

## Writing NEPA Comments – Review and Response

Documents prepared for compliance with the National Environmental Protection Act (NEPA) are voluminous and can be challenging to review. However, federal actions that are vetted under NEPA are going through this process because (i) it is likely the action will result in significant impacts to resources of concern and (ii) *YOUR input is important*. Increasing public participation is a major purpose of NEPA because it helps the community understand what actions are being proposed and join conversations about impact identification and mitigation. It is helpful to keep this purpose in mind as you work to draft your comments to ensure that you are providing *substantive and actionable* feedback.

Focusing on topics that you have questions or concerns about can help you navigate the review process. To submit “substantive comments” it is important to remember these tips from the Bureau of Land Management:

“Substantive comments often address one or more of the following -

- New scientific information or data that would have a bearing on the analysis;
- Errors in the analysis, assumptions, methodology, or conclusions;
- Misinformation that could affect the outcome of the analysis;
- Requests for clarification; or
- A substantive new alternative with a mix of allocations that differs from those under any of the proposed alternatives.

Comments will be most helpful if you can state specifically what you like and what you don't like, and what improvements you think can be made. Suggest changes and be specific. It is helpful if you can reference a section or page number.”

Questions or procedural clarifications can be addressed in the comment period as well.

Did the comment period give you enough time? If not, documenting an extension request might help put this concern on record and could result in an extension. Remember, NEPA aims for public involvement, meaningful review, and better outcomes. If you have ideas about how to improve a project, the NEPA process provides an opportunity to share those. If you have concerns, documenting them now can help address any impacts that do occur down the line.



You do not have to read an entire NEPA document from cover to cover to determine the purpose and impacts of a specific project being analyzed, or to provide substantive comments about the effectiveness or accuracy of the analysis.

In your NEPA comment, **talk about what is important to you!** If you support an action or don't for various reasons, say so. If you have questions, ask them. If you have concerns, be specific: what are the impacts to the “human environment” that are “significant” to you and why?

Has the agency clearly and correctly defined the issues? Is there an alternative to the proposed action that could reduce risk of those impacts?

Or, if those impacts occur, what would be a reasonable mitigation and data collection proposal?

The comment period is an opportunity to get your questions answered and your voices heard!

## Writing NEPA Comments – MITT and the 2019 Supplemental EIS



The Navy has rescheduled open house public meetings for the Draft Supplemental EIS/OEIS and extended the public comment period to April 2, 2019.

The review period for the Mariana Islands Training and Testing (MITT) “Supplemental Environmental Impact Statement” (SEIS) opened February 2, 2019 and was extended from 45 days to 60 days due to storm delays for the scheduled public hearings. A SEIS is required when (1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or (2) new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

As the Navy describes, the 2019 MITT SEIS “supports the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA)”. The MMPA reauthorization must occur at least once every seven (7) years.

The SEIS discusses two “proposed actions” with various levels of training and testing activities throughout the 984,601 square nautical mile MITT range extending “beyond 2020 and into the reasonably foreseeable future” as well as a “no action alternative” which must be considered in the analysis process but which the Navy says “will not accomplish the stated need” of the proposal.

The majority of activities being assessed for significant impacts under the 2019 MITT SEIS occur in the ocean with the exception of the “increased tempo” of bombing activities on Farallon de Medinilla (FDM). It is important that comments focus on the activities being proposed in this action, however, cumulative effects analysis should consider current and future conditions as well. The proposed actions change the “tempo” of activities authorized under the 2015 MITT Record of Decision and include “new technologies” to enable the Navy to “achieve and maintain military readiness and personnel safety.” Your feedback can help ensure they meet this goal while minimizing significant adverse impacts to resources of concern within the broadly defined “human environment”.

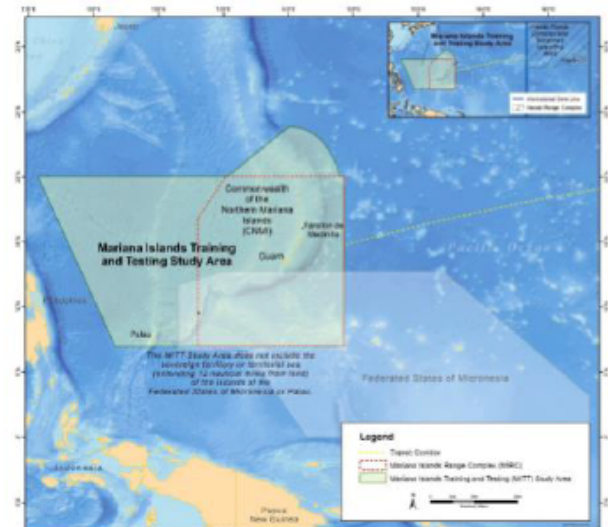
As CEQ describes, “*the ultimate goal of the NEPA process is to foster excellent action that protects, restores, and enhances our environment*”. Your “substantive” comments can help support that process.

<https://mitt-eis.com/>

## Announcements

### Open House Public Meetings to be Held and Comment Period Extended

The Navy has rescheduled **open house public meetings for the Draft Supplemental EIS/OEIS** and extended the public comment period to **April 2, 2019**. The public is encouraged to attend meetings and **submit substantive comments** on the Draft Supplemental EIS/OEIS.



The Study Area for the Mariana Islands Training and Testing Supplemental EIS/OEIS remains unchanged since the 2016 environmental analysis.

## “Substantive Comments” and the “Human Environment”

The NEPA process requires a “hard look” at impacts to the “human environment” which is defined in regulations from the Council on Environmental Quality in the text box to the right. “Substantive comments” are encouraged to ensure any questions or concerns are identified and can be addressed in the final report and resulting record of decision.

Substantive comments do 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.

Because NEPA encourages federal agencies to assess and mitigate – or avoid, minimize, and then compensate for – the significance of impacts to the “human environment”, comments that discuss the analysis of the significance of actions, provide new information to support further analysis for issues that may not have been thoroughly addressed, and suggest alternatives that might accomplish the stated need for an action without resulting in the same level of significant impacts are especially “substantive”. The federal agency proposing an action must meaningfully address all reasonable and substantive comments before they decide to implement a proposed action. Comments that focus on the issue of “significance” can be especially effective in supporting the analysis process of taking a “hard look” at an action and possible alternatives to achieve better outcomes while achieving the stated need of an action.

### §1508.14 Human environment.

“Human environment” shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of “effects” (§1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

## What is “Significance”?

Does the analysis of the EIS evaluate and propose mitigation for “significant environmental impacts”?

If not, consider commenting on what is “significant” to you. Why so many “quotations” around terms? It is because these terms matter. They are specifically defined and support the analysis of the proposed action. For NEPA comments, saying I like or don’t like something is just not as effective as explaining specific reasons why. As the National Oceanic and Atmospheric Administration’s (NOAA) “NEPA 101” guidance highlights, the federal agency proposing a major action must discuss significance based on context, intensity, and consideration of “factors” that may impact the “human environment”. These include whether an impact is beneficial or adverse, effects on public health or safety, the unique characteristics of the geographic area, the degree of controversy, unknown or uncertain risks, precedent setting, individually insignificant but cumulatively significant impacts, and effects to endangered species or critical habitats.

**When you write your NEPA comment, it is important to discuss what the focus of your comment is and why an impact – beneficial or adverse – is significant to YOU.** Discussing how a concern can be addressed or action can be achieved while reducing the significance of an action will help make your comment “substantive” so it receives further consideration in the comment review process.

## NEPA Writing Tips - Summary

In summary, your feedback counts a lot in this process! It can be helpful to keep the purpose of the NEPA process in mind when drafting your comments on a proposed action and the analysis published to support it. Achieving better outcomes is the goal of the NEPA process. In this process, comments you submit in the draft review phase must be addressed in the Final EIS. Comments you submit in the final review phase must be addressed in the Record of Decision, which is the final agency statement on what action they will take and what mitigation measures will be put in place to reduce the significance of impacts to the human environment.

- Use the search function on your browser to find and dig into topics that matter to you – pick a few terms and drill down in to the analysis provided.

As you read, ask yourself – does this report take a “hard look” at all potential significant impacts to the human environment that are likely to occur? If you have questions, ask them. If you think the analysis missed something important, note that and discuss why additional analysis is needed there and what data might be available to support that.

- **Your personal experience counts!** If you personally use an area where access will be restricted or changed due to a proposal, it is worth highlighting how that restriction would impact you if you think that impact is significant. **Your opinions count too, but remember to explain WHY** you feel the way you do and reference data if you have it.
- Substantive comments identify a position but also discuss what mitigating actions could be taken to reduce the significance of negative impacts to the environment that have been identified in the report or in your own analysis.
- Respectfully identify and discuss issues that are significant to you. Remember, if you have concerns about negative environmental impacts, this is your chance to suggest feasible alternatives that could lead to better outcomes.

### References:

Bureau of Land Management [https://www.blm.gov/or/districts/prineville/contracts/files/sub\\_cmnts.pdf](https://www.blm.gov/or/districts/prineville/contracts/files/sub_cmnts.pdf)

Council on Environmental Quality, *Regulations for implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508, (2005)*



NEPA.GOV  
NATIONAL ENVIRONMENTAL POLICY ACT

National Oceanic and Atmospheric Association [https://www.nepa.noaa.gov/NEPA\\_101.pdf](https://www.nepa.noaa.gov/NEPA_101.pdf)

University of Nevada Cooperative Extension, *NEPA Response: A guide for Reading and Responding to NEPA Documents, Special Publication-09-15*

United States Navy Marianas Islands Training and Testing, <https://mitt-eis.com>

*This guidance was prepared using the above references support achievement of NEPA goals of meaningful public engagement and information sharing pro bono by EcoManagement and Design Services, 03/2019*

*Sharing is licensed under the Creative Commons Attribution-NonCommercial 4.0 International License*