and may be improved by information provided by the public.

4. Other BPA actions related to major regional power issues. These actions typically involve one-time decisions which have a major impact upon BPA or the region. They are not, however, expressed in a formal policy document which is adopted to guide future actions. Decisions to pursue new marketing opportunities, to explore the feasibility of special programs, and to reach agreements having significant economic impacts are examples of these types of actions.

B. Factors for Determining the Appropriate Level of Public Involvement. Once a decision has been made that the public should be involved in a particular issue or action, the specific ways in which the public will be informed and encouraged to participate must be determined. To be most effective, these methods should relate closely to the type of activity concerned and the process which will be followed to reach a final decision. The wide range of actions which are covered in the category of Other BPA

Actions precludes definition of a single public involvement process which will suit all situations. For this reason, certain factors which may bear on the selection of appropriate public involvement techniques have been identified.

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/s/ PETER T. JOHNSON

Peter T. Johnson
Administrator