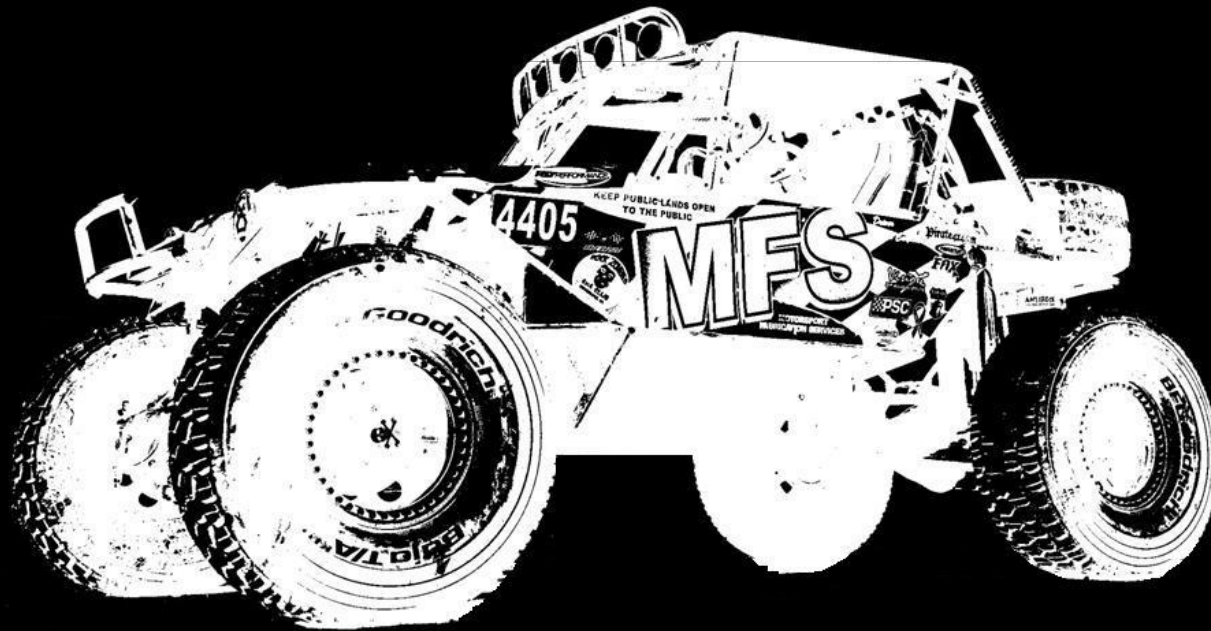


Writing Effective Comments

Brought to you by the 4405 “Land-use” team

Racing for your access!

4405



**KEEP PUBLIC LANDS
OPEN TO THE PUBLIC**

GOALS OF THIS WORKSHOP

This workshop will help you to:

- 1. Understand what is going on with your trail system**
- 2. Understand the basics of the NEPA process**
- 3. Write effective comments to the BLM/Forest Service.**

Travel Management and Route Designation

- Federal Agencies use the NEPA process all the time to evaluate changes in the trail system.
- The knowledge gained from this workshop can be used with any federal process, or federal agency.
- This is not just happening to your area, it is nation-wide.

Travel Management and Route Designation

- What is OHV-Who is OHV?
- OHV is ANYONE who uses a dirt road. In the eyes of a Federal Agency, any person who travels on a native surface road is included in the OHV category.
- Hunters, campers, fisherman, rock hounds, bird watchers, picnickers, Geo-cachers, and even hikers who want to drive to a set off point will all lose access.
- Our access is their access.

NEPA: the Basics

The NEPA process is intended to help public officials make better decisions based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the human environment.

In accordance with the NEPA Process, the agency conducts an interdisciplinary review of the environmental effects of the proposal so that the relevant environmental information is available to citizens and public officials.

In English: NEPA is a process land managers MUST follow when doing something like closing routes through travel management.

The council on Environmental Quality is the authority in regards to NEPA, and the CEQ 40 questions at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm> is invaluable. There is also a vast amount of information on NEPANET that can be very valuable: <http://ceq.hss.doe.gov/nepa/nepanet.htm>

Also, [check out the Bureau of Land Management](#) guide to NEPA. This will be one of the most valuable tools - the agencies often don't check their own rule books, so you have to!

Writing EFFECTIVE Comments

When the Forest Service/BLM receives public comments, they put them into three categories:

1. Non-Issue

2. Non-significant issue

3. Significant issue

Writing Effective Comments

Your comments have to be both:

- Within the scope of the proposed project
- Addressing a significant issue in the proposed project. This is called a “Substantive comment.”
- The most important thing in your comments: you have to ask the agency to do something, or change something in the document. The idea behind this is: change the document = change the final decision.

1. NON-ISSUE COMMENTS

If your comment is not within the scope and addressing a significant issue, it will be effectively ignored. Make sure your comment is not ignored.

A non-issue comment is a general statement and is not a specific comment related to the proposal and its effects.

If you just say that you disagree with the closures and that it is BS, it is a **NON-ISSUE** in the eyes of the FS. It's read, but tossed aside.

Example:

“These closures are complete bullshit! Keep my trails open!”

YOU DO NOT WANT TO MAKE THIS TYPE OF COMMENT!

2. NON-SIGNIFICANT ISSUE COMMENTS

A “Non-significant issue” comment is one that is just general support for a comment that has already been made. This is why form letters, petitions and letters of support for something written by one of our land-use groups are not as effective.

THE FOREST SERVICE AND BLM DO NOT COUNT “VOTES”

Example: “I support the alternative map that was proposed by the Blue Ribbon Coalition”

While you do not want to make this type of comment, it is better than nothing, and much better than a non-issue comment. While they do not count votes, a ton of non-significant letters can still send a message. Do not leave it to the agency to figure out what to do-tell them exactly what you want done or changed. For example, an entire paragraph containing results from a study has been misquoted, tell the agency to remove that paragraph. If a study regarding economic consequences of the proposed project have not been sufficiently studied, find the requirement to evaluate the financial impacts, and quote it back to them.

3. Significant Issue Comments!

Significant issue comments are specific **comments** regarding the proposal, specific disagreements with the proposal, not yet decided by law, regulation, or policy, etc.

If you give **arguments and reasons** as to why routes should remain open, attack the wording, the research, the assumptions, etc (the scope). in the documents provided to the public, it is a **SIGNIFICANT and SUBSTANTIVE** comment.

**THIS IS THE TYPE OF
COMMENT YOU WANT!!!**
Significant, substantive comments
take research & time!!!

Significant Issue comments Continued

Since writing comments is one critical way to get your voices heard by the Agencies. We have to let the Agency officials know how we use our trails, and the only way to do this is by submitting comments. We have been told; "This is not an election, but we can not afford to lose the vote". The amount of letters count - both quantity and quality matter. So what are "comments" and how do you write them? I've tried to answer some of those questions below.

There are three types of comments:

- 1) Everyman Letters
- 2) Critical Comments
- 3) Professionally written comments

Types of Comments

1) Everyman letters:

Write a letter to the Forest Service or BLM (Agency), emotional if need be, respectful but firm. Make it clear that you find what is going on to be unacceptable and life changing. The letter should, at a minimum:

- Detail how a trail will be missed, how long you have been using it, how you use it and with whom.
- Detail your activities on the trail, be it camping, fishing, hunting, of the forest/desert/area in question, and any special seasonal uses, i.e. viewing the fall colors, the spring bloom, snow shoeing.
- Emphasize special seasonal activities, especially over-the-snow activities.
- Clearly connect your use of the forest/desert/area in question, to your vehicle. (Stay away from detailing any usage that is not environmentally sustainable.)

The Agency needs to receive as many of these as possible, and the letters need to show varied and mass usage of the area in question. If you are commenting on a particular trail, a separate letter must be written to have the best effect, no matter if the trail in question is on the preferred alternative or not. This can be time consuming, but I believe this is the way to have the most impact.

And for those who ask about mass letters: Letter generators come under the category of "Everyman Letters", and there are various letter generators on the web that serve an important use for those that won't write a comment in any other manner. But, a personal touch is always the best.

Types of Comments

2) Critical comments:

This is a "substantive" comment, one that the Forest Service or BLM will be obligated to consider seriously. It is also a comment that will stand up during the appeal process, and will also be applicable for a possible legal appeal.

The process for these comments is simple - the goal is to get the agency to change the document, and to tilt the outcome in favor of OHV recreational access.

For this type of comment you actually have to read the document. Pick a chapter or two regarding an area that holds a personal interest. Whether it's wildlife biology, economic impacts or any of the other issues the agency tries to use to prove that a route is environmentally unsustainable, check to see if the facts they state are true. Check the studies they cite, or the numbers they are quoting. Many times the studies they are using are misquoted, or the conclusion tilted against OHV recreation, when there was nothing of the sort in the original document. You have to play detective and do a fair bit of research, but it is worth it in the end.

When a statement is made in the document, one must actually demand the misstatement be corrected or removed from the document. It is not enough to point out the error, you must "tell" the issuing Agency to do something. That "something" must also be an action they legally can take. For example; correcting the misstatement, removing a chapter, or changing a mistaken hypothesis.

Types of Comments

3) Professionally written comments:

These are comments submitted to an Agency that a professional(s) is engaged to write. The professionals should be experts in the NEPA* process, and use their first-hand knowledge and experience to draw out the problems within the documents. There will be a lot of technical, but not necessarily correct statements in the documents, statements the Agencies make that need to be deleted from the document or corrected to favor OHV recreational access. This requires a higher level of knowledge of scientific studies, court cases, Agency rules and regulations than the general public can possess, and when we are able to do so, this is an investment in the future of off-road access to our public lands.

*National Environmental Policy Act, click on the click to download "A Citizen's Guide to NEPA"

<http://www.nepa.gov/nepa/nepanet.htm>

Significant Issue comments Continued

The second type of comment is more difficult to write, and can take time to research, but it packs the biggest punch:

#2 Attacking the research, assumptions, purpose and need in the documents itself.

If there is an Environmental assessment or a Environmental impact statement, scour the entire document and have the BLM/FS change wording, or point out errors in process. When they make “assumptions” on certain things, or do not provide backing and research for stuff:

Call them out on it! Ask for their sources!

Process errors - not errors in process, are errors in the manner that the agency has prepared the document, and refers generally to the above. You have to tell them what "process" means, this refers to the administrative process, which is what the NEPA process is. It's not a legal process while it is ongoing, it is an administrative process governed by the rules and regulations in the CEQ. And to follow the NEPA process to a T, they have to know where the rules are to the NEPA process, which is referenced a few slides above.

Significant Issue comments Continued

Again, attacking the process takes time and research on your part. It also takes some time to educate yourself on the process, but can have a HUGE effect on the outcome.

This is the time when a lot of mistakes were made in regards to the trails - not enough public scoping to identify the trails that were being used and enjoyed in the area. And if they don't know about those trails, they also won't be referenced in the financial impact evaluation, which is a BIG process error. The agency didn't do due diligence.

Just ONE letter written by an OHV enthusiast for Eldorado National Forest saved **300 MILES** of forest routes because he found that the Environment Impact Statement DID NOT follow the Notice of Intent presented by the Forest Service.

Ideas for Significant comments

- 1. Argue how closures will effect the local economy.**
- 2. Question environmental impacts by wheel motorized vehicle use.**
- 3. Argue the way in which routes were picked to be closed. Did them BLM use computer software to help them choose routes, or did they physically go out and examine them?**
- 4. Question and review all studies and sources listed by the BLM/FS**
- 5. Ask for wording in the documents to be changed if the wording is not correct or makes assumptions.**
- 6. Make sure the NEPA process is followed to a “T”**
- 7. Argue that the maps are hard to read or not enough time or data is given to make a comment.**

IMPORTANT POINTS!

- The FS/BLM is NOT the enemy!!!! They are just doing their job. Be respectful and polite in your comments!
- The NEPA process demands that the BLM/Forest service **MUST** read every comment sent in. Your letter **WILL** get read!
- **Your comments WILL make a difference!**
- When signing your letter, list all the organizations and clubs you belong to.
- 5 letters with 5 separate points is **MUCH BETTER** than one letter with 5 points! Write as many letters as possible and make them work!

Other suggestions

1. **Start a “Friends of” group and work with your local land managers. This is BY FAR the best way to keep routes open and to re-open routes. The maps ARE NOT set in stone! Contact Del Albright for help!**
2. **Reach out to local businesses, clubs and other types of users. They need to understand that they will also lose access. BUILD A COALITION!!**
3. **Take Del Albright’s RLTC or VLLS classes! This training will help you immensely! www.rltc.biz**
 - **DON’T do this alone! There are many resources for you! Go to: Pirate4x4.com/landuse for help and to see other ideas which have worked in the past!**
 - **Make use of the Pirate4x4.com letter generator!**

Special Thanks To:

- CORVA Comments Project Workshops
- Blue Ribbon Coalition
- California Association of 4 Wheel Drive Clubs
- Pirate 4X4
- Amy Granat
- Don Amador
- Del Albright
- Kurt Schneider
- 4405 Land Use Team

FOR MORE INFORMATION

Please visit:

www.pirate4x4.com/landuse

For info on NEPA on OHV access

www.muirnet.net

For more [training through](#) Del Albright:

www.rltc.biz