



ALASKA WILDLIFE ALLIANCE

What Makes an Effective Public Comment?

One of the benefits of living in the USA is that we have laws that require the Federal government to involve the public in the Federal decision-making process (e.g., Administrative Procedures Act; Endangered Species Act). A common way that the public is engaged in this process is via the “public comment period”. Often this period ranges from 30-60 days, and may include public meetings to provide oral comments as well as a method for submitting written comments.

When commenting on proposed Federal rulemaking actions, there are misconceptions that reduce the effectiveness of one’s submission. To try and help you have the most effective impact when voicing your perspectives to a Federal agency during a public comment period, below we have provided some helpful tips and links.

It is not a popularity contest.

- For Federal rulemaking decisions, simply signing a petition or form letter in lieu of submitting your own unique comments isn’t as effective as many people think. A form letter signed by thousands of people is often only considered as one comment. Consider submitting comments in your own words instead of, or addition to, signing form letters.
- When the Federal government is deciding whether or not to revise or formalize a proposed rule/action, it doesn’t really matter how many people said they support or don’t support the proposed action, what matters is the extent of the substantive comments received during the public comment period.

Submit “substantive” comments.

- According to the 2015 National Park Service’s NEPA Handbook, “substantive” comments:
 - question, with reasonable basis, the accuracy of the information in the document;
 - question, with reasonable basis, the adequacy of the environmental analysis;
 - present reasonable alternatives other than those presented in the document; or
 - cause changes or revisions in the proposal.
- As such, when commenting, do not solely state whether you agree with the proposed action, rather, explain specifically why you disagree and what part(s) of their analyses are in question or what else needs to be considered (e.g., was there a typo in the report they used which led to a flawed analysis; was a recent scientific report overlooked that contradicted the report upon which a conclusion was based; was a statement made in the analyses contradicted by commonly held expert opinion; is the proposed decision in violation of a specific statute in another applicable law).
- Any comments deemed “non-substantive” are in danger of not being included in any additional analyses, and thus will not influence a decision. They essentially may be dismissed.

Help them help you.

- Despite it being easy to villainize “the Government”, government employees are individuals like you and me, and many may disagree with the rule or action their agency is proposing, but they are confined to work within the authority issued to their specific agency on that specific topic. Remember to keep your comments respectful, and recognize the person receiving the comment may agree with you, but without strong, compelling arguments, they may be powerless to make change. When crafting your comments, try recognize the constraints of the agency’s authority and give the employees the tools and information necessary to fight for your perspective.
- When trying to influence the Federal rulemaking process, facts and data are your friend. Think about what someone else needs to help prove your point. Any evidence you can provide to support your statements are helpful, and remember, you have the ability to provide attachments in your submission to help support your comments.
- Literally thousands of comments may be submitted for any one proposed action. When preparing your written comments, make sure your main points are easy to find and stand out, otherwise they may be missed if the reviewer only has time for a quick scan. You can use section headers, summary bullets at the start of the letter, changes in font (bold, underline, italics), or other means to highlight your main points.

There are a lot of good resources available to help you understand the Federal rulemaking process and provide guidance on how to write more effective public comments. Here are just a couple of web pages that we think are helpful.

- [A Guide to the Rulemaking Process](#)
- [Regulations.Gov – Public Comments Make a Difference](#)
- [Regulations.Gov – Tips for Submitting Effective Comments](#)
- [Regulations.Gov – Frequently Asked Questions](#) (about the rulemaking process and commenting via regulations.gov)
- [Public Participation in Environmental Decision-Making: Step-by-Step Tips for Writing Effective Public Comments](#) (by the Environmental Law Institute)
- [2015 National Park Service’s NEPA Handbook](#) (go to page 82 to learn about substantive comments)



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