**CP-3 Participation in the Development and Communication of Rules, Regulations, and Guidelines**

**OBJECTIVE(S)**

1. To ensure that all stakeholders are involved in the state and federal (where applicable) legislative and regulatory process.

2. To facilitate the education and communication of regulatory actions that will affect stakeholders of the BTES.

3. To communicate stakeholders needs to elected and appointed officials, in response to the development of rules, regulations and guidelines.

**BACKGROUND**

Rules, regulations and guidelines at all levels of government affect the stakeholders in the BTES. Although procedural guidelines may include public comment and public hearing requirements, the system is complicated and multi-leveled. At the state level, changes can occur through two major processes: the legislative process, in which statutory changes are made in the law; and, the regulatory process, in which agencies are mandated to write regulations to implement the statutes.

Stakeholders have the opportunity to get involved in the rulemaking process at several levels, but oftentimes are not aware of changes until the process is completed and the rules or regulations have been created or altered. BTMC can be a mechanism used to inform and educate the public on such issues. Information and education is also needed by government officials coordinating changes to laws or rules. BTMC should bring issues to officials, with the perspective of the BTES stakeholders’ needs.

Public participation begins at commission meetings, task force meeting, and board meetings. These entities are organized through legislation as expert panels or as stakeholders to give input on legislation and policy. Meetings of interest should be attended by a member of the BTMC. These meetings are required to meet the standards of the Louisiana Open Meeting Law (R.S. 42:11 through 28), and the State Boards and Commissions web site requirements (R.S. 49:1301 through 1306), which requires information be made available to the public. Most meetings allow public comment and may allow additions to the agenda.

The *State of Louisiana Administrative Procedures Act* and the *Federal Administrative Procedures Act*, as well as a number of other statutory and constitutional provisions, such as the National Environmental Policy Act and Article 9 of the Louisiana Constitution regulate the process for amending or creating legislation and rules. Generally, these laws require that government regulations and actions under those regulations be based on some kind of record that demonstrates that the agency considered enough factors to support a finding that it did not act arbitrarily and capriciously. To ensure an opportunity for the public to express its opinion the two Administrative Procedures Acts ordinarily require that notice of draft regulations or proposed actions under those regulations, such as the consideration of permits, be published and that the public be given an opportunity to comment.

One of the basic tenets of BTNEP is that if those individuals and groups affected by the laws and regulations could have a voice in the creation and change in those laws and regulations, not just in the review process, there would be a greater appreciation of the benefits of regulations and a higher incidence of voluntary compliance.

Increasing the involvement of stakeholders in the regulatory process also encourages the adoption of regulations that are based on real needs; public empowerment fosters an ownership of regulations, and increases the incidence of voluntary compliance. In addition, it may result in new ideas for protecting the resources of the estuary.

Making the officials aware of the community needs as a whole, not just one perspective, is important for fair and balanced decision making.

**DESCRIPTION**

This action will maintain the process which is used by the Barataria-Terrebonne Management Conference (BTMC) to schedule public meetings, alert public officials and facilitate communication during and after the creation of regulations or legislative acts. This action will continue to complement and reinforce the role of the BTMC by establishing a process which significantly expands public dialogue and involvement in the creation and enforcement of the various rules, regulations and guidelines which impact the estuary. This action will also provide needed communication to public officials from stakeholders of the BTES.

**LEAD AGENCY OR ENTITY RESPONSIBLE FOR IMPLEMENTING ACTION**

The BTMC will serve as the lead implementer, as it will have a diverse representation from across the estuary. And can establish a subcommittee on this issue should the need arise. The BTMC will also be able to bring in expertise and stakeholders as needed to guide and support this action.

Additionally, all relevant agencies - particularly those directly responsible for creating and enforcing regulations - and interest groups - particularly those representing the regulated community - will be involved in a supporting role.

**TIMELINES AND/OR MILESTONES**

The BTMC may:

* provide information to the public at BTNEP MC meetings about rules and regulations, and guidelines.
* designate a subcommittee to produce a report, including a study of existing public involvement mechanisms, and identifications of groups involved in the process, an analysis of the prior effects of key regulations, and initial plan recommendations.
* hold special meetings to develop innovative mechanisms for public involvement
* adopt the recommended practices to the extent practicable.
* work with the State Legislature to create formal recommendations for legislation, if necessary reflecting the recommendations of the BTMC (ongoing).
* continuing review and revision of public involvement mechanisms, aiming to further integrate them into the management of the BTES.
* further education of agencies and stakeholders of the need for increased involvement by both parties.

**POSSIBLE RANGE OF COSTS AND SOURCES OF FUNDING**

Costs will be associated with the level of effort that the BTMC deems necessary to accomplish above described activities. Costs might include contractor personnel salary and fringe benefits, office space, equipment, operating services, supplies should BTMC desire. The EPA provides annual funding each year to the NEP. The State is committed to providing a dollar for dollar match to the annual funding. BTEF may also be a source of funding for the Program Office. Outside grants may be used a source of funding.

**PERFORMANCE MEASURES**

The monitoring strategies are intended to serve as mechanisms to assess the effectiveness of projects implemented under the action plans. These strategies should only be used as a guide, not as a requirement. It must be recognized that the monitoring strategies should not be expensive to implement and that, because all levels of government and much of the private sector currently have severe funding restraints. Performance measure include:

* Information could be shared at any one of the Four Management Conference (MC) meetings annually.
* Quarterly updates to the stakeholders through the BTMC on activities at related MC meeting.
* Various reports to EPA about Program activities
* Report to the State on Performance Indicators as required related to sharing public information about rules, regulations and guidelines

**Possible Data Gathered**

* Agendas from BTMC meetings
* Presentations from BTMC meetings
* EPA reports as required
* Annual reports to State as directed

**Monitoring**

**Parties responsible** –BTNEP Program Office will be responsible for all reporting parameters

**Timetable for gathering data** – Annually, quarterly, and/or as requested by EPA, BTMC, and the State

**How data is shared** – All materials are shared through the web either on the BTNEP.org site or through EPA or State of Louisiana

**Possible data gaps-** The Program Office and/or the BTMC will regularly evaluate data to determine if there are any possible data gaps.

**If additional funding is needed** – Unknown at this time