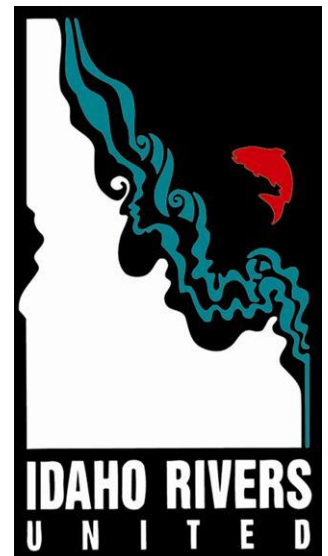


IDAHO RIVERS UNITED

River RATS: Public Comment 101

Created by Idaho Rivers United



Overview

1. What is Public Comment?
2. Verbal vs Written Public Comment
3. The Role of Public Comment in Policymaking
4. Effective Public Comment

What is Public Comment?

Public Comment is an opportunity for the public to review the proposed policy and make comments about it. Comments can be used to support the proposed policy, point out flaws or issues, or share additional perspectives or impacts that would be beneficial for policymakers to consider.

Public comment is like a 'peer-review' for policy. It creates an opportunity to voice concerns, thoughts, flaws in the methods or research. Comments can focus on evidence, data, research methods, historical facts, cultural ideals, or values.

The majority of comments do not impact or change a proposed policy. However, all public comment becomes a part of public record, which is key for influencing future directions and decisions.

If comments meet specific criteria, policymakers and reviewers are required by law to take those comments into consideration during the review process. Comments that meet these criteria are considered 'substantive', which is covered further on. Only a fraction of public comment meets the requirements for a 'substantive' comment, even though the criteria is not overly difficult to meet. Many commenters simply do not know what is required, and therefore, their comment does not meet the parameters for being considered in the review and revision process.

PUBLIC COMMENT

1. (n): survey of residents, bond election, written comments, or open public meeting designed to give input to the decision making process from the general public.
2. (n): a written comment or criticism submitted to an agency that relates in whole or in part to a proposed rule or an existing rule, or a comment made at an oral proceeding

Source: www.lawinsider.com/dictionary/public-comment

Public Comment Period

A drafted or proposed policy is often given a 'Public Comment Period'. This is a timeframe during which individuals can comment on the draft of the proposed policy.

It is imperative that comments are submitted before the deadline to be considered. Once the public comment period is closed, comments can no longer be made. Only comments made before the close of the comment period are accepted or incorporated into the revision process.



Verbal vs Written Public Comment

The public comment period will either accept the comment that is verbal, written, or both. All official public comment becomes part of public record, regardless of how it is given. *Verbal public comments* are given at a meeting or hearing in which the policy is discussed and attendees are given the opportunity to speak. *Written public comments* are submitted as a letter or email. Written comments are often accepted at public hearings as well.

Verbal Public Comments

- Typically given at a public hearing or meeting
- Limited timeframe, often 2-3 minutes
- Often focuses more on personal story or personal connection

Verbal public comment is typically given at a hearing or public meeting surrounding policy. Due to the interpersonal nature of public comment, it is often beneficial to incorporate story and personal connection into your comments. Verbal comment is also unique in that you get to have a face-to-face encounter with policymakers. If you have specific questions for policymakers or want to highlight a connection you may have with them, you can incorporate those into your comments. Public comments are often recorded during the public meeting by the agency.

Each person is typically given 2-3 minutes to give their comments, so you are not likely to have the opportunity to go in-depth on the topic. Additionally, many meetings only allot 30 minutes to public comments, which means that roughly 9-10 people will be able to speak. Writing your comments ensures that you can still submit your feedback and thoughts even if you do not have the chance to speak.

Tips:

- State your name, where you live, your profession and/or how you are connected to this issue. If you are an expert in the topic, highlight your expertise.
- Double check on how much time is given to public comment during the meeting, and what the time limit is for each person
- Write your 'verbal comment' thoughts out, and practice them with a timer
- Write out a longer, substantive written comment that you can submit to at the meeting (this can be on the same sheet of paper)

Written Public Comments

Written public comments are often submitted via email or mail. The agency developing the policy will usually include information on their website on how to submit written public comments.

Written comments can also be submitted in person at a public meeting or hearing.

- Include your name, where you live, your profession and/or how you are connected to this issue. If you are an expert in the topic, highlight your expertise.
- Include the 'Docket Number' for the policy
- Typically should rely more heavily on facts, data, and critique of the policy
- Can include personal connection or story elements as well as data/facts/critique
- Typically not limited in length, but pay attention if there is a word limit. Do not go over the word limit.
- Include a list of references, such as research, studies, or articles that were utilized to craft your comments
- Can be short or long in length, but should meet 'substantive' criteria

Formatting Public Comments

A specific format or form may be provided for submitting public comments. Typically, that information is available on the website or publication that provides information on submitting comments for the proposed policy.

If there is not a specific format, form, or template provided, a standard format can be used. The image to the right shows a simple, standard format for public comments.

Your name
Address
Docket #/meeting
Your comments (include personal connection, data/facts, alternative solutions, etc)
Signature/ Your Name
Your qualifications and/or your role in this issue
Contact Information
Resources/bibliography (where did your info come from)

The Role of Public Comment in Policymaking

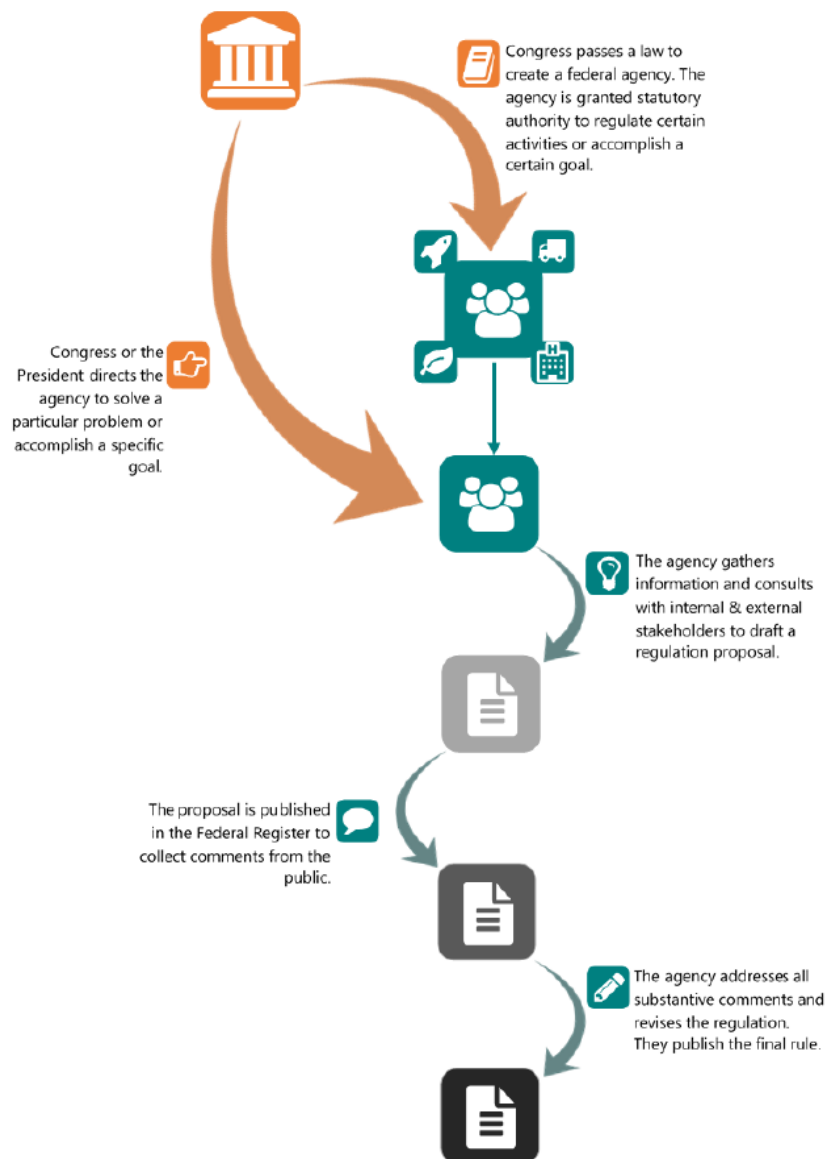
What happens to public comments?

Public comments become a part of public record, which demonstrates the interests and level of investment of the public. This can be important for the future direction of policy development. While public comments rarely impact the policymaking process, they are considered in future policy and by policymakers as they approach and consider topics.

Federal agencies are required by law to review public comments. Comments that are 'substantive' must be responded to and considered. All responses and public comments to federal policy are published in the federal register, which creates a trail of documentation surrounding public opinion and perspectives on policy.

The Federal Rulemaking Process

Source: the Public Comment Project:
<https://publiccommentproject.org/how-it-works>



Effective Public Comment

To be effective, comments need to be considered ‘substantive’. Comments that do not meet the requirements for ‘substantive’ comments are often not considered in the policymaking process. Although this differs depending on the agency requirements, there are some basic, standard requirements in natural resource management policy. The Bureau of Land Management NEPA handbook is a great reference for the criteria for substantive comments.

What makes public comment ‘substantive’?

‘Substantive’ comments are:

- related,
- focused on specifics,
- provide alternatives,
- points out weaknesses, oversights, or ineffective strategies,
- supported by data, research, or studies

BLM Criteria for ‘Substantive Comments’:

According to the Bureau of Land Management, Substantive comments include **one or more** of the following:


- question, with reasonable basis, the accuracy of information in the EIS or EA.
- question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis
- present new information relevant to the analysis
- present reasonable alternatives other than those analyzed in the EIS or EA
- cause changes or revisions in one or more of the alternatives.

“

To be most helpful, comments should be as specific as possible. A substantive comment provides new information about the Proposed Action, an alternative or the analysis, identifies a different way to meet the need; points out a specific flaw in the analysis; suggests alternate methodologies and the reason(s) why they should be used; makes factual corrections, or identifies a different source of credible research which, if used in the analysis, could result in different effects.

”

From NEPA Handbook 6.9.2.1



Comments that are **not** considered substantive **include** the following:

- comments in favor of or against the proposed action or alternatives without reasoning that meet the criteria listed above (such as "we disagree with Alternative Two and believe the BLM should select Alternative Three").
- comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as "more grazing should be permitted").
- comments that don't pertain to the project area or the project (such as "the government should eliminate all dams," when the project is about a grazing permit).
- comments that take the form of vague, open-ended questions.



For more information on conservation river issues in Idaho and making Public Comment, visit:

Idaho Rivers United
www.idahorivers.org

The Public Comment Project
www.publiccommentproject.org