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Photo by Sandy Sisti

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# What are public comments?

- Federal Rulemaking and the Administrative Procedure Act
  - “agency process for formulating, amending, or repealing a rule,”
  - <https://www.federalregister.gov/>
  - <https://www.regulations.gov/>
- BLM & USFS, proposed actions, and the National Environmental Policy Act
  - "major Federal actions significantly affecting the quality of the human environment."
  - BLM NEPA register: <https://eplanning.blm.gov/>
  - USFS Environmental Planning: <https://www.fs.usda.gov/about-agency/regulations-policies/nepa>
  - Press & News releases



- Scoping
- Preliminary Environmental Assessment (EA)
- Final Environmental Assessment (EA)
- Categorical Exclusions (CE) and Determinations of NEPA Adequacy (DNA)
- [BLM's NEPA 101 Guide](#)

# The NEPA Process

Identify the purpose and need for action and describe the proposed action to the extent known.

Scoping

Identify issues for analysis

Refine proposed action

Develop alternatives to the proposed action

Eliminate alternatives that do not require detailed analysis

Gather data and analyze the reasonable alternatives

Describe the environmental effects of the alternatives

Identify mitigation measures

Implement and monitor

This flow chart outlines the general process for NEPA compliance. Public involvement may occur throughout this process. Additionally, NEPA is iterative and you may revisit some of these steps throughout your process.

# EA Outcomes

If proposed action is found to not have a significant impact on the human environment

- Finding of No Significant Impact (FONSI)
- Decision Record (DR)

If proposed action is found to have a reasonably foreseeable significant impact on the human environment

- Notice of Intent (NOI) in the Federal Register
- Comment period for Environmental Impact Statement (EIS), 45 day comment window
- Decision Record (DR)

# Drafting Effective Comments

- Make comments fact-based, not just emotional
- Use peer-reviewed studies or the agency's own statements if you can
- Try to be as specific as possible about the issue and/or requested change
- Offer reasonable alternatives
- Consider the scope of the action, including the “purpose and need”
- Consider the impact on the human environment
- Consider the reader
- Sign-on v unique comments
- Be consistent

# Why submit public comments?

- The agency may make changes based on comments
- The agency may consider issues or alternatives it would have missed
- The agency issues responses in final EA and EIS
  - Did the agency address your substantive comment?
- Administrative exhaustion





Thank you!

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